

SUMMARY OF COMPLAINT AGAINST MIKLOS RAKOS

MAR #: 1173293

In November 2014, my partner and I retained the consulting services of Migration Agent Miklos Rakos to secure a 489 skilled work visa that would allow J_____ would work as a nurse in Australia. We subsequently learned that Mr. Rakos was not qualified or could not competently provide services for prospective nursing migration candidates and that he took our money under false pretenses.

In November 2013, we initiated the arrangement with a consulting fee of \$150, for which Mr. Rakos reviewed our application and indicated that we would, indeed, qualify for a 489 visa depending upon the outcome of an IELTS exam. (Attachment A) J___ took the exam, as instructed by Mr. Rakos, and recorded a superior result that was extolled by Mr. Rakos in subsequent emails. We later learned the score was not applicable to her skills assessment and thus meaningless.

We also had some concern about J_____’s eligibility because of the “recency of practice” requirement that we were told about by a friend. We posed this concern to Mr. Rakos during a telephone consultation prior to signing the fee agreement. After a three weeks of silence, he finally advised us that it was not a problem and cited specific code language to us (without identifying the source of that language – See Attachment B). It turned out that the code he cited was inapplicable.

Based upon the representations by Mr. Rakos that J_____’s IELTS exam score was applicable to the 489 visa and that recency of practice would not be an issues, we entered into a formal fee agreement on 4 February, 2014. (Attachment C). We paid Mr. Rakos A\$1050 (Attachment D) based upon his representations. He sent us a confirmation letter on 11 February detailing the documents we would need to provide him to move forward on the visa application. (Attachment E)

We shortly thereafter learned from other migration agents that Mr. Rakos was wrong on both accounts and that J_____ was not eligible for a 489 visa. On 19 February, during a visit in Perth, a friend indicated to us that Mr. Rakos may have given us bad information. We investigated and then notified Mr. Rakos immediately of our concerns. His response was evasive and defensive. He also compounded his malpractice as he attempted to justify his recommendation that J_____ pursue an AHPRA registration; his strategy was applicable only if J_____ wasn’t under the time constraints that we’d described to him and he’d acknowledged previously. His direction to pursue AHPRA registration and the, afterwards, complete the ANMAC process by July 2014 was completely infeasible. (Attachment F)

Within a period of two weeks after signing the fee agreement with Mr. Rakos, we determined that:

1. He didn't realize that J___'s exam results were inapplicable to the ANMAC process and that she'd have to sit again for the exam;
2. He had advised us wrongly about the recency of practice requirement, citing the wrong standard; and
3. He had advised us to proceed with AHPRA registration in disregard of the short timeline in which J___ had to work (5 months)

We promptly cancelled our contract with Mr. Rakos and interviewed two other MAs. (names of each of the consulting MAs with which we consulted will be provided upon request on a confidential basis) They each advised us that a 489 visa was not feasible and that Mr. Rakos had given us erroneous advice. Moreover, each of them immediately recognized the inapplicability of J___'s IELTS score without prompting by us. It became clear to us that Mr. Rakos was not familiar with the ANMAC process and failed to disclose his inaptness to us.

Upon our return to the USA, we requested a refund from Mr. Rakos on the basis that he'd not provided the services for which we had contracted and that his failure to perform resulted in J___'s ineligibility for a 489 visa. (Attachment G) Had Mr. Rakos properly advised us from the start, J___ would possibly have been so eligible, but is misadvice and inattentiveness made the timeline infeasible and prohibited her eligibility for a 489 visa.

Mr. Rakos rejected our refund request, arguing that he'd used up the entirety of the initial retainer on the research and responses to our inquiries. (Attachment H). However, his *undated* itemized charges were actually for flawed research and dilatory responses that did not comport with the services for which we contracted. Rather than accepting responsibility and offering a refund, Mr. Rakos sought to charge us for incompetent services and his attempts to deflect fault. At no time during our brief association with him did he provide us with competent migration service.

ATTACHMENT A

Miklos Rakos miklos@star-migration.com.au

11/27/
13

Hi _____,

Please find attached assessment for your perusal.

I am afraid that the options I could come up with do come with a high risk due to the age factor (no, I didn't mean to call any of you old☺).

I had to base my plan on J____ as he is "too old" for the general skilled visa options but "too young" for the retirement visas.

J____, your future depends greatly on the English test. While I know this sounds ridiculous, but unfortunately you will have to prove your English being better than required from an English teacher.

