



**MIGRATION INSTITUTE
— OF AUSTRALIA —**

IMMEDIATE RELEASE

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DEPARTMENT OF IMMIGRATION TO PLAY JUDGE, JURY AND ADVOCATE

The Minister for Immigration and Citizenship, The Hon Chris Evans, has today advised the Migration Institute of Australia (MIA) that the government would take over control of registered migration agents becoming the profession's regulator.

CEO of MIA, Ms Maurene Horder said, "The Department will be playing judge, jury and advocate. It is a retrograde step which increases the power of the bureaucracy and diminishes the rights of the vulnerable," she said.

"The Minister has been poorly advised on the implications of this decision. It is flawed, extraordinary and retrograde."

She said that the decision ignored due process and was made without consultation of the public, migration professionals and important stakeholders such as the Law Council.

"It is an extraordinary situation that should not have been allowed to happen. The Minister has been given ill-considered advice from his Department. This decision has been made hastily and behind closed doors. It effectively means that registered agents, who advocate for the consumer to the Department, will be controlled by the Department."

Ms Horder said that the Migration Institute had been among a broad range of professional and community interest groups that had called for a shift away from self regulation towards an independent regulatory body.

The call was backed in a report released in December that was commissioned by the Department of Immigration. (*2007-08 Review of Statutory Self Regulation*). "That report's recommendation has been ignored," said Ms Horder. "The report does not support, nor contemplate, positioning the Department of Immigration as the profession's regulator.

"Having the Department of Immigration regulate registered agents is a model which has failed in the past - because of, among other problems, conflict of interest - and it will fail again.

"Problems with that governance were highlighted in the "Protecting the Vulnerable" report which led to self-regulation via the Migration Legislation Amendment (Migration Agents) Bill 1997. The Department was deemed to be conflicted then and

nothing has changed to overcome this problem.

“What we need here is an immediate moratorium so that the Minister can properly reconsider the option for independent regulation.”

Ms Horder said that the Minister’s focus had been diverted away from important migration issues. “We’ve seen recent cases of 20 children in immigration detention at Christmas Island without their parents, human rights groups are warning Australia it is breaching international obligations, there are people waiting for over a year to have visa applications processed, there are conmen posing as agents preying on students, and we ourselves have reported 60 cases of unregistered agents to the Department and we are yet to be informed of any prosecutions - and the list goes on.”

The Deed of Agreement, under which MIA manages the Migration Agents Registration Authority (MARA), which is a co regulated model, expires in March 2009.

For Further Information contact –

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