



# Immigration Advisers Authority

New Zealand Government

## Immigration Advice Consumer Guide

where to go | what to do | how to complain



## Do you need advice about a New Zealand immigration matter?

This Guide helps you find out:

- who to go to for advice
- the standards that licensed immigration advisers must follow
- how we can help you at the Immigration Advisers Authority.

### What does the Immigration Advisers Authority do?

The Immigration Advisers Authority was set up under the Immigration Advisers Licensing Act 2007. The purpose of this legislation is to:

- promote and protect the interests of consumers receiving 'immigration advice' and
- to enhance the reputation of New Zealand as a migration destination by providing for the regulation of persons who give 'immigration advice'.

It is illegal for a person to provide 'immigration advice' without a licence, unless they are exempt. You can find a full list of who is exempt on our website, [www.iaa.govt.nz](http://www.iaa.govt.nz).

We:

- are part of the New Zealand government
- issue licences to people competent in giving 'immigration advice'
- keep a register of licensed immigration advisers that you can access
- deal with complaints if you have a problem with your adviser
- prosecute people who give 'immigration advice' illegally.

### What is 'immigration advice'?

New Zealand law says 'immigration advice' is when a person uses their knowledge of, or experience in, immigration to tailor advice to your particular circumstances.

## I need immigration advice, what are my options?

Option	Cost	Website
Deal with Immigration New Zealand yourself	Free	<a href="http://www.immigration.govt.nz">www.immigration.govt.nz</a>
Get help from your family and friends	Free It is illegal for your family and friends to give you advice systematically, or ask for payment for advice.	N/A
Contact your nearest Citizens Advice Bureau	Free	<a href="http://www.cab.org.nz">www.cab.org.nz</a>
Contact your Member of Parliament	Free	<a href="http://www.parliament.govt.nz">www.parliament.govt.nz</a>
Contact your nearest Community Law Centre	You may have to pay fees	<a href="http://www.communitylaw.org.nz">www.communitylaw.org.nz</a>
Contact a licensed immigration adviser	You will have to pay fees*	<a href="http://www.iaa.govt.nz">www.iaa.govt.nz</a>
Contact a lawyer	You will have to pay fees*	<a href="http://www.lawsociety.org.nz">www.lawsociety.org.nz</a>

\* Immigration advisers and lawyers may choose to carry out work for free in some cases.

**Information about lawyers**

If you choose to use a lawyer, they must have a current New Zealand practising certificate from the New Zealand Law Society. Find your lawyer's name on the list of practising lawyers at [www.lawsociety.org.nz](http://www.lawsociety.org.nz).

If you have a problem with your lawyer, you can complain to the New Zealand Law Society.

**Information about immigration advisers**

An immigration adviser can help you to:

- choose the right visa for you
- apply for the visa
- appeal a declined visa to the Immigration and Protection Tribunal
- deal with your unlawful status
- claim refugee and protection status.

Immigration advisers can also help with a range of other immigration matters.

Your adviser must have a current licence.

**To check if your adviser has a current licence:**

- Find your adviser's name in the register on our website [www.iaa.govt.nz](http://www.iaa.govt.nz)
- Check your adviser's certificate
- Check your adviser's wallet card



Only licensed immigration advisers can use the Immigration Advisers Authority Trademark.



## Are all immigration advisers the same?

No. There are three different types of immigration adviser licences.

Immigration Adviser Licence types:	
Full	Can provide you with advice on a full range of immigration matters
Provisional	Can provide you with advice on a full range of immigration matters but must be supervised by a full licence holder
Limited	Can only provide you with advice on certain immigration matters

You should check which type of licence your adviser holds and whether they can deal with your immigration matter.

## How must an immigration adviser behave?

Your adviser must follow a set of ethical and professional standards when dealing with you. These standards are set out in the *Licensed Immigration Advisers Code of Conduct*.

Your adviser must display this code of conduct in their office and give a copy to you. You can also read the code of conduct on our website, [www.iaa.govt.nz](http://www.iaa.govt.nz).

## How much does a licensed immigration adviser cost?

Average fees for licensed immigration advisers are on our website, [www.iaa.govt.nz](http://www.iaa.govt.nz).

Advisers charge different fees depending on the:

- complexity of your immigration matter
- adviser's level of qualification and experience.

