



Strategies To Curb Student Unrest

Unrest in the international student sector has been a symptom of underlying issues simmering as a result of problems with education and migration processes.

The Migration Institute of Australia supported calls for the Inquiry into the Welfare of International Students and has put in a detailed submission outlining problems and recommendations for future reform.

The Institute has committed to advertising, editorial and speaking engagements to allay concerns in the Indian community. CEO Maurene Horder attended the recent Australia-India Business Council annual dinner and will be sending an MIA representative to Delhi in October to raise awareness of MIA registered migration agents.

The MIA is also formulating guidelines for agents who receive commissions in efforts to increase transparency and provide greater consumer confidence. This applies to any kind of commission arrangement, including from Australian education and training institutions.



Attendees meeting with MIA CEO Maurene Horder and MIA Business Development Manager Brian Kelleher at the 2009 Australia India Business Council Address held in Sydney on 10 August.

Distinguished Services Award Open

Nominations are now open for a new MIA award that will recognise and honour an individual who has provided distinguished services to immigration.

The MIA National Board agreed at its July meeting to create the Distinguished Services Award with nominations open to anyone who has made a significant contribution to immigration, explained MIA CEO Maurene Horder.

“Nominees could include public servants, politicians, volunteers, lawyers, social workers, migration agents and those who work in community service or counselling.”

“We plan to present this award at the 2009 National Conference in Melbourne on 9 October and entries will be judged by a Board appointed panel.”

The selection criteria for the Distinguished Services Award are as follows:

An individual who has -

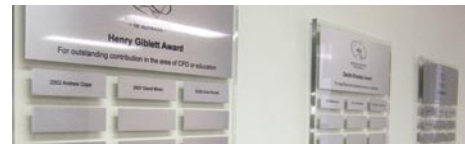
- provided a continuing service and participation in a field which contributes to Australian immigration
- made a significant and noteworthy contribution to Australian immigration
- made a contribution which should be recognised by their peers or wider community

Please note, contributions cannot be self nominated.

Nominations of suitable persons should be directed to the CEO

maurene.horder@mia.org.au

by Friday 11 September 2009.



Mara On The Move

After 11 years managing the development and regulation of the Migration Agents Registration Authority (MARA), the MIA handed the responsibility back to the Federal Government on 1 July 2009.

A farewell attended by staff and Directors on 26 June was a sentimental and symbolic occasion. Eighteen MARA staff have been offered temporary appointments to positions in the Department of Immigration and Citizenship (DIAC) and they will join 10 DIAC officers to form the new Office of MARA in Market Street Sydney.

MIA Chairman Brian Jones paid tribute to the MARA staff's hard work and dedication over the years.

“The profession has grown significantly over the last eleven years, and MARA ably dealt with many complaint matters during this period.

“Improvements have been made to standards of entry, codes of conduct and professional development.”

He confirmed that the MIA maintains the view that the profession should be regulated by an independent body that is separate from both the profession and DIAC to overcome all perceived conflicts of interest.



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Have Your Say On Board Reform

MIA members are being invited to have their say on a preferred structure for a new look Board.

MIA CEO Maurene Horder explained that the MIA Strategic Plan 2009-11 calls for a review of the Board structure to better align with the needs of the strategic plan. The priorities identified in the strategic plan include: membership development; profile and position; commercial opportunities; education; lobbying; and representation.

The Options for Board Structure Review and Constitutional Change Process document details three options for members to vote on, including :-

- A Board Nominations Council which calls for nominations and appoints members based on matching board requirements with members' skills and experience. The Board would consist of six members appointed by the Council for a two year term and up to three independent members appointed by the Board for a two year term.
- Election of Board Members by members for a two year term, with guidance given by the Board about the strategic skills required. Under this structure, the Board can appoint up to three independent board positions for up to a two year term. Branch presidents would not have automatic right of Board membership and the Board would form a Governance Committee to oversee the skills analysis and nominations process.
- No Change. The MIA Board is currently made up to six members elected in a general ballot and MIA Branch Presidents. The Board may by ordinary resolution appoint up to three additional persons to act as Directors. The maximum number of Directors on the Board is 17; however, members may by ordinary resolution increase or decrease the maximum number of directors. There are no term limits, and this means that directors can be re-elected in perpetuity.

The current board structure as it appears in the MIA Constitution is outlined in the options paper to allow members to clearly compare all options.

Members can download the document on the MIA web site and can register their vote on line or via fax by 23 September 2009.

Members Input Sought

All Registered Migration Agents are invited to share their views on the Changing Together report. The report is a benchmark in the migration advice profession, evaluating external stakeholders' perceptions of where we are now and incorporating RMAs proposals for the way forward.

