

Filipino Migrants Forum

Do you need to consult a migration agent before lodging your visa application?

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Completing the DIAC forms look simple enough yet why do so many visa applications fail? The case officers at the Department of Immigration and Citizenship (DIAC) are only human and so mistakes happen. That is why review tribunals exist. In many cases of DIAC visa refusal, on appeal, tribunals reverse the DIAC decision. However, in some cases, the visa application should not have been lodged in the first place, and the related fees and consequent anxiety could have been avoided, if only a preliminary assessment has been carried out by a competent migration agent before the lodgement of visa application.

There are about 3,000 registered migration agents in Australia you may choose from, to advice you in person, by phone or visa internet, on the success of your intended visa application. Some migration agents will charge an initial consultation fee, others will not. Some websites represent that the preliminary assessment is free but many start charging you on an hourly basis after you complete your personal details.

Free initial consultation seldom works. Often, the client does not appreciate the value of the advice provided and will seek further advice where consultation is charged. Moreover, some migration agents may not dedicate sufficient time to investigate your most suitable option because of more urgent matters to attend to, for their paying clients.

If the visa is important to you and your future, do not take any chances. Consult a registered migration agent for as low as \$110.00. and obtain a preliminary assessment advice to determine:

- the basis for a visa grant, depending on your purpose and situation;
- option to apply for other visas, if any,
- whether you are likely to satisfy the criteria for the visa suited to your situation;
- plan of action, if any, to qualify you for visa grant in the future, if you do not readily qualify at this time;

If you are able to provide documents acceptable to DIAC to support your claim of meeting the criteria for a visa grant at the time of application and at the time of decision, then you can rest assured that you would have a very good chance of successfully obtaining the visa.

But bear in mind registered migration agents are required to observe the Migration Agent's Code of Conduct. It is their obligation to act professionally in their client's best interest. In fact you can lodge a complaint with the Migration Agents' Registration Authority (MARA) for the misconduct if your migration agent guarantees visa grant without sufficient basis or justification when consulted for preliminary assessment advice.

Incidentally, a set of forms and precedent letters of advice, tables and summary of skills assessment requirements for almost all occupations in the skills occupations list authored by this writer has recently been published. This publication known as “Time-saving Immigration Practice Solutions (TIPS) on general skilled migration (GSM), or “TIPS on GSM Visas” is the first immigration law precedents publication of Leappublishing. It is now available for the use of other migration agents. Hence there is no longer a reason why a migration agent cannot provide a detailed preliminary assessment advice on GSM visas, using TIPS. Visit www.leappublishing.com.au and search for the word “visa” for details.

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. Australia has a scheme that requires persons who give immigration assistance to be registered as migration agent. The writer, Atty. Imelda Argel is a practising migration solicitor and a registered migration agent in Sydney, Australia. She is a Solicitor of the Supreme Court of New South Wales, the High Court of Australia, an Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957.

She is the author of TIPS on GSM visas, the recipient of the inaugural NSW FAWAA (Filipino-Australian Women’s Achievement Award) for her outstanding achievements in corporate practice and entrepreneurship, and the University of the Philippines Alumni Association (NSW Chapter) Achievement Award for law and community service. More information is available at www.iargel.com.au. You can contact the author by email at info@iargel.com.au or by fax at (+612) 9699 3210 or by appointment at Suite 41, Ground Floor, 61-89 Buckingham St. SURRY HILLS NSW 2010.

Readers are invited to send their comments to “The President, Filipino Migrants Forum” c/o Imelda Argel & Associates, Solicitors & Attorneys, by email at info@iargel.com.au or by fax at (+612) 9699 3210 or by post to Suite 41, Ground Floor, 61-89 Buckingham St. SURRY HILLS NSW 2010.