

# 1. Background

The Migration Institute of Australia Limited (MIA) is the professional association for Australian registered migration agents. In 2006, at the request of the then Minister for Immigration, the MIA developed the style and content of a *Graduate Certificate in Australian Migration Law and Practice* which is prescribed by the Minister for Immigration as the prescribed course for entry to the profession of migration agent. Since 1996, the Graduate Certificate has been offered by the Australian National University, Griffith University, Murdoch University and Victoria University.

The MIA has now developed a proposal for a Graduate Diploma course which is intended to become the educational pathway for all intending/aspiring migration agents (other than those with legal practising certificates) seeking registration. The MIA wishes to make the course accessible via the higher education system to aspiring migration agents across Australia. Discussions are underway between the MIA and the Government for the Graduate Diploma to become the prescribed course for entry to the profession at a future date.

The Graduate Diploma is designed as a postgraduate program for people who wish to practise as a migration agent and requires the equivalent of twelve months of full-time study. The program aims to broaden the skills and knowledge gained in an undergraduate program through its focus on migration law and migration practice.

The provisional title of the Graduate Diploma is the Graduate Diploma in Migration Law and Practice.

The MIA anticipates a close working relationship with selected higher education providers. The reason for this relates to the statutory nature of the course and the consequent need for both consistency in learning outcomes and comparability of assessment. These are matters that will be documented in a formal agreement.

*The MIA seeks expressions of interest from Australian universities acting individually or as a consortium to deliver the Graduate Diploma for an initial three-year period commencing February 2011. Continuation beyond this period will be subject to a review of market requirements, provider performance and statutory provisions.*

## 1.1 The Registration Process for Migration Agents

The Migration Agents Registration Authority (MARA) maintains a register of migration agents. An appropriately qualified individual who is proficient in English and satisfies a police check, amongst other requirements, may apply to MARA for approval as a registered migration agent. A registration application fee is payable, and registered migration agents must renew their registration annually. Respondents are urged to inform themselves about the specific requirements for registration as a migration agent. Further information about the registration process can be obtained from MARA:  
[www.mara.com.au](http://www.mara.com.au)

The required qualifications as specified by the Act are a current practising certificate (for members of the legal profession) or the satisfactory completion of a prescribed course and a prescribed examination. The Graduate Certificate in Australian Migration Law and Practice is the prescribed course at the present time. Certain assessment items within the Graduate Certificate are the prescribed examination at the present time.

## 2. Demand and Study Requirements

The estimates of demand and the regional distribution of registrants provided in this section should be treated as indicative. Higher education providers are reminded of the need to base decisions about the offering or otherwise of the Graduate Diploma on their independent assessment of the size and distribution of the potential market.

### 2.1 Makeup of the Profession<sup>1</sup>

As of 30 June 2009 there were 4097 registered migration agents, and these agents had been registered for an average of approximately 4.5 years. The gender balance favours males, who comprise 58% of the profession. Most migration agents work in the commercial sector (approximately 94%). Sole traders account for a large proportion of the profession, with the balance working in companies and partnerships. The relatively high proportion of sole practitioners points to the need to ensure a rigorous and consistent program of study at the point of entry to the profession.

Table 1 indicates the state-by-state distribution of registered migration agents and therefore of likely potential demand for the Graduate Diploma.

**Table 1: Number of registered migration agents by state as at 30 June 2009<sup>2</sup>**

State	Qld	NSW	ACT	Vic	Tas	SA	WA	NT
<i>Number of registered migration agents</i>	479	1734	67	1118	18	146	363	15

### 2.2 Estimate of Demand for Graduate Diploma

In the financial year 2008-2009, 560 students completed the Graduate Certificate. This number has been gradually increasing since the introduction of the Graduate Certificate in 2006.

### 2.3 Study Mode Preferences

An indication of the study preferences of prospective migration agents can be obtained from the enrolment patterns in the Graduate Certificate. Of the four providers:

- two offer a lecture format delivered in one or more intensive blocks;
- two offer online tuition and intensive blocks in various combinations.

Statistics reported in Semester 1, 2009 showed that 52% of Graduate Certificate students were male and 48% female. 58% were aged 30 years or older. 93% had a Bachelor's degree or higher qualification. 83% were not currently working in the migration advice field.

Table 2 indicates proportions of enrolling Graduate Certificate students by state. These data derive from voluntary advice from students, and do not represent total enrolment numbers.

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<sup>1</sup> Data derived from Migration Agents Registration Authority Annual Report 2008-2009.

<sup>2</sup> Registered migration agents operating primarily outside Australia are not included in this table.