I'll let you look through the assessment and I am looking forward to your questions

11/28
/13

to Miklos

Hello Miklos -

Thank you for your prompt response to our assessment application. While we have a fair number of questions that can be addressed in a subsequent consult, it seems to us that the threshold question is whether J____n can score "Superior" on the IELTS English proficiency test. The IELTS exam (general training) is being administered on 7 December here in _____. Unless you advise to the contrary, J____ will endeavor to take this exam and then we can check whether her score results are sufficient to land her the requisite 20 points. After that, we can check in with you and assess her eligibility. Let us know if you have any alternate suggestions to this approach.

Regards,

12/16/
13

to Miklos,

Hi Miklos -

I wanted to update you on our process. J___ took the English proficiency exam on 14/12. She is expected to get the results in the first week of January. We'll be in touch shortly thereafter and can, with this information, proceed with an evaluation of her qualifications for migration.

Cheers,

Miklos Rakos miklos@star-migration.com.au

12/29/
13

Hi

While I had no doubt that the IELTS will have a fairly high score, I have to admit that this is the best test score I have seen from someone who is not an IELTS-examiner!

Congratulations!!!

I could do probably the 7th r the 8th of January on skype if suits. Looking at my inbox I think Monday the 6th will be a rather big day...

Miklos

ATTACHMENT B

From:

Sent: Saturday, 1 February 2014 6:47 AM

To: Miklos Rakos

Subject: Re: RN at Sharp

Hi Miklos -

Thanks for getting back to us. We'd pretty much given up hope that you were going to respond. Up until now, you'd been so responsive, that the prolonged silence was unnerving. So, some questions:

1. Sounds like you are still convinced that there is a high likelihood of success if we were to move forward. If that isn't the case, you can ignore the following questions.
2. What do need from us to move forward. I assume you'll want to arrange for some kind of payment and agree to terms of service. I assume you'll need some additional information from us. And I assume we have to execute a written agreement. Please advise.
3. We are looking forward to working with you, but are looking for some assurance that you can be more responsive to us as we proceed. Over two weeks without any e-mail contact during what may be a time-pressed process created concerns that we hope you can address for us as we move forward. We are far from micromanagers (as we manage many people ourselves) but we may need something like a weekly e-mail update just to ensure that things progress smoothly and communication lines are unclogged. We'd appreciate your thoughts.

Let us know if and how you'd like to proceed.

On Thu, Jan 30, 2014 at 5:29 PM, Miklos Rakos <miklos@star-migration.com.au> wrote:

Hi _____

After having spoken with countless people and authorities I finally got the relevant information.

J_____ will meet the requirement for 'Recency of practice' as the term "practice" has been defined as:

'...any role, whether remunerated or not, in which the individual uses their skills and knowledge as a nurse or midwife ...practice is not restricted to the provision of direct clinical care. It also includes working in a direct non-clinical relationship with clients, working in management, administration,

education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession and/or use of their professional skills'.

Apologies for the delay, I have been going through some bureaucratic channels to end up being told to look at the relevant publication hidden on one of the websites...

Best Regards

Miklos Rakos

Registered Migration Agent MARN 1173293

ATTACHMENT C

Miklos Rakos miklos@star-migration.com.au

Fe
b
3

to me

Hi _____

Please find attached documents

Best Regards

Miklos Rakos

Registered Migration Agent MARN 1173293

Contract/Fee Agreement – separate PDF

ATTACHMENT D

INVOICE

ATTACHMENT E



11/02/2014
CLIENT ID:

California 92111
United States

Dear _____

Thank you for giving me the trust and allowing me to represent you during the process of your 489 - Skilled - Regional (Provisional).

When your eligibility for a GSM visa is being actively assessed, your case officer will be reviewing the evidence provided and if required, requesting additional evidence that supports your claims.

This document will provide you with the step-by-step information you need to prepare the necessary evidence for the application to be decision ready

In the following pages you'll find the following:

1. Your application checklist
2. Explanatory statements
3. Example statements

ATTACHMENT F

Feb
19

to Miklos,

Hi Miklos,

While in _____, we visited with a friend in the health field who was familiar with the process that we've undertaken. They were quite insistent that the AHPRA AGOS-40 form that you sent us would not be helpful with the visa process. Instead, they urged us to go to the ANMAC website to check it out. We did so this afternoon and here's what we found:

- We need to go through ANMAC to get J____'s skills assessment; AHPRA is for nursing registration only. ANMAC website was quite clear about this,
- MA's cannot certify documents for ANMAC's assessment process;
- ANMAC requires the academic IELTS exam, not the general one that J____ took, potentially creating a major delay if she needs to retake this exam;
- The recency of practice language that you found is not applicable to ANMAC, which apparently applies a different standards. It's not clear how ANMAC will view J____ systems analyst work.

