



CODE OF CONDUCT EXTRACT

Migration Agent Registration

Number 0214353

'helping to achieve a more rewarding lifestyle'

Migration agents in Australia must be registered with the Office of Migration Agents Registration Authority (Office of the MARA) in order to offer migration assistance. They must meet competency standards, abide by a Code of Conduct and keep their knowledge of migration law and procedure up to date.

The Code of Conduct sets out in detail the professional and ethical standards that Australian migration agents must abide by. Clients can feel assured that the Code has legal force as it is set out in the Migration Agents Regulations 1998. Copies of the Code of Conduct are displayed prominently in all agents' offices and are made available upon client request. The Code is also available online at www.mara.gov.au. Agents must also provide the client with a copy of *Information on the Regulation of the Migration Advice Profession*. Key aspects of the Code of Conduct include:

Standards of professional conduct

- 2.1 A registered migration agent must always:
- a) Act in accordance with the law (including, for an agent operating as an agent in a country other than Australia, the law of that country) and the legitimate interests of his or her client; and
 - b) Deal with his or her client competently, diligently and fairly.
- 2.7 A registered migration agent who is asked by a client to give his or her opinion about the probability of a successful outcome for the client's application must not hold out unsubstantiated or unjustified prospects of success when advising clients on applications under the Migration Act or Migration Regulations.
- 2.12 A registered migration agent must not, when advertising, imply the existence of a relationship with the Department or the Authority, for example by using terms such as:
- a) Australian Government registered; or
 - b) Migration Agents Registration Authority registered; or
 - c) Department registered.

- 2.15 A registered migration agent must not intimidate or coerce any person for the benefit of the agent or otherwise. For example, a registered migration agent must not engage in any of the following:
- a) Undue pressure;
 - b) Physical threats;
 - c) Manipulation of cultural or ethnic anxieties;
 - d) Threats to family members in Australia or overseas;
 - e) Untruthful claims of Departmental sanctions;
 - f) Discrimination on the grounds of religion, nationality, race, ethnicity, politics or gender.
- 2.18 A registered migration agent must act in a timely manner if the client has provided all the necessary information and documentation in time for statutory deadlines.

Obligations to clients

- 3.2 A registered migration agent must not disclose, or allow to be disclosed, confidential information about a client or a client's business without the client's written consent, unless required by law.
- 3.3 A registered migration agent must inform clients that they are entitled to receive copies of the application under the Migration Act or Migration Regulations and any related documents if they want copies. The agent may charge a reasonable amount for any copies provided.

Relations between registered migration agents

- 4.3 A registered migration agent must not encourage another agent's client to use the first agent's services, for example by denigrating other agents or offering services that the first agent cannot, or does not intend to, provide.

Fees and charges

- 5.1 There is no statutory scale of fees. However, a registered migration agent must set and charge a fee that is reasonable in the circumstances of the case.

Duties of registered migration agents to employees

- 8.3 All immigration assistance must be given by a registered migration agent unless the assistance is permitted under section 280 of the Migration Act.