



Australian Government
Department of Immigration and Citizenship

Migration – Australia’s Future?

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Introduction

It’s a great pleasure to be here to talk to you today about the directions of Australia’s migration programme.

I’ve been directly involved with migration issues for many of the past 27 years and have certainly observed the maturing of the migration advice profession in that time, particularly since the 1990s when the migration advice profession came under government regulation.

Last week I addressed the Metropolis Conference in Melbourne, the world’s largest annual conference on migration and diversity

Amongst the 500 delegates were global leaders, officials and academics who had gathered to discuss the key themes of migration, economic growth and social cohesion.

In my speech, I spoke about how migration has played a major role in shaping the Australia we live in today.

I believe that migration has overwhelmingly been one of the great and enduring success stories of Australia's modern history.

At last week's conference, I emphasised the important links between migration, integration and shared responsibility and how this has been an important factor in making Australia the peaceful, cohesive society that we enjoy today.

I'm pleased to be here because the MIA's National Conference is a valuable opportunity for me to give you some of my views about the importance of migration to Australia's growth and development, and your contribution as migration agents.

Importance of migration

Let me begin by saying there is now broad general agreement amongst policy makers and academia that migration is crucial to Australia's economic future.

Indeed, although the topic I was given for this speech is a question: "Migration – Australia's future?" I think I can confidently remove the question mark. Migration will be very much a part of our future as, indeed, it has in our past.

The Australian Bureau of Statistics recently announced that Australia had recorded its largest annual population increase ever.¹

Net overseas migration contributed 54 per cent to this growth.

¹ Australian Bureau of Statistics media release – September 24 2007

And I note the acting executive director of Treasury's macro-economic group, David Gruen was recently quoted in the Financial Review as saying that while net overseas migration now accounts for about half the nation's population growth, by the year 2047 it is expected to be the source of almost **all** net population growth.²

So what is the impact of this migration?

In the immediate post-war years, Australia experienced a huge influx of migrants.

They came in large numbers from a relatively small number of mainly European countries. Many of you will be familiar with the fact that tens of thousands of people arrived here from the United Kingdom, Greece and Italy, for example in the decades immediately after World War II.

Since the 1970s, migrants to Australia have come from an increasingly diverse range of countries. In the 2006-07 programme year, people migrated from over 200 countries. The top ten source countries were: the UK, New Zealand, India, China, the Philippines, South Africa, Vietnam, Malaysia, Sri Lanka and Sudan.

Their arrival has made a profound and significant impact on Australia's social and economic development, enriching us not only through the contributions of their labour, but also the vibrant cultural legacy they have brought with them.

Managed Migration

Before I proceed any further, I think it's important that I outline the way in which the department manages migration and related processes and how this relates to issues we will discuss today.

²Australian Financial Review newspaper – September 26 p.9

I'll also touch on how the comprehensive business and cultural transformation underway in the Department of Immigration and Citizenship, will improve client service to our clients, to your clients and to you.

Our "purpose" is to enrich Australia through the well managed entry and settlement of people.

Many of you here today may have received a copy of our *DIAC Plan* for 2007-2008 and an information kit highlighting progress in some key areas over the past two years.

The plan sets out the universal aspects of the department's work, including our values and leadership behaviours. It also outlines our strategic priorities for the year and the outcomes we are working to achieve.

This high-level guidance provides a framework that applies to every person in the department and is connected through lower-level plans to the work undertaken across the department everyday.

Every one of our 7000 staff in around 95 locations across the globe is working to the three strategic themes of:

- being an open and accountable organisation
- ensuring fair and reasonable dealings with clients
- having well-trained and supported staff.

The *DIAC Plan* specifies that in 2007-2008, the department will enrich Australia through the well-managed entry of:

- nearly 153 000 permanent migrants
- 13 000 refugee and humanitarian visa entrants
- more than 230 000 temporary residents, and
- more than 300 000 student visa entrants.

In fact, as I'm sure you are aware, and as this slide shows, our business has grown significantly over recent years.

Importance of the migration advice profession

So where does the work of Australia's migration advice profession fit in to the broader migration picture?

The majority of registered migration agents have only held their registration for a short period. Almost 49 per cent of all currently registered migration agents became registered in the past three years.