We'd like your input about priorities in shaping future directions in this time of challenge for the profession. Just 5-10 minutes of your time is all that is needed to have your say in a specially designed survey available on our website. If you have any further feedback, please email info@mia.org.au

Advisory Board Appointments



The MIA welcomes the experienced and formidable group who have a strong history of involvement with the migration advice profession being appointed to the MARA Advisory Board. It includes representatives from consumer groups, the not-for-profit sector, university, community and the Law Council of Australia. MIA members Stirling Henry and Sonia Caton as well as consumer advocate Jenny Mack who assisted MIA with MARA complaint matters are to be congratulated.

It's pleasing to also note Board appointment of former WA Senator Jim McKiernan (pictured) was Chair of the Joint Standing Committee on Migration for its 1995 publication, *Protecting the Vulnerable* which highlighted problems with Department governance and which recognised the importance of consumer protection in this field.

"This new Advisory board will have a range of challenges in overseeing and balancing the potential for conflicts of interest for the Immigration Department as the regulator." says Maurene Horder, CEO of the Migration Institute of Australia. "The new Office under DIAC effectively means that registered agents, who advocate for the consumer to the Department, will be controlled by the same Department."

Voting Open for MIA Branch Positions

It's election time again and MIA members are being asked to vote for their local MIA representative. The following positions are available in each of the MIA branches:

- President • Vice President
 - Secretary • Treasurer • Committee Member
- (there are six committee member positions)

The members who fill these ten positions will deliver events and MIA programs in each of the five branches around Australia. They will also play a key role by keeping in contact with government stakeholders.

Members are being encouraged to participate in the election process for committee or executive positions and to put the best people forward for these roles.

Voting is now open and postal ballot papers should be returned in envelopes provided to the Returning Officer by 23 September 2009.

Insurance Tip

Did you know that most complaints against migration agents are not a result of a professional mistake? Most complaints come from mis-communication. Prior to taking on a job, a letter of engagement should clearly spell out the role of the migration agent, the specific nature of the professional services that will be provided and possible outcomes and time frame.

For more information, visit www.rowlandhouse.com.au/mia.asp

Fidelity Fund Update

In the last Institute News, it was announced that the MIA was developing a proposal for a Fidelity Fund to be set up with the Federal Government to financially protect clients of unscrupulous migration agents.

It was proposed that this compensation be funded from the accumulated surplus funds from registration fees already paid by RMAs (including lawyer RMAs) to MARA.

There has been considerable misunderstanding of the funding basis and the benefits of this proposal said CEO Maurene Horder.

“It is not a new impost on the profession it aims to responsibly use surplus funds which would otherwise go into consolidated revenue after 30 September 2009.”

The Fund is designed to protect the vulnerable individuals who access the migration advisory industry. It is also intended to enhance confidence in the profession and to support a worthwhile government policy objective of improving standards in the regulatory regime.

“A recent submission by the Law Council of Australia to the

Minister opposing the Institute's proposal was disappointing because it misinterpreted the intent of the proposed scheme.”

The Law Council's submission failed to support a Fidelity Fund which aimed to compensate those damaged by abuses of agents.

Ms Horder explained that the Law Council's submission -

- Did not include the role of the Fund in improving public protection
- Did not detail contributions, and that 71% of contributions to the fund had been paid from non lawyer registered migration agents
- Did not explain why surplus funds contributed mostly by non-lawyers should not be applied to a fidelity fund (other than an argument concerning overlap);
- Did not show what compensation has been paid by existing fidelity funds for migration claims
- Did not explain why there should be a reduced scrutiny of lawyers

The MIA is seeking discussion with the Law Council towards a more balanced approach to this issue.

It is important to note that both organisations believe that funds paid by migration agents should not be transferred into consolidated revenue without there being a benefit for agents. MIA is of the view that all agents should be treated equitably.

Support for Members

The MIA Board agreed at its July meeting to set up a defence scheme for members who are subject to a complaint to MARA or are the subject of actions from aggrieved clients.

One option being explored is the formation of a complaints unit to provide legal representation during the complaint process and during hearings or appeals before any tribunal.

“With the transfer of all MARA responsibilities and functions to the Department of Immigration and Citizenship, MIA is no longer

conflicted in representing its membership in complaints and related matters,” explained CEO Maurene Horder.

Ms Horder went on to say that she anticipated more prosecutions to come given the high numbers of rogue operators that the Institute reported to the Department while the MARA was under the Institute's watch.

“We have urged the Department to strongly enforce their role in the investigation and prosecution of illegal operators.”

The advocacy service will be set up by an MIA Board Working Group with the defence scheme to be established by the end of 2009.

Submissions To Government

The Institute often advises on behalf of members and the migration advice profession through submissions to government inquiries.

In its submission to the Inquiry Into the Impact of the Global Financial Crisis on Regional Australia, the MIA outlined its concern that a focus on Australian jobs has been translated into ill-conceived migration policy regarding the hiring of overseas workers on temporary skilled visas, and in particular a slowing down in the processing of 457 visas. The MIA urged the committee not to lose sight of the value temporary visa holders bring to the Australian economy and the role they play in addressing skills shortages in regional areas.