As you can imagine, our examination of these requirements raises a lot of new questions. You have been very honest in saying that nursing and healthcare was not your area of specialty. Before we proceed any further, it seems to me that we have an opportunity to reassess as to whether your experience will enable you to guide us effectively through what appears to be a fairly specialized set of requirements dictated by ANMAC. And the fact that you seemingly did not know about ANMAC but instead sent us to the AHPRA process is unnerving, at the least.

Thus, before the planned meeting on Saturday (about which we've not yet heard from you about confirmation), we ask whether you still feel qualified and interested in working on this project. We request a response from you by noon -- your time -- on Thursday, so that we can plan accordingly. Thanks for your anticipated prompt response.

Miklos Rakos

Feb
19

Hi _____

Please find answers below

- We need to go through ANMAC to get J____ skills assessment; AHPRA is for nursing registration only. ANMAC website was quite clear about this,

ANMAC is the body for migration registration, AHPRA is for nursing registration this is correct. If you look at your assessment, ANMAC is given to be the assessing authority.

Given that you have looked through the ANMAC website, I can only assume you have come across the different pathways of the assessment. AHPRA registration would make the skills assessment faster and cheaper; also less problematic, as J____ would have current Australian registration.

- MA's cannot certify documents for ANMAC's assessment process;

This is correct, I actually included this information in your document on page 8 and page 9. I had no intention of certifying the documents myself, but to use the services of the Justice of the Peace I normally get to certify documents I cannot do.

- ANMAC requires the academic IELTS exam, not the general one that J____ took, potentially creating a major delay if she needs to retake this exam;

I admit that I have not corrected you when you informed me on 29/11/2013 that J____ is to do the test. When creating the assessment, link to the assessing authority is provided as I don't do through on the "what to do and how to do it" during the assessment. Given that I wasn't your agent at the time, I made the assumption that you looked into the details. Clearly was a incorrect assumption. I was focusing on the points value of the IELTS, therefore your eligibility and it didn't occur to me that you did book the test without looking into it.

- The recency of practice language that you found is not applicable to ANMAC, which apparently applies a different standards. It's not clear how ANMAC will view J____ systems analyst work.

The reason on the AHPRA registration is to go through the modified assessment. The very fact that J____ has an AHPRA registration changes the level and method of skills assessment. The advice was actually given my AHPRA/ANMAC when I made enquiries.

I have no doubt that you do have a lot of concern, most people do. The fact that I am not specialized on the medical field does mean that I have to spend more time researching the information provided by the authorities and other agents/lawyers. Having said this, the nature of the industry is that every case needs to be researched individually due to the changes that can occur any day of the year. I have had one visa refusal (currently under review) and probably about 3 unsuccessful skills assessment, all from assessing bodies I lodge on the daily bases. I consider myself being rather cautious when working with the future of my clients.

The question is not whether or not I am "qualified or interested"; it is whether or not you do trust me to work on your case.

Look forward to hearing from you

Best Regards

Miklos Rakos

ATTACHMENT G

Mar 6 (8
days ago)

to Miklos

Miklos -

Thank you for the statement of account. I'm afraid that I have to contest the \$1050 payment that you charged on the basis that you did not provide the services for which we contracted. We have consulted with three MAs and one attorney while we were in Australia. All of them have counseled us against pursuing the 489 visa process. What we learned is that:

- Your failure to notice that the IELTS scores were for the general test and not the academic test was a fatal error that requires us to abandon our pursuit of a 489 visa. She would have to take the exam again and the results would not be available soon enough to complete the ANMAC process. In short, the 489 process is no longer feasible.

- Your counsel that we should make application to the AHPRA was in error. We need to go through ANMAC to get J_____skills assessment. The AHPRA process would have been justified had J_____ had a year or more before her birthday, but that was not the case.

At this point, we cannot pursue migration without an employer-sponsorship. That would not have been the case had you advised us (as the others all caught without prompting) that her IELTS exam was inapplicable. If you choose to retain monies that you did not earn for services that undermined our migration effort, I shall have to contest the charge through all feasible avenues. You appear to be a reasonable man and we are hopeful that you do not force us to elevate this dispute. In light of what we learned and the minimal effort that you had expended up until the point of termination, we believe you will not find it appropriate to withhold the retainer that we offered in good faith.

We look forward to your consideration of this request.

ATTACHMENT H

H- Response to demand for refund (pdf file)