Therefore, while the profession has matured in the past decade, there is still much to be done in ensuring that all migration agents understand and adhere to the level of professionalism that is maintained by the majority.

The provision of high quality immigration assistance by migration agents to applicants cannot be understated. It assists the department by providing applications that might be decision-ready or almost decision-ready.

We work closely with the Migration Institute of Australia and the Migration Agents Registration Authority to maximise the value to us of the provision of high quality immigration advice and to help migration agents provide the same high quality immigration advice.

To do this we have put in place a number of measures that help to strengthen our ability to work together better.

The first of these is the Migration Agents Gateway. This is a website that provides easy access to the most often used resources by migration agents on the departmental website and updated information of particular relevance to migration agents.

Another measure is an email service to help migration agents access services and advice if they have difficulties finding the relevant area of the department.

We have also opened the e-visa access trial to migration agents. This resulted in considerable demand, and we are racing to keep with this demand.

And just recently we established a streamlined service for Registered Migration Agents seeking to book appointments for their clients. The Registered Migration Agent Appointment Line makes it easier for migration agents to book appointments for clients.

We are also working with the providers of the Graduate Certificate in Migration Law and Practice, to ensure that course content is correct, and a number of staff from the department have provided presentations as part of the course.

And finally, we are receiving through the Migration Institute of Australia and the Migration Agents Registration Authority, your feedback about the issues that are important to you. This is a valuable source of information to us and can help us improve our services.

We are committed to continue improving our services to you and appreciate you taking the time to help us help you.

It's worth remembering that **your** clients are also **our** clients.

Therefore, our aim is to ensure that your interaction as migration advice professionals with DIAC is made as efficient as possible.

The *Systems for People* (SfP) Client Centric Search portal was released recently, and provides staff with a tool that will ultimately increase the speed and efficiency with which they can interact with clients.

More than just a search engine, the Client Centric Search portal presents staff with a consolidated search capability across our 91 million client records and a view of our business dealings with a client across many different areas of our operations.

The client centric portal is now available to more than 1000 staff and is being progressively rolled-out to all staff with a need to have access to client records to do their job.

Issues for the profession

I know that many of you have views about how effectively we in DIAC do our jobs.

I am gratified by the many compliments we receive and I take seriously your feedback on where you think we need to improve.

And it is in the spirit of two-way communication and strengthening our working relationship, that I offer the following comments.

In doing so, I have carefully checked with many officers who work directly with you and thus my comments reflect the observations of people working on these issues every day.

Many migration agents provide good levels of service to their clients. However, there are some, regrettably, who do not. I appreciate that the fact that you are here today means that you are probably the former rather than the latter.

Visa and migration decisions can be life-changing, significant decisions.

Therefore, we believe it is important to have strong mechanisms in place to provide clients with good advice and protection from *bad* advice.

Both the Government and the migration advice profession are very aware that there is still work to be done to raise the overall level of professionalism amongst registered agents.

My personal view of the profession is that *generally* it operates with high levels of professionalism and integrity.

However, one obvious way in which this is not happening, is the persistence by some agents, in seeking out “loopholes” in legislation and policy settings.

While you are required to act in the interests of your client, it is our view that it disadvantages your clients if you are constantly looking for “loopholes” at the margins of policy.

On the one hand it can act to raise false hopes of a positive outcome.

It is also true to say that those who persist in doing it, are in fact disadvantaging the majority of you, by forcing the department to re-direct scarce resources at addressing these “loopholes”, away from the important task of processing visas through well-established pathways and on their merits as swiftly as possible.

This is something that I would ask the MIA to examine closely and work with us to address.

Another example of where I believe the level of professionalism could be raised is where the department still receives a number of very basic enquiries from some registered migration agents.

By making such basic enquiries, these agents are demonstrating to the department that something is lacking in their training and basic knowledge of the migration environment. The Graduate Certificate and Continued Professional Development regime should be improving the standard of expertise in the profession, but for some reason, some agents are still getting through without appropriate knowledge.

I know I’m probably preaching to the converted here. Indeed this is an issue which frustrates many of you, and we will continue to work with you to address it.

Similarly, we have concerns about the English language skills of some registered migration agents. Again, the queries we receive from some registered migration agents shows that despite the English language requirement for registration, there are

some agents out there who are clearly struggling with the basics of the English language.

