



Migration Institute  
of Australia

# MIA Code of Ethics and Practice

Updated May 2024

## **MIA Code of Ethics and Practice**

### **1. Introduction**

- 1.1 The Migration Institute of Australia (MIA) expects the highest level of ethical practice from migration advice professionals, to protect consumers of migration advice, uphold the integrity of the migration profession and safeguard Australia's migration system.
- 1.2 The MIA Code of Ethics and Practice is intended to provide standards for the ethical and professional conduct of its members. Membership to the MIA requires members<sup>1</sup> to commit to upholding the MIA Code of Ethics and Practice (MIA Code).
- 1.3 In the first instance, the professional conduct and obligations of migration practitioners are prescribed by a number of different instruments (See Appendix 1).
- 1.4 The MIA Code imposes further requirements on MIA members, reinforcing the integrity of the migration profession and affirming their commitment to the MIA as the foremost professional association for Australian migration practitioners.
- 1.5 Dedication to the MIA's ethical and professional practice values is the means by which the MIA and the migration profession earns the trust and respect of stakeholder groups including clients, governments, businesses and the general public.

### **2. The Purpose of the MIA Code**

2.1 The purpose of this MIA Code is to:

- a. promote a culture of exceptional professional practice by MIA members, instilling confidence in those seeking immigration advice and assistance of the quality and integrity of the migration advice provided by MIA members;
- b. recognise that MIA members support the values of the MIA, the collegiality, and benefits of belonging to this professional association; and
- c. establish standards that ensure members of the MIA act with integrity, competence, diligence, respect, and in an ethical manner with the public, clients, colleagues in the migration profession, employees of the MIA; other position holders within the MIA, government bodies and representatives, and other stakeholders.

### **3. MIA Members' Commitment to abide by the MIA Code**

- 3.1 Upon joining the MIA, all members must agree to abide by the MIA Code.
- 3.2 Continuing MIA members must confirm their commitment to continue to abide by the MIA Code at the time of their membership renewal.

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<sup>1</sup> MIA membership categories are defined in the [MIA Rules](#) at Item 2 Membership categories.

3.3 To ensure the highest standard of ethical and professional behaviour amongst the MIA membership, the MIA Board of Directors at its absolute discretion, may take action against any member of the MIA who breaches this MIA Code.<sup>2</sup>

## 4. The Values of the MIA

4.1 Membership of the MIA requires the following core ethical values to be observed by its members in their professional practice:

4.2 **Professional behaviour:** When dealing with the MIA and with MIA matters, such as presenting CPD or attending events, members must act in the MIA's best interests and with a high degree of professionalism, integrity, and mutual respect. This requires members to:

- a. treat other MIA members, the MIA sponsors and the MIA employees and position holders with respect;
- b. uphold the MIA's good reputation;
- c. act in a manner so as not to bring the MIA or its mission into disrepute; and
- d. engage with other MIA members, MIA staff and MIA position holders in a positive and constructive manner, especially when serving on Boards, Committees or Advisory Panels.

4.3 **Integrity:** Members must maintain the highest level of integrity in all interactions, including with the MIA, fellow MIA members, and stakeholders. This includes:

- a. complying at all times with the various regulatory instruments for RMA's and Legal Practitioners set out at Appendix 1;
- b. being straightforward and honest in all professional and business interactions;
- c. placing the integrity of the migration profession and the interests of clients above personal interests; and
- d. not engaging in activities that conflict with their fiduciary, ethical and legal obligations.

4.4 **Objectivity:** MIA members must not allow their professional judgment to be compromised by bias or a conflict of interests.

4.5 **Professional competence and due care:** MIA members must ensure that they maintain their knowledge of the migration legislation and policies by actively educating themselves and ensuring they stay abreast of any changes. This requires that members:

- a. maintain a high level of care and act with due diligence when providing migration services;
- b. recognise individual boundaries of professional competence and practice within areas of competence; and
- c. maintain, develop and enhance professional expertise through relevant Continuing Professional Development (CPD) and other professional development activities.

