



iarc Immigration Advice & Rights Centre Inc.

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+61 2 9262 3833 (*Advice Line Tues & Thurs 2-4pm*)

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WHERE TO MAKE A COMPLAINT*

Complaints about migration agents

If you have a complaint about the way your immigration case has been handled try talking to your migration agent about the problem. If you are still dissatisfied, one of the following organisations may be able to help you.

The Office of the Migration Agents Registration Authority (OMARA) – a discrete office attached to the Department of Immigration and Border Protection

People giving immigration advice must usually be registered by the Migration Agents Registration Authority. If you are dissatisfied with the advice or services provided by a migration agent you may make a complaint in writing to OMARA. A specific complaint form may be completed to assist in the processing of a complaint. Copies of complaint forms are available from OMARA (see below).

What will happen?

OMARA may investigate the complaint. If either party does not agree to mediation, the complaint will be referred to the OMARA for examination and decision.

If the agent is found to have breached the Code of Conduct, the OMARA may impose disciplinary sanctions against the agent which may include a caution, or the agent's registration may be suspended or cancelled.

If OMARA receives a complaint against a person who is acting as a migration agent without registration, this matter will be referred to the Department for further investigation and possible legal action under the *Migration Act 1958*.

Complaints against a migration agent may be made at any time although the agent is not required to keep copies of files after the expiration of a two year period.

For further information about migration agent registration or to make a complaint about a registered agent, contact MARA at the following:

By Phone: 1300 226 272 or +61 2 9078 3552

By Fax: +61 2 9078 3591

Postal Address: Office of the Migration Agents Registration Authority PO Box Q1551 QVB NSW 1230

Australia Street Address: Level 8, 22 Market Street Sydney NSW Australia or visit:

<https://www.mara.gov.au/Consumer-Information/default.aspx>

* IARC does not guarantee the accuracy of any information contained in this information sheet. It contains general information and is not a substitute for legal advice

Complaints about solicitors, barristers or an officer of a department

Department of Immigration and Border Protection

If you are dissatisfied about the service you have received from an officer of the Department of Immigration contact the complaints officer to make a complaint. Contact details are:

- Telephone the Global Feedback Unit during business hours.
Telephone: 133 177
- Write to:
The Manager
Global Feedback Unit
GPO Box 241
Melbourne Victoria 3001
Australia or visit:

<http://www.immi.gov.au/contacts/forms/services/#f>

The Department of Immigration Investigations Section investigates cases involving immigration fraud or complaints about people pretending to be migration agents. **Immigration Dob-in Line:**

Telephone: 1800 009 623

General contact details for the Department of Immigration are:

Counter service all NSW offices
9am–4pm Monday to Friday

Sydney CBD 26 Lee Street, Sydney 2000
GPO Box 9984, Sydney, NSW 2001

Parramatta 9 Wentworth Street
Parramatta NSW 2150
GPO Box 9984, Sydney, NSW 2001

National Telephone Inquiry Line: 131 881

Website: www.immi.gov.au

Legal Services Commissioner

The Legal Services Commissioner handles all complaints regarding solicitors and barristers. If you are dissatisfied with the services provided by your lawyer you can either obtain a complaint form from the Commissioner, or alternatively, write to the Commissioner detailing all your concerns and the circumstances surrounding the complaint. Complaints will be accepted for up to 3 years after the event complained of. Once the complaint is received by the Commissioner, either a complaints officer from the Commissioner's office, or the New South Wales Law Society will contact the complainant and / or the lawyer to investigate the matter, and notify both parties of the decision.

Complaints can be forwarded to:

Legal Services Commissioner,
GPO Box 4460, Sydney NSW 2001
Telephone (02) 9377 1800
Facsimile (02) 9377 1888
Freecall: 1800 242 958 (Australia only)
TTY (02) 9377 1855
Email olsc@agd.nsw.gov.au

Commonwealth Ombudsman

The Commonwealth Ombudsman is appointed by the Commonwealth Government to investigate complaints relating to the administration of government departments and statutory bodies, such as the Department of Immigration. Complaints will usually be accepted within 1 year of the event complained of. The Commonwealth Ombudsman can review decisions made in Australia or overseas by the Department of Immigration.

The Ombudsman's office will not normally carry out a "merits review" of migration applications. The Ombudsman will normally investigate cases of "maladministration" or where the conduct of an officer of a government department or statutory body breaches the code of conduct. For example, if the reviewing officer decides to refuse grant of a visa by taking into account irrelevant matters.

The Ombudsman can't order the Department to change a decision, but they can recommend a decision be changed or reconsidered. However, if the Ombudsman is dissatisfied with the response of the Department concerned, they can report to the Parliament or the Prime Minister regarding the deficiencies.

Complaints can be lodged by telephone, in writing or in person to:

Phone 1300 362 072 (calls from mobile phones at mobile phone rates)
Email ombudsman@ombudsman.gov.au
Fax 02 6276 0123
Postal GPO Box 442, CANBERRA ACT 2601

Consumer, Trader and Tenancy Tribunal

If you think that you've been unfairly overcharged by your solicitor or a registered migration agent, you may lodge a complaint in writing to the Consumer, Trader and Tenancy Tribunal. The Tribunal has power to determine disputes between consumers and businesses or professionals providing goods and services. The jurisdictional limit is \$30,000 and the action must be initiated within 3 years. Complaints should be forwarded to:

The Consumer, Trader and Tenancy Tribunal
GPO Box 4005
Sydney NSW 2001
Phone: 1300 135 399
Fax: 1300 135 247

Incorrect advice

If you believe you have received incorrect advice from an officer of the Department of Immigration, solicitor or registered migration agent which affected your status you should consider seeking independent legal advice in addition to contacting any of the organisations described in this information leaflet.

Where temporary workers can make a complaint

IARC does not advise on skilled, business and employment related visas but we can refer you to a commercial registered migration agent for further inquiries. Please contact IARC for referrals.

Fair Work Australia

If you have an employment related complaint you should contact Fair Work Australia (Tel: 1300 799 675) or the Fair Work Ombudsman (Tel: 13 13 94) for further information.

Fair Work Australia's NSW contact details are:

Level 8, Terrace Tower, 80 William Street, East Sydney, 2011
Telephone: (02) 8374 6666
Facsimile: (02) 9380 6990

Out of hours emergency: 0419 318 011
 Email: Sydney@fwa.gov.au

Website: <http://www.fwa.gov.au>

Contact Information

DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION

Counter service all NSW offices
 9am–4pm Monday to Friday

Sydney CBD 26 Lee Street, Sydney 2000
 GPO Box 9984, Sydney, NSW 2001

Parramatta 9 Wentworth Street
 Parramatta NSW 2150
 GPO Box 9984, Sydney, NSW 2001

National Telephone Inquiry Line: 131 881

Website: www.immi.gov.au

Immigration Advice and Rights Centre Inc (IARC)

Administration line: (02) 9279 4300 (between 9am and 5pm)

Website: www.iarc.asn.au

IARC Telephone Advice	IARC Face-to-Face Advice (by appointment only)
(02) 9262 3833 Tuesday and Thursday 2.00pm–4.00pm	Contact us to make an appointment at: Immigration Advice and Rights Centre Inc. Level 5, 362 Kent Street Sydney NSW 2000 Ph: +61 2 9279 4300 (Admin Line, 9-5pm)