**Table 2: Graduate Certificate enrolment data for Semester 2, 2008**

State	Qld	NSW	ACT	Vic	Tas	SA	WA	NT
Number of students	33	171	8	147	4	24	44	4

## **2.4 Required Delivery Modes and Locations**

Face-to-face teaching organised in block mode and located in home cities appears to be the mode of delivery preferred by students. The MIA would prefer that teaching include significant practical/workshop and face-to-face elements.

The demand for the Graduate Diploma is likely to be strongest in Sydney, Melbourne, Brisbane and Perth (refer to Table 1), with small groups of about 10 to 20 participants each year in some other capital cities.

There are clear limitations on the size of the potential market that potential providers will need to take into account.

*Respondents are to present a table showing proposed delivery modes by location.*

## **2.5 Admissions Policy and Recognition of Prior Learning**

A Bachelors degree or Advanced Diploma is expected to be the normal entry requirement to the Graduate Diploma. The MIA believes that people should also be given the opportunity to have other knowledge and skills, such as those acquired through professional experience, formally acknowledged through the recognition of prior learning. Where candidates can demonstrate the capacity to undertake work at the graduate level, the MIA considers it desirable that they be eligible to enrol in the Graduate Diploma.

*Respondents are to state their policies on Admissions and Recognition of Prior Learning.*

## **3. Graduate Diploma Course Outline**

The Graduate Diploma is intended to be a postgraduate-level qualification for people entering the migration advice profession.

### **3.1 Desired Course Outcomes and Graduate Attributes**

The Graduate Diploma aims to prepare people to practise as Australian registered migration agents by enabling participants to:

1. Assimilate a comprehensive body of knowledge concerning migration law and practice.
2. Build the capacities required to critically assess the needs of clients, apply knowledge of relevant law and practice and effectively communicate with stakeholders in the delivery of professional migration services.
3. Develop values that support ongoing professional development, uphold the principles expressed in the Code of Conduct for Migration Agents and promote ethical practices.

The desired course outcomes lead to the graduate attributes displayed in Table 3.

**Table 3: Graduate Attributes for the Graduate Diploma**

Learning Domain	Course Outcomes	Graduate Attributes
Knowledge	Comprehensive knowledge of migration law and practice	<p><b>Informed – have knowledge and understanding pertinent to the migration agent’s role</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Technical – relevant law, policies and procedures</li> <li><input type="checkbox"/> Practical – migration practice and ethical business practice</li> <li><input type="checkbox"/> Technological – tools and technologies</li> </ul>
Skills	The capacity to critically assess the needs of clients, apply knowledge of relevant law and practice and effectively communicate with stakeholders in the delivery of professional migration services	<p><b>Problem Solvers – think critically and analytically and solve problems effectively</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Critique current paradigms</li> <li><input type="checkbox"/> Interpret information</li> <li><input type="checkbox"/> Identify, define and solve problems</li> <li><input type="checkbox"/> Think laterally</li> </ul>
		<p><b>Effective Communicators – use a variety of methods in varied contexts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Written</li> <li><input type="checkbox"/> Oral</li> <li><input type="checkbox"/> Non-verbal</li> <li><input type="checkbox"/> Cross-cultural</li> <li><input type="checkbox"/> Advocacy and negotiation</li> </ul>
		<p><b>Self-Reliant – work both independently and with others</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Manage time and priorities to achieve goals</li> <li><input type="checkbox"/> Respond to and manage change</li> <li><input type="checkbox"/> Deal with ambiguity, complexity and unpredictability</li> <li><input type="checkbox"/> Interpret situations and information</li> <li><input type="checkbox"/> Supervise the work of teams and individuals</li> </ul>
		<p><b>Inquiring – research and critically evaluate information</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Access appropriate information from a variety of sources</li> <li><input type="checkbox"/> Monitor and keep abreast of changes in the law</li> <li><input type="checkbox"/> Have capacity for self-assessment of learning needs and achievements</li> </ul>
Attitude and Behaviour	Values that support ongoing professional development, uphold the principles of the Code of Conduct for Migration Agents and promote ethical practices	<p><b>Socially Oriented and Ethical</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Recognise and appreciate issues of gender, culture and customs in professional relationships</li> <li><input type="checkbox"/> Value and hold selves accountable for truth, accuracy and honesty</li> <li><input type="checkbox"/> Adhere to the Code of Conduct for Migration Agents</li> <li><input type="checkbox"/> Listen, respond to and advise clients appropriately</li> <li><input type="checkbox"/> Place clients’ interests ahead of own</li> </ul>

### 3.2 Course Structure

The course structure has been planned by the MIA, with advice from the MIA Education and Training Reference Group and other consultations. In planning a course structure, the MIA acknowledges the need for innovation in teaching methods and continuing development and improvement in the educational process. The MIA therefore accepts that there will be variations between providers, within an overall framework and agreed standards. In addition to the graduate outcomes listed above, the MIA proposes that the structure involve the units of study and learning outcomes listed in Table 4.

