



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, for example scanning or posting documents
- providing translation or interpretation services
- advising another person 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, legal practitioners or an exempt person can lawfully give immigration assistance in Australia.

Registered migration agents

Registered migration agents:

- are qualified in migration law and procedure
- are bound by the Code of Conduct of registered migrant agents 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

Legal practitioners

A legal practitioner is a lawyer who holds an Australian legal practising certificate. Legal practitioners can provide immigration assistance in connection with legal practice. Information about legal practitioners providing immigration assistance in Australia is available on the Law Council of Australia website www.lawcouncil.asn.au/federal-litigation-dispute-resolution/lca-immigration-lawyers or you can contact the relevant state or territory professional body.

Exempt persons

A person may lawfully give immigration assistance if they do not charge a fee for their assistance and are:

- a nominator, sponsor or close family member of the visa applicant
- 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 persons and cannot lawfully provide immigration assistance in Australia unless they are also a registered migration agent or a legal practitioner.

Penalties for giving unlawful immigration assistance

It is an offence for a person to give immigration assistance in Australia unless that person is a registered migration agent, legal practitioner or exempt person.

The penalty for providing unlawful immigration assistance can be up to 10 years imprisonment.

Reporting unlawful immigration assistance

Any person who gives unlawful immigration assistance in Australia should be reported using the [Border Watch Online Report](#) on the Department's website.