

**FORM 401**

# Trans-Tasman Mutual Recognition Act 1997 Application

This application form is for individuals who are registered as a migration agent through the Australian Office of the Migration Agents Registration Authority and who are applying for a New Zealand immigration adviser licence for the first time, or wish to re-enter into the profession.

**JUNE 2021**



## LICENSED PROFESSIONAL PROTECTED MIGRANT

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## What you need

1. This application form is for individuals who are a migration agent registered through the **Australian Office of the Migration Agents Registration Authority** (the OMARA) and are applying for a New Zealand immigration adviser licence for the first time, or wish to re-enter into the profession.
2. There are three immigration adviser licence types in New Zealand: full, limited and provisional. TTMRA applicants who have not previously held a New Zealand immigration adviser's licence must apply for a provisional licence. This means you must be supervised by the holder of a full New Zealand immigration adviser's licence, and you must also complete **Form 101A: Supervision Arrangement Application**.
3. As of 22 March 2021, lawyers who hold an Australian practising certificate may have been removed from the regulatory scheme governing Australian Migration Agents and as such they will not be eligible to apply for a New Zealand Immigration Advisers Licence under section 19 Trans-Tasman Mutual Recognition Act 1997. Please ensure that you are able to provide evidence of your registration as an Australian Migration Agent before submitting this application. Further information about exempt persons, and the Trans-Tasman Mutual Recognition arrangement, is available on the Immigration Advisers Authority (the Authority) website. Please consult OMARA for further information on how to register as a Migration Agent.



*If your New Zealand licence has expired less than 12 months ago and you are re-entering the profession, or if you are applying for a New Zealand licence for the first time, consider applying online. Do it now by going to [www.iaa.govt.nz](http://www.iaa.govt.nz) and clicking the "Apply" link.*



## Information about TTMRA

1. The TTMRA provides for mutual recognition of equivalent registered occupations and a streamlined registration process, providing the requirements are met.
2. A migration agent who is registered with the OMARA and is seeking registration in New Zealand for the first time must give notice in writing to the Registrar of Immigration Advisers (the Registrar) and provide the information prescribed by [section 19\(2\)](#) of the TTMRA.
3. All licensed immigration advisers, including advisers who apply under the provisions of the TTMRA, are listed on the public [register of licensed immigration advisers](#) available on the Authority website.
4. The TTMRA does not allow the Registrar to test a TTMRA applicant's understanding of New Zealand immigration matters before granting them a licence.
5. All licensed immigration advisers, including those licensed under the TTMRA, are required to comply with the Licensed Immigration Advisers Code of Conduct (code of conduct) and the Immigration Advisers Competency Standards.
6. If your application is postponed or refused, or if conditions are imposed, you have a right of appeal to the Trans-Tasman Occupations Tribunal that has been established by the Ministry of Justice to hear appeals under the TTMRA. Contact details and further information is available on the [Ministry of Justice](#) website.

## Your completed application must include all of the following:

1. Completed Form 401: Trans-Tasman Mutual Recognition Act 1997 Application.
2. Completed Form 101A: Supervision Arrangement Application.
3. Any documents and evidence as required by the form.
4. A completed application checklist.

## Important notes

1. On the cover page of this application form is a date of issue. Please check you are using the latest form before continuing as old forms will not be accepted. Check [www.iaa.govt.nz](http://www.iaa.govt.nz) for the latest version of all forms.
2. You must complete all sections of this application form. Please read through the whole application form before you start. This will give you a clear idea of what you need to provide.
3. A checklist is included at the back of this application form. When you have completed your application, work through the checklist to ensure that you have answered all questions and attached all necessary supporting documents. Complete the checklist before you submit your application for a licence.
4.  This paperclip symbol indicates that there are documents you need to attach to your application form.
5. All documents must be certified copies. A certified copy is a photocopy of the original documents witnessed by a person who is authorised to witness a statutory declaration. Do not send original documents.
6. A full list of potential certifiers can be obtained from [sections 9 and 11 of the Oaths and Declarations Act 1957](#). To complete certification, a signature is required on each page of the copy, with the name and title of the person certifying shown legibly below their signature.
7. Some of the information you provide will be displayed on the public [register of licensed immigration advisers](#). The information that will be displayed on the register is identified in the application form with this symbol. 
8. All information provided in this application form must be in English.
9. When you have completed your application form and the supplementary documentation, clip them together with any other attachments in one package addressed to the postal or physical address of the Authority. You may also deliver your application in person to the Authority during business hours.
10. Please do not send a courier package to the Authority's postal address. This may cause a delay in lodging your application.
11. You must retain a copy of your application form, supplementary documentation and any attachments you provide for your own records. You may be asked by the Authority to refer to this information during the assessment of your licence application.
12. On receipt of your application it will be checked to confirm that it is complete. If your application is complete it will be lodged and assigned to an assessor.
13. The assessor will send a request to the OMARA for information regarding your registration with the OMARA and to ascertain if there are any conditions imposed on your registration.
14. The Registrar will then decide whether your application for a licence should be granted or refused within one month of the date of receipt of a complete application. During that period you are deemed registered.
15. If your application for a licence is approved, the Registrar will grant you a New Zealand immigration advisers licence and will add your name to the public [register of licensed immigration advisers](#).
16. You will then receive a licence certificate, wallet card and information about being a New Zealand licensed immigration adviser.
17. If your application is postponed or conditions are imposed on your licence, you will be informed in writing and be given reasons for the decision made.