**Table 4: Units of Study and Learning Outcomes**

Subject A learning outcomes	
1.	<p><b>Knowledge and learning</b>  <i>Identify and apply information sources and research tools appropriate to migration agents’ work.</i></p>

<p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p>	<p><b>What is Australian migration law and where does it come from?</b>  <i>Describe the essential features of Australia’s legal system.</i></p> <p><i>Discuss the history and philosophy of Australia’s immigration system.</i></p> <p><i>Outline the principal elements of Australian immigration legislation and policy and their relationships.</i></p> <p><i>Demonstrate understanding of the role and responsibilities of MARA and the migration agents’ registration scheme.</i></p> <p><b>Department of Immigration and Citizenship</b>  <i>Identify key elements of DIAC structure and systems.</i></p> <p><b>Code of Conduct and ethics</b>  <i>Apply appropriate cultural diversity and ethical practice principles.</i></p>
	<p style="text-align: center;"><b>Subject B learning outcomes</b></p> <p><b>Introduction to visas</b>  1. <i>Identify the common elements of the visa system.</i>  2. <i>Demonstrate knowledge of visa streams, classes and subclasses.</i>  3. <i>Demonstrate understanding of the process and elements of a complete visa application.</i></p> <p><b>Specific visa categories</b>  4. <i>Identify types of and requirements for employer-sponsored visas.</i>  5. <i>Identify types of and requirements for general skilled migration visas.</i>  6. <i>Identify types of and requirements for business skills visas.</i>  7. <i>Identify types of and requirements for student visas.</i></p>
	<p style="text-align: center;"><b>Subject C learning outcomes</b></p> <p><b>Specific visa categories</b>  1. <i>Identify types of and requirements for family visas.</i>  2. <i>Identify types of and requirements for refugee and humanitarian visas.</i>  3. <i>Identify types of and requirements for other miscellaneous visas.</i></p> <p><b>Compliance and other sanctions</b>  4. <i>Demonstrate understanding of procedures and responsibilities relating to compliance and other sanctions.</i></p> <p><b>Pathways to meeting client needs</b></p>

<p>5.</p> <p>6.</p>	<p><i>Compare requirements for different visas and identify pathways to meet client needs.</i></p> <p><b>Citizenship</b> <i>Demonstrate knowledge of citizenship arrangements and requirements.</i></p>
	<p style="text-align: center;"><b>Subject D learning outcomes</b></p> <p><b>Visa refusals</b> 1. <i>Demonstrate understanding of grounds, procedures and consequences of visa refusals.</i></p> <p><b>Visa cancellation</b> 2. <i>Demonstrate understanding of grounds, procedures and consequences of visa cancellation.</i></p> <p><b>Review</b> 3. <i>Demonstrate understanding of grounds and procedures for appeals and reviews.</i></p> <p>4. <i>Identify review bodies, their processes and jurisdictions.</i></p> <p>5. <i>Review and appraise alternative review pathways.</i></p> <p>6. <i>Research and prepare submissions in support of visa or review applications.</i></p> <p>7. <i>Demonstrate strategic, advocacy and communication skills to appear before a tribunal.</i></p>
	<p style="text-align: center;"><b>Subject E learning outcomes</b></p> <p><b>Communication</b> 1. <i>Demonstrate communication skills across a range of media and contexts.</i></p> <p>2. <i>Communicate to manage client relationships and business situations.</i></p> <p><b>Business systems</b> 3. <i>Identify and understand relevant business systems and associated legislation.</i></p> <p>4. <i>Identify and implement appropriate information recording, storage, retrieval and management systems.</i></p> <p><b>Business strategies</b> 5. <i>Identify and implement appropriate financial management strategies.</i></p> <p>6. <i>Identify and understand relevant and appropriate business strategies.</i></p> <p><b>Personal and professional development</b> 7. <i>Identify personal and professional development needs and develop a learning plan.</i></p>

