



# 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, Australian legal practitioners or an exempt person can lawfully give immigration assistance in Australia.

### Registered migration agents

Registered migration agents must meet certain knowledge and character requirements to be listed on the Register of Migration Agents available on the Office of the Migration Agents Registration Authority (OMARA) website [www.mara.gov.au](http://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.

## 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.

## More information

For more information about who can give immigration assistance in Australia, including how to report concerns about immigration assistance providers, please visit the Department of Home Affairs website page '[Who can help you with your application?](#)'.

## 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.