Your adviser must:

- charge fair and reasonable fees in relation to your circumstances
- work in a way that does not unnecessarily increase costs
- give you a contract, known as a written agreement, that explains:
  - their fees
  - any other costs
  - when and how you must pay these fees and costs
- tell you about any increases to fees or costs as soon as they know about them
- get your agreement in writing to any increases in fees or costs before doing any additional work.

### **I want to use a licensed immigration adviser. What can I expect?**

Your adviser must be honest. They must:

- be honest with you about your immigration options
- tell you about any conflicts of interest they may have in advising you
- tell you if they benefit from any service or product they recommend to you.

Your adviser must help you understand. They must:

- help you find an interpreter or translator if you need one
- explain the code of conduct to you
- give you a written agreement in plain language
- explain the written agreement and all the important items in it to you.

Your adviser must act professionally. They must:

- work within their areas of knowledge and skill
- promptly submit your application to maintain your lawful immigration status
- write to you when your application has been lodged
- keep you informed throughout the immigration process
- give you an invoice describing what they did for you each time they ask for money
- keep your passports and personal documents safe
- return your passports and personal documents to you as soon as you ask for them
- not tell anyone your confidential information (except if the law requires them to).
- write to you to confirm the details of important discussions.

### **My immigration adviser wants me to sign a written agreement. Is this okay?**

A written agreement is a contract. It is legally binding. Your adviser is required under the code of conduct to give you a written agreement.

Check you understand everything in your written agreement before you sign it, or get help if you do not. A lawyer can help you understand the written agreement. A lawyer at a Community Law Centre may advise you for free.

Your adviser must also sign the written agreement.

The written agreement must:

- fully describe the work the adviser will do for you
- include the total amount of fees and costs you need to pay
- tell you when and how you must pay
- explain their refund policy, if they have one
- explain how to complain if you have a problem with their work.

If any changes are made to the written agreement after you have signed it, you must agree to these in writing.

Your adviser must also:

- have an internal complaints procedure
- give you a copy of their internal complaints procedure and explain this to you
- give you information about how you can complain to the Immigration Advisers Authority and explain this to you.

### **My immigration adviser has asked me to pay before they do the work. Is this okay?**

Some advisers ask you to pay fees and costs set out in the written agreement in advance.

In this situation, your adviser must keep the money in a separate clients' bank account, not in their own bank account.

Your adviser can only withdraw the money on the agreed date for payment set out in the written agreement. Your adviser must issue you an invoice on that date.

If you agree with your adviser to pay a sign on fee however, this is not considered to be a payment in advance.

## **Communicating with your immigration adviser**

Your immigration matter can involve many discussions with your adviser, and in some situations their staff.

To avoid misunderstandings, we suggest that you keep:

- all emails and letters from your adviser
- all emails and photocopies of letters you write to your adviser
- certified copies of your passport and personal documents.

Each time you have a conversation about your immigration matter, write down:

- who you spoke to
- the date and time you spoke to them
- a short description of the discussion
- what was agreed.

Your adviser must write to you to confirm the details of all important discussions with you.

## **How can I find out how my immigration matter is progressing?**

You can ask your immigration adviser. You can also ask Immigration New Zealand.

## **Ending a written agreement**

The written agreement ends when:

- your immigration adviser finishes the work and you have paid them
- you or your adviser ends the written agreement early in writing.

If your adviser ends the agreement, they must take reasonable steps to make sure your interests are represented.

## **I have a problem with my immigration adviser. What should I do?**

Discuss your problem with your adviser. Explain your concerns clearly, and suggest how your adviser can resolve them. Your adviser must follow their internal complaints procedure to help fix the problem.

You can complain to the Immigration Advisers Authority if:

- you cannot resolve the problem with your adviser
- it is not appropriate to deal with your adviser directly.

## **Complaints to the Immigration Advisers Authority**

You can complain about any currently licensed immigration adviser, or anyone who has held an immigration adviser licence in the last two years.

Your complaint must be in writing. We recommend that you use our Complaint Form. Phone us free from within New Zealand on 0508 422 422, or on + 64 9 9253838 from overseas, and we will post the form to you. Or get the form from our website, [www.iaa.govt.nz](http://www.iaa.govt.nz).