<b>Subject F learning outcomes</b>	
	This will be a practice-focussed subject with a strong practical/placement element.
1.	<i>Demonstrate ability to adhere to the Code of Conduct.</i>
2.	<i>Communicate effectively with a range of stakeholders.</i>
3.	<i>Apply appropriate cultural diversity and ethical practice principles.</i>
4.	<i>Apply understanding of the process and elements of a complete visa application.</i>
5.	<i>Research and prepare submissions in support of visa or review applications.</i>
6.	<i>Implement appropriate business systems and strategies.</i>

*Respondents are to highlight the innovative features of their intended programs, as well as their capacity and mechanisms for adhering to agreed standards and cooperative approaches to course content and assessment. The MIA is particularly interested in receiving suggestions from respondents as to how they might implement the practical/placement element of Subject F.*

### **3.3 Assessment**

The MIA is aware that normal course assessment tasks will depend on the teaching approaches employed by the various providers. The MIA will require some cooperative approaches to assessment, including moderation across providers and the possibility of common assessment tasks or frameworks. The MIA expects that a substantial proportion of assessment will be in the form of invigilated examinations. This will be negotiated with selected universities.

*To assist in the comparison of submissions, respondents are to include information on the nature of normal assessment tasks including the length of examinations, invigilation arrangements and the number of assignments and their length (or other measures of student achievement).*

It is possible that the Minister or MARA may provide alternative pathways to registration which involve providers scheduling special examinations covering assessment for the purpose of registration.

*Respondents are to document their intended approach to assessment relating to registration for non-award students.*

## **4. Provider Relationships**

The MIA is seeking responses from higher education providers to accredit and offer the Graduate Diploma.

The contractual relationship will be between the MIA and each of the selected providers. It will include a licence for a provider to offer the Graduate Diploma as either an on-campus or an off-campus program within a defined region.

The MIA will expect regular and cooperative contact with providers concerning conduct and administration of the Graduate Diploma, moderation and reporting of assessments and results, and other matters pertaining to the successful delivery of the Graduate Diploma.

*Respondents are to document their willingness and ability to cooperate with and report to the MIA on a regular basis. The MIA will be interested in receiving references or descriptions of previous working relationships of a similar nature.*

The MIA intends to establish a Course Coordination Committee to:

1. Maintain an overview of directions, outcomes and developments in the Graduate Diploma;
2. Coordinate operational matters across providers so that (as far as is practical) students of the Graduate Diploma enjoy a common experience and the MIA has a consistent interface with the information systems and processes of providers;
3. Provide guidance and make recommendations to both providers and the MIA on matters relating to the governance and operation of the Graduate Diploma.
4. Provide an avenue for the sharing of experience, assessing the overall quality of the program, and refining the linkages between the MIA and the providers.

Each provider's program manager will be a member of the Course Coordination Committee.

*Respondents are to document their willingness and ability to both cooperate with and contribute to the Course Coordination Committee. The MIA will be interested in receiving references or descriptions of previous working relationships of a similar nature.*

The MIA intends to establish an Assessment and Moderation Committee to:

1. Moderate the marking of selected assessment tasks.
2. Identify any inconsistencies in the marking of selected assessment tasks, or departures from the processes and standards approved by the MIA.
3. Recommend to the Institute actions to redress identified anomalies.
4. Moderate the assessment instruments and supporting documentation for selected assessment tasks.

The providers will nominate members of the Assessment and Moderation Committee.

*Respondents are to document their willingness and ability to both cooperate with and contribute to the Assessment and Moderation Committee. The MIA will be interested in receiving references or descriptions of previous working relationships of a similar nature.*

## **5. Contractual Matters**

### **5.1 Period of Contract**

The MIA intends to enter into a contract with each of the institutions selected as a provider. It is anticipated that the initial period of the contract will extend from the signing of the contract (expected in August 2010) to December 2013. The period from August to December 2010 will allow time for the providers to prepare for the first intake of students in February 2011.

## **5.2 Review of Contract**

The continuance of the contract beyond December 2013 will depend on the outcomes of a contract review involving key stakeholders and continuance of the Graduate Diploma as the prescribed course for entry to the migration advice profession. The review is scheduled for completion by mid-2013. Following the contract review, the MIA may extend the contract for a further term or elect to terminate the contract and/or seek further expressions of interest.

