

EXPLANATORY STATEMENT

Migration Act 1958

Migration Agents Regulations 1998

**PRESCRIBED EXAMS FOR APPLICANTS FOR REGISTRATION AS A MIGRATION
AGENT
(REGULATION 5(1)(c))**

1. This Instrument is made under paragraph 5(1)(c) of the *Migration Agents Regulations 1998* ('the Regulations').
2. Paragraph 5(1)(c) of the Regulations provides that, for the purposes of paragraph 289A(c) of the *Migration Act 1958* (the Act), a prescribed exam is an exam that the Minister has specified in an instrument in writing.
3. Section 289A of the Act relevantly provides that an applicant for registration as a migration agent who has never been registered, or who is applying to be registered more than 12 months after the end of his or her previous registration, must not be registered unless the Migration Agents Registration Authority is satisfied that he or she has passed a prescribed exam within the prescribed period.
4. The purpose of this Instrument is to support the criteria in the Act and the Regulations that a prospective migration agent must satisfy in order to be registered.
5. The Instrument operates to specify exams that are prescribed exams, one of which an applicant must have passed within a prescribed period. The Instrument also revokes the previous Instrument "Prescribed Exam Notice" that was signed on 31 May 2006 by an authorised officer for the Migration Agents Registration Authority.
6. The Instrument is likely to impact on persons wanting to become registered migration agents. They will need to pass 'the common assessment items relating to registration' which form part of the Graduate Certificate in Australian Migration Law and Practice, a course offered by The Australian National University, Griffith University, Murdoch University and Victoria University.

7. The continued recognition of the Migration Advice Professional Knowledge Entrance Examination allows applicants who passed this exam to be considered for registration as migration agents. This exam would have been undertaken as part of a formal course of study or self-directed study in migration law and procedure that was completed before 15 July 2006.
8. Consultation was undertaken with the Migration Agent Registration Authority who regulates the migration advice profession and is responsible for registering migration agents.
9. The Instrument, IMMI 06/057, commences on 1 October 2006.