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<sup>2</sup> The [MIA Rules](#) at Item 8 Discipline of members.

**4.6 Anti-discrimination and harassment:** The MIA is committed to providing a safe and respectful environment, free from all forms of bullying, sexual harassment and discrimination. This requires that members must not, in the course of, or in connection with the practice of the migration profession,<sup>3</sup> engage in conduct which constitutes discrimination, sexual harassment,<sup>4</sup> or bullying,<sup>5</sup> or any other form of harassment.

**4.7 Confidentiality:** In performing their role or interacting with the MIA, members may receive or have access to the MIA's confidential information.<sup>6</sup> Confidential information is proprietary and valuable, and unauthorised disclosure may cause the MIA damage. Members must:

- a. not release any confidential information to a third party without proper authority;
- b. respect the confidentiality of MIA information provided as an MIA member benefit or any other MIA related information, however obtained; and
- c. where non-confidential MIA information is provided to clients or prospective clients, members must make every effort to acknowledge the MIA as the source of the information.

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<sup>3</sup> 'Conduct in connection with the practice of the migration profession' includes but is not limited to electronic communications (including emails, text messages, social media and forum posts or messages) and conduct at events connected with the MIA or migration profession (including networking, CPD or social functions).

<sup>4</sup> 'Sexual harassment' means unwelcome sexual conduct that a reasonable person would anticipate would offend, humiliate or intimidate the person harassed.

<sup>5</sup> 'Bullying' means unreasonable behaviour that could reasonably be expected to intimidate, degrade, humiliate, isolate, alienate or cause serious offence to a person.

<sup>6</sup> In this context, 'confidential information' includes all non-public MIA information made available to members. Unless proven otherwise, all MIA information is deemed confidential information.

Appendix 1<sup>7</sup>

Registered Migration Agents	All jurisdictions	<ul style="list-style-type: none"> <li>• <a href="#">The Office of the Migration Agents Registration Authority (OMARA) Code of Conduct for Registered Migration Agents</a></li> </ul>
Legal Practitioners	Australia's Capital Territory	<ul style="list-style-type: none"> <li>• <a href="#">Legal Profession (Solicitors) Conduct Rules 2015</a></li> <li>• <a href="#">Legal Profession (Barristers) Rules 2021</a></li> </ul>
	New South Wales	<ul style="list-style-type: none"> <li>• <a href="#">Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015</a></li> <li>• <a href="#">Legal Profession Uniform Conduct (Barristers) Rules 2015</a></li> </ul>
	Northern Territory	<ul style="list-style-type: none"> <li>• <a href="#">Rules of Professional Conduct and Practice Barristers' Conduct Rules</a></li> </ul>
	Queensland	<ul style="list-style-type: none"> <li>• <a href="#">Australian Solicitors Conduct Rules 2012</a></li> <li>• <a href="#">2011 Barristers' Rules</a></li> </ul>
	South Australia	<ul style="list-style-type: none"> <li>• <a href="#">South Australian Legal Practitioners Conduct Rules</a></li> </ul>
	Tasmania	<ul style="list-style-type: none"> <li>• <a href="#">Legal Profession (Solicitors' Conduct) Rules 2020</a></li> <li>• <a href="#">Legal Profession (Barristers) Rules 2016</a></li> </ul>
	Victoria	<ul style="list-style-type: none"> <li>• <a href="#">Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015</a></li> <li>• <a href="#">Legal Profession Uniform Conduct (Barristers) Rules 2015</a></li> </ul>
	Western Australia	<ul style="list-style-type: none"> <li>• <a href="#">Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015</a></li> <li>• <a href="#">Legal Profession Uniform Conduct (Barristers) Rules 2015</a></li> </ul>

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<sup>7</sup> This list is not an exhaustive list of all sources of the rules relating to the professional conduct and obligations of migration professionals.