## **5.3 Major Items to Be Included in the Contract**

Matters dealt with in the contract are expected to include:

1. The duration of the contract and options for a further term or terms subject to the outcome of a review.
2. The requirement for the provider to accredit the Graduate Diploma.
3. The designation by the provider of the Graduate Diploma.
4. Licensing arrangements between the MIA and the provider including geographic boundaries and financial considerations, including per capita fees to the MIA.
5. The establishment of a Course Coordination Committee and the requirement for the provider to cooperate with and contribute to the committee.
6. The establishment of an Assessment and Moderation Committee and the requirement for the provider to cooperate with and contribute to the committee.
7. The conduct by the MIA of ongoing evaluation and a review of the Graduate Diploma arrangements.
8. The requirement for the provider to adhere to an agreed Graduate Diploma course structure.
9. Mechanisms for the provider to advise and gain the approval of the MIA of changes to the structure of the Graduate Diploma.
10. Processes for the provider to advise the MIA of significant changes to the conduct of the program including changes to course fees and charges.
11. Minimum requirements governing frequency of offering, mode of offering and accessibility.
12. The remission to the MIA of fees and charges relating to the licence to offer the Graduate Diploma.
13. Liaison between the MIA's project officer and the provider's administrative and teaching staff.
14. The regular provision of course information by the provider for publication by the MIA.
15. The provision by the MIA of information and advice to students relating to the migration advice profession.
16. The exchange of information and data between the parties for the purpose of administering the contract and ensuring the consistency and quality of the program.
17. The protection of information, copyright, trademarks, logos and other forms of intellectual property.
18. Mechanisms for resolving disputes relating to the operation and administration of the contract.

19. Provisions for termination due to a breach of contract.
20. Obligation of the provider at the end of the contract to enable students enrolled in the Graduate Diploma to complete the program.
21. Specific matters that arise in the process of negotiation such as admissions and RPL policies.

## 6. Submissions and Selection Process

Respondents to the request for expressions of interest will need to make a formal submission in writing, which will be evaluated against the list of criteria shown in Table 5. If the respondent has had a prior working relationship with the MIA, the MIA's evaluation of that relationship may be taken into account in evaluating the expression of interest against the selection criteria.

**Table 5: Selection Criteria for Evaluating Expressions of Interest**

1.	Completeness of the formal response to the request for Expressions of Interest
2.	Compatibility with the demographics of potential course participants (desired locations, frequency and mode of offering, minimum and maximum class sizes).
3.	Overall compatibility with the planned Graduate Diploma course outline.
4.	Proposed teaching approaches, drawing attention to diversity and innovation.
5.	Willingness and ability to accredit the Graduate Diploma.
6.	Willingness and ability to cooperate with and contribute to the Course Coordination Committee.
7.	Willingness and ability to cooperate with and contribute to the Assessment and Moderation Committee.
8.	Capacity and mechanisms for adhering to agreed standards and cooperative approaches to course content and assessment.
9.	Undertaking to maintain the course for the duration of the contract.
10.	Provisions for enrolled students with outstanding studies at the termination of the contract.
11.	Nominal student contact hours and workloads.
12.	Minimum/maximum duration of course.
13.	Qualifications and experience of key course design and academic staff.
14.	Expected academic staff:student ratios.
15.	Policy on availability of staff for student consultation.
16.	Technical capacities supporting course delivery and assessment.
17.	Clearly documented course development and review processes.
20.	Clearly documented quality assurance and evaluation procedures.
21.	Compatible and clearly documented course management procedures.
22.	Admissions policy.
23.	Policies and processes for recognising and assessing prior learning.
24.	Adequacy of library collection and other learning resources.
25.	Inclusion or otherwise of Commonwealth-subsidised places.
26.	Level of fees and charges and ability to accommodate MIA-levied fees.
27.	Response to data exchange requirements, particularly student demographic and progression data and information on assessment results, teaching and learning evaluation.
28.	Degree of success of any prior working relationships of a similar nature held by the respondent.

Submissions are to address the selection criteria in the order shown in Table 5. Two copies of submissions are to be submitted. Submissions will become the property of the MIA at the time of lodgement and the documents will be retained as commercial in confidence.

Submissions close at 4.00 pm on Friday 5 February 2010. Submissions lodged after the closing time will be deemed to be late. Late submissions may be admitted to the evaluation process at the absolute discretion of the MIA.

Submissions are to be delivered to:

Graduate Diploma Submissions  
Migration Institute of Australia  
PO Box Q102  
QVB Post Office NSW 1230

or to:

Graduate Diploma Submissions  
Migration Institute of Australia  
Level 3  
83 York Street  
Sydney NSW 2000

Advice and information relating to the preparation of submissions are available by emailing [pamela.oneill@mia.org.au](mailto:pamela.oneill@mia.org.au) or by telephoning (02) 9279 3140. Please note that the office will be closed from 24 December to 10 January inclusive.

Submissions will be reviewed by a selection panel. Negotiations with preferred providers are expected to occur during February 2010. All respondents will be advised of the outcome of the selection process by 31 March 2010.