We also believe that the Code of Conduct may not be as effective as it could be in maintaining high standards. Again, there are some migration agents who flagrantly breach the Code of Conduct, others who disregard it and those that simply give it lip service. Again, I know that this is something that frustrates many of you as well, and is something that we can work together to strengthen.

If the profession is aiming for self regulation, it needs to make sure the code is adhered to and get better at addressing breaches. I think we also need to think about how better to protect the interest of vulnerable clients of some migration agents – in particular those clients who are most likely to use the services of the less reputable agents.

Registered agents who do not adhere to the high level of professionalism maintained by the majority of migration advice professionals, in fact are damaging the reputation of the profession as a whole.

I urge migration advice professionals and the MIA to keep raising the bar on standards to ensure there are fewer consumer complaints, and the reputation of the profession is established at its highest possible level.

We, in the department, are also committed to constantly reviewing and improving our performance as well, to strengthen our professional reputation.

We know we need to do more about some of the migration agents operating overseas. This provides particular challenges as Australian laws do not apply overseas and there are barriers to us extending the onshore regulatory scheme offshore.

Unregistered practice is still occurring. In some cases, the unregistered practice is clear and relatively straightforward to address. In other circumstances, it is less clear and requires careful investigation before we can deal with it.

Once again, the investigation of these unregistered agents forces the re-direction of valuable departmental resources into this area, when in fact they could have been used more productively in the processing of visas for the clients of those agents who are doing the right thing.

Review 2007-08

I would now like to turn to the 2007-08 Review of Statutory Self-Regulation of the Migration Advice Profession which the Assistant Minister, the Hon Teresa Gambaro announced in September this year, with the release of a discussion paper.

The Review is designed to examine the readiness of the migration advice profession for a move from statutory self-regulation to self-regulation.

It is also expected to make recommendations on how Australia's migration advice profession might further develop and become more professional.

The review is looking specifically at areas of practice such as the regulatory framework.

The Review will assess whether the regulatory framework require changes to increase its efficiency and will also examine the area of client complaints, which are often brought to our attention.

While the number of complaints to the MARA has decreased overall in the past four years, there was an increase last year.

While complaints only relate to 6-10 per cent of the profession, the Review will seek to offer options to deal with providing greater protection to consumers.

The Commonwealth Ombudsman in its June 2007 report on MARA's complaints handling processes, made a number of recommendations, some of which have already been implemented by the MARA.

This leads to the issue of client protection. The Review will consider measures to provide clients of migration agents, with more protection.

Another area that the Review will be considering will be on the issue of knowledge standards. Most of the complaints handled by the MARA relate to professional conduct and the need for improved knowledge standards amongst registered migration agents.

Although there are some signs of the benefits of the introduction of the Graduate Certificate in Australian Migration Law and Practice, it will be several years before the number of graduates is large enough to properly assess the impact of this higher entry standard.

The Review will also examine how the regulation and provision of Continued Professional Development might be improved.

The dual regulation of lawyers is another important area to be examined. The Law Council of Australia argues the case for removing lawyer agents from the requirement to be registered with the MARA. The Review will look at the issue and what comes from the submissions and the External Reference Group's recommendations.

MARA has highlighted the lack of emergency powers it has to act in some circumstances. The Review will aim to throw light on whether emergency powers need to be given to the MARA to enable them to safeguard clients' interests.

I know that many of you here today have views on some or all of these, so I encourage you to make submissions to the Review established by the government last month.

The progress of the Review and the implementation or otherwise of any recommendations, will, of course, be a matter for the incoming government.

Conclusion

Ladies and gentlemen, as I mentioned at the beginning of this speech, all indications are that migration will be a crucial element in the continued development and prosperity of Australia.

As migration advice professionals, you will play a key role in this.

The maturing of the profession over the past decade has been a positive step forward. But I encourage you, as a profession, to continue raising the standards and addressing issues which we know have the potential to damage your reputation.

In this way, Australia's migration advice agents will continue to be significant players in the journey travelled by thousands of migrants often towards full integration in to our society as Australian citizens.

In this way you can join us in the department in contributing to the prosperous, vibrant and cohesive society that is modern-day Australia.

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