



# Giving immigration assistance in Australia

## What is immigration assistance?

Immigration assistance is when a person uses knowledge of, or experience in migration procedure to assist with visa applications or other visa matters by:

- preparing, or helping to prepare, a visa application or other document
- advising about a visa application or visa matter
- representing in, or preparing for, proceedings before a court or review authority in relation to a visa matter.

Immigration assistance does not include:

- doing clerical work to prepare (or help to prepare) an application or other document
- providing translation or interpretation services
- advising another person that they must apply for a visa
- passing on information produced by a third person, without giving substantial comment on or explanation of the information.

## Who can give immigration assistance in Australia?

Only **registered migration agents** or an exempt person can legally give immigration assistance in Australia.

### Registered Migration Agents

Registered migration agents:

- are qualified in migration law and procedure
- are bound by a Code of Conduct and to act in the lawful interest of their client
- have met professional standards relating to knowledge and character
- must be listed on the Register of Migration Agents, held by the Office of the Migration Agents Registration Authority (OMARA) website: [www.mara.gov.au](http://www.mara.gov.au).

## Exempt persons

In some cases, a person may give immigration assistance without being registered if they are:

- a nominator, sponsor or close family member of the applicant
- an official giving assistance as part of their job
- a parliamentarian, a member of a diplomatic mission, consular post or international organisation
- a person providing free help to prepare a submission to the Minister.

## Education Agents

Education agents are not exempt and **cannot provide immigration assistance** in Australia unless they are also registered as a migration agent.

## Penalties for giving immigration assistance if not registered

It is an offence for a person to give immigration assistance in Australia unless that person is a registered migration agent (or an exempt person). This offence can attract a penalty of up to **two years imprisonment**.

If the person received money or a reward for their services, the penalty can be up to **10 years imprisonment**.

## Reporting unlawful immigration assistance

Unregistered persons who give immigration assistance unlawfully in Australia should be reported to the Department of Home Affairs using the Border Watch Online Report on the Department's website: [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

The report should include the name of the person, their address (if known) and the reason why you suspect they are an unlawful provider of immigration assistance.