The MIA's submission to the Inquiry on the Migration Amendment (Immigration Detention Reform) Bill 2009 pointed out obstacles to a fairer and less punitive detention policy within the current bill proposal, and advocated for greater funding of the non-commercial sector, as well as IAAAS providers, to ensure greater availability of professional migration advice to vulnerable applicants.

The Institute has put in a submission to the Inquiry into the Welfare of International Students, which is due to report back to the Senate in November. In it, the MIA calls for recognising the nexus between education and migration so that government departments can work more effectively in the regulation of education agents and enforcement of standards.

Professional Indemnity Insurance for Registered Migration Agents



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For over 12 years Rowland House Insurance Brokers has provided Professional Indemnity Insurance for Registered Migration Agents.

Our policy has been specifically tailored to meet the needs of migration agents and offers discounted premium options to members of the Migration Institute of Australia.

Our current clients enjoy the following coverage features:

- Policy complies with MIA and MARA requirements
- Worldwide geographical and jurisdictional cover
- Legal assistance with respect to MARA investigations
- Fidelity Cover (\$50, 000)
- Strong policy security Vero Insurance Ltd

Travel Insurance

Membership of the MIA also entitles you to take advantage of the **free** comprehensive International Travel insurance policy Rowland House has arranged for the MIA and its members.

Further Info Telephone: **1800 642 747**

www.rowlandhouse.com.au

Email: enquiries@rowlandhouse.com



MIGRATION 2009 CONFERENCE

Hosted by the Migration Institute of Australia



Conference Program Announced

The Migration 2009 Conference, to be held from 8-11 October at the Sebel Melbourne, includes a stellar line of up of speakers for this industry event which is shaping up to be the largest gathering of its type in the Southern Hemisphere.

Program topics include the *Future of Immigration*, the *Migration 2009-2010 Program*, *Australia's Option to Meet Economic Goals Through Immigration*, *The Everyday Reality for Visible Migrants* and *The Migration Two Step: Policy Challenges Posed by Australia's Rapid Shift Towards Temporary Migration*. The Conference is of value to all migration agents, policy makers and academics and community practitioners with an interest in migrants and immigration matters and includes streamed sessions to cater for a range of interests.

Highlights

Roundtable sessions with industry experts

Issues for discussion include 457 policy changes, skilled migration visa processing issues, Australia's economic forecast and its impact on immigration levels, recent high court decisions, changes to health requirement conditions and the direction of the Institute. Facilitators include conference presenters, DIAC officials, industry service providers and experienced practitioners.

Panel debate: Should a minimum standard of English be required for the migration profession?

Moderated by Andrew Cope, Accredited Specialist in Immigration Law and VU Lecturer, this debate explores the issue of English language requirements for Registered Migration Agents. Members of the panel include Michael Fay, Co-Founder and Managing Director of Insearch Language Centre, UTS and Gunter Eitzinger, RMA and Chartered Accountant.

CPD Workshops

Topics range from refugee law, 457 visas and the new TBE framework, job-readiness assessment from DIAC and leading skills authorities, submission writing, partner visas and recent changes to employer sponsored migration. These sessions cover all aspects of the migration profession, delivering the latest information from expert presenters. The full program is ten CPD points. See the program included with this newsletter or go to www.mia.org.au

Waleed Aly, Lecturer, School of Political and Social Inquiry, Monash University will speak at the conference on Immigration vs Globalisation: Australia's Challenges.



Agent Survey Results

An independent survey was contracted for MARA by MIA to identify what matters most to migration agents, their perception of MARA's performance and comparisons to a similar 2005 study.

It showed the Institute's program of continual improvement of MARA was noted by agents, with the overall satisfaction mark improving by more than 5% in the four year period. Most improvement related to the greater significance agents place on MARA staff's helpfulness and knowledge than in previous surveys.

While survey respondents acknowledged positive progress, areas requiring improvement was the regulator's communication to ethnic communities, transparency and enforcement of ethical standards and competency. Full survey results are available at www.mia.org.au

The Institute trusts the new Office of the MARA will continue the MIA's legacy of ongoing improvement to the regulatory body.

MIA in the News

The Institute has stepped up its media relations and is becoming a touchstone for journalists writing on migration matters.

Media featuring the Migration Institute of Australia includes stories featured in The Australian, The Australian Financial Review, Sydney Morning Herald, The Age, WA Times, The Canberra Times and Brisbane Times.

CEO Maurene Horder has also been interviewed on ABC radio's AM program, SBS World News, and Sky News.

Indian media has published stories featuring the Institute on the international student situation, including Business Standard, The Hindu, Zee News and The Calcutta Telegraph.

A webpage dedicated to immigration media resources is coming soon for MIA members. We'll let you know when it's available in **myMIA**.



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