Your reason for complaining can be the adviser's:

- negligence
- incompetence
- incapacity
- dishonest or misleading behaviour
- breaching of the code of conduct.

After you complain, we will:

- write to say we received your complaint
- ask for more information if we need it
- tell you when we decide whether to accept or reject your complaint.

If we accept your complaint, we will send it to the Immigration Advisers Complaints and Disciplinary Tribunal (the Tribunal).

If we reject your complaint, we will explain why. If you disagree with us, you may be able to appeal to the Tribunal. Get more information about appealing to the Tribunal from the Ministry of Justice website, [www.justice.govt.nz](http://www.justice.govt.nz).

### **My complaint has been referred to the Tribunal. What happens now?**

The Tribunal will write to say it received your complaint. It will also keep you updated until a decision is made.

The Tribunal can decide to:

- dismiss your complaint
- uphold your complaint, but take no further action against the adviser
- uphold your complaint, and take further action against the adviser.

If the Tribunal decides to take further action against the adviser, it may:

- caution or censure the adviser
- require the adviser to undertake training
- suspend or cancel the adviser's licence
- issue an order preventing the adviser from reapplying for a licence for up to two years, or until certain conditions are met.

The Tribunal may also make the immigration adviser:

- pay up to \$10,000
- pay costs
- refund fees or expenses to you or another person
- compensate you or another person.

Learn more about the Tribunal from the Ministry of Justice website, [www.justice.govt.nz](http://www.justice.govt.nz).

### **Can I complain about a licensed immigration adviser on behalf of someone else?**

Yes. Follow the process above.

### **I know someone who is giving immigration advice without a licence. What should I do?**

Tell us.

We will assess the information you give us, and prosecute serious cases. People who give immigration advice without a licence can be fined up to \$100,000 and/or go to jail for up to seven years if convicted.

**I am unlawfully in New Zealand and am afraid to come forward. What can I do?**

Talk to us.

The Immigration Advisers Authority is separate from Immigration New Zealand. We will not share any information you give us with Immigration New Zealand (except if the law requires us to).

We are here to protect you, whether you are here lawfully or not.

This publication is adapted from the Commonwealth publication *Office of the Migration Agents Registration Authority Consumer Guide*. We gratefully acknowledge the support of the Department of Immigration and Citizenship [www.immi.gov.au](http://www.immi.gov.au) in making its publications available to us for educational use.

## Checklist for using an immigration adviser

I know my adviser is licensed and can deal with my immigration matter

- My adviser's name is on the register of immigration advisers at [www.iaa.govt.nz](http://www.iaa.govt.nz)
- My adviser has an immigration adviser's certificate and wallet card
- My adviser has the right type of licence to help me

Before I sign the written agreement, my immigration adviser must:

- help me find an interpreter or translator if I need one
- give me a copy of the Licensed Immigration Advisers Code of Conduct and explain it to me
- tell me about any conflicts of interest they might have in advising me
- tell me if they benefit from any service or product they recommend to me
- give me a written agreement in plain language, and explain it to me
- give me a copy of their internal complaints procedure, and explain how I can complain if I have a problem with their work
- give me information about how I can complain to the Immigration Advisers Authority, and explain this to me
- give me information about how I can complain to the Tribunal, and explain this to me

The written agreement must:

- fully describe the work my adviser will do for me
- include the total amount of fees and costs I need to pay
- tell me when and how I must pay
- explain my adviser's refund policy, if they have one

Before I sign the written agreement, I check that I:

- understand all of the written agreement
- agree that the fees I need to pay are fair and reasonable in my circumstances

To avoid misunderstanding, I keep:

- emails between me and my adviser
- letters my adviser sends me
- photocopies of letters I send my adviser
- notes of discussions I have with my adviser, their staff, or Immigration New Zealand

While my adviser is working, they:

- write to tell me when they have lodged my immigration application
- keep me informed throughout the immigration process
- give me an invoice describing what they did for me – each time they ask for money
- keep my passports and personal documents safe, and return them to me as soon as I ask for them
- write to me to confirm the details of important discussions
- write down any changes to our written agreement, and get my approval
- tell me about any increases to fees or costs as soon as they know about them
- get my agreement in writing to any increases in fees or costs before doing any additional work

## Notes

