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| HEALTH PROFESSIONS LICENSING AUTHORITY |
| TITLE: Recruitment Agent /Migration Agent policy |
| EFFECTIVE DATE: May 2006 |
| REVIEW DATE: May 2008 |
| NURSING AND MIDWIFERY BOARD OF THE NORTHERN TERRITORY |

Purpose

To provide clear direction to staff at the Health Professions Licensing Authority, members of the Board, Agents, members of the public and intending registrants about the requirements that need to be met by a Recruitment Agent or a Migration Agent.

Failing to meet the requirements, as outlined in the Policy, will result in the Board not accepting an application that is lodged by the Recruitment Agent or the Migration Agent on behalf of an applicant.

Definitions

For the purposes of this policy the following definitions apply:

Agent

Is a person authorised to act on behalf of another.

Recruitment Agent

Is anyone, who for a fee, assists a person to obtain employment.

Migration Agent

Is anyone, who for a fee, uses knowledge of migration procedures to offer advice or assistance to a person wishing to obtain a visa to enter or remain in Australia. In accordance with the *Migration Act 1985 (Cth)* a Migration Agent must be registered where they provide "immigration assistance" as defined in the Act or where they request or receive a fee for immigration representations and /or assistance with a ministerial intervention request.

Support person

Is anyone, who does not charge a fee, and assists a person to apply for registration in the Northern Territory as a nurse or midwife, with the ultimate aim of obtaining employment. Typically a support person may be:

- prospective employer
- family friend
- officials acting in the course of their duties
- family members
- parliamentarians and their staff
- members of diplomatic mission, consular posts or international organisations

Background

The Board receives many enquiries about the recruitment of nurses and midwives from recruitment agents. The Recruitment Agents may be:

1. Based in Australia and only deal with nurses and midwives who are resident in Australia and have current registration;
2. Based in Australia and deal with nurses and midwives who have an overseas qualification and wish to come to Australia to work; or
3. Based off shore and seek to recruit nurses and midwives who have an overseas qualification and wish to come to Australia to work.

The Board is concerned with issues that may arise from unethical recruitment of nurses, especially nurses and midwives from overseas.

Reports from the International Council of Nurses (ICN) and the Commonwealth Health Ministers (2003) indicate that unethical practices occur in the recruitment of overseas nurses and midwives for migration. These unethical practices relate to:

- Charging of exorbitant rates for assisting with migration;
- Recruiting staff from developing countries which are themselves experiencing nurse and midwife shortages; and
- Providing incorrect information regarding registration and employment opportunities.

In addition, anecdotal information has been received by the Board that indicates that some Recruitment Agents have falsified documents, withheld salaries and have acted in a deceptive manner.

Criteria to be met.

1. All Recruitment Agents and Migration Agents must complete an authority form, which is signed by both the nurse or midwife and the Agent. The original of the form must be lodged with the Board. The form must contain the following information:
 - Name, address, telephone details of applicant;
 - Name, address, telephone details of Agent's nominated person;
 - Description of Agent's role in the application process;
 - Date of commencement of Agent's authority; and
 - Date of expiry of Agent's authority
2. In addition to the above, all Migration Agents must provide written evidence, which will be verified by the Board, that they hold current registration with the Migration Agents Registration Authority and/or have current membership and registration with the Migration Institute of Australia.

Processing applications and follow up

HPLA staff will only respond to queries from a Recruitment Agent or a Migration Agent in regards to a current application if an authority form has been lodged with the Board. The Board will communicate concerns about unethical Recruitment Agents or Migration Agents to the Department of Immigration and Multicultural Affairs, to employers or to other nurse and midwife regulatory authorities.

Supporting documents

Australian Nursing and Midwifery Council (ANMC) position statement "Ethical Recruitment of Overseas Nurses"

International Council of Nurses (ICN), 2002, "Ethical Nurse Recruitment". ICN Geneva
Commonwealth Code of Practice for International Recruitment of Health Workers (2003)