18. The Registrar may postpone or refuse a New Zealand immigration adviser licence if any of the information provided is materially false or misleading, if circumstances have changed, if any of the required information has not been provided or if the prescribed fees have not been paid.
19. If your application for a licence is refused by the Registrar, you will be informed in writing of the outcome of your application. The refusal and your name and details will be listed on the public [register of licensed immigration advisers](#).
20. If information provided to support an application for a New Zealand immigration adviser licence is subsequently found to be false, forged or altered, the application will be cancelled and the appropriate authorities informed.

## Contact details for the Authority

Freephone (New Zealand only): 0508 IAA IAA (0508 422 422)

Phone (outside New Zealand): + 64 9 925 3838

Email: [info@iaa.govt.nz](mailto:info@iaa.govt.nz)

Website: [www.iaa.govt.nz](http://www.iaa.govt.nz)

### Postal

Registrar of Immigration Advisers

Immigration Advisers Authority

PO Box 6222

Victoria Street West

Auckland 1142

New Zealand

### Courier

Registrar of Immigration Advisers

Immigration Advisers Authority – MBIE

Level 8, 167B Victoria Street West

Auckland 1010

New Zealand

# Privacy notice

The information you provide in this form is required, or requested, pursuant to the Trans-Tasman Mutual Recognition Act 1997.


All personal information submitted with this application form and in the application process will be kept and maintained by the Registrar of Immigration Advisers in accordance with the New Zealand Trans-Tasman Mutual Recognition Act 1997 and the New Zealand Privacy Act 2020.

The personal information provided will be used:

- › to determine whether your application for a licence may be granted and in connection with complaints and disciplinary processes;
- › for the maintenance and administration of the public register of licensed immigration advisers;
- › for the maintenance and administration of the immigration advisers licensing regime;
- › for any other matters relating to the administration of the immigration advisers licensing regime, as necessary.

Your personal information may be disclosed by the Registrar of Immigration Advisers in certain circumstances as authorised by or consistent with the New Zealand Trans-Tasman Mutual Recognition Act 1997, New Zealand Immigration Advisers Licensing Act 2007 and the New Zealand Privacy Act 2020.

You have the right to access, and to seek to have corrected, any information about you that is held by the Registrar of Immigration Advisers.

Items marked with  will appear on the public register of licensed immigration advisers. If any of your personal or contact details change at any time, you are required under section 26 of the Immigration Advisers Licensing Act 2007 to advise the Authority of this immediately.

## SECTION 1 PERSONAL DETAILS

Title  Mr  Mrs  Miss  Ms  Other (please specify)

YOUR FULL LEGAL NAME WILL APPEAR ON THE PUBLIC REGISTER OF LICENSED IMMIGRATION ADVISERS  
YOUR PREFERRED NAME WILL BE INDICATED IN BRACKETS ON THE PUBLIC REGISTER OF LICENSED IMMIGRATION ADVISERS

Legal family/last name



Legal first/given names



Preferred family/last name



Preferred first/given names



Other names

PLEASE LIST ABOVE ANY OTHER NAME(S) THAT YOU HAVE USED OR BEEN KNOWN BY AT ANY TIME IN YOUR LIFE IN ANY COUNTRY, INCLUDING A MAIDEN NAME, NAME(S) FROM PREVIOUS MARRIAGES OR ANY ALIASES. AN ALIAS IS ANOTHER NAME THAT YOU MAY HAVE BEEN KNOWN BY IN YOUR WORKPLACE OR PUBLIC LIFE SUCH AS A DIFFERENT FIRST NAME (E.G. JOHN ROBERT, KNOWN AS ROB). IF THERE ARE MORE THAN THREE OTHER NAMES, PLEASE ATTACH DETAILS ON A SEPARATE SHEET.

Date of birth

DAY

MONTH

YEAR

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**SECTION 2 CURRENT AUSTRALIAN MIGRATION AGENT REGISTRATION NUMBER**

Australian Migration Agent Registration Number

Please provide a certified copy of your OMARA Registration Certificate.

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**SECTION 3 PLACE OF RESIDENCE**

Have you been lawfully present in New Zealand for more than 183 days in the last 12 months?

 Yes  No

To be ordinarily resident in New Zealand you must have been lawfully present for more than 183 days in the immediately preceding 12 month period.

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**SECTION 4 CONTACT DETAILS AND ADDRESSES**

Business address (this cannot be a PO Box)

Your business address must be the location where you mainly conduct business. Please note that only one business address will be added to the public [register of licensed immigration advisers](#).

If you will be working for more than one business, you must photocopy this page and complete it for each business you will be working for.

Business/Employer name

Address Line 1

Address Line 2

Suburb

Town/City

Region/State

Postcode

Country



What is your status with this company or organisation. Please tick one only.

 Director  Self Employed  Employee  Contractor  Volunteer

CONTINUED &gt;

**Service address (this cannot be a PO Box)**

You must provide a physical address for service of documents. This address will be added to the public **register of licensed immigration advisers**. If this address is different to your business address as above, please provide it below.

Business/Employer name

Address Line 1

Address Line 2

Suburb

Town/City

Region/State

Postcode

Country

**Postal address (if different from business address provided above)**

You may provide one postal address for the business listed above. This address will be added to the public **register of licensed immigration advisers**.

Address Line 1

Address Line 2

Town/City

Region/State

Postcode

Country



## Other contact details

Business phone

Direct dial phone

Mobile

Fax

Home phone

This number will be for internal use only. It will not appear on the public **register of licensed immigration advisers**.

Business email

Business website



If you consent to the inclusion of the following details on the register, please tick the relevant box(es).

- Business phone     Direct dial phone     Mobile     Fax  
 Business email     Business website

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**SECTION 5 PROOF OF IDENTITY**

## Personal Identification



Please attach a certified copy of your current driver licence or birth certificate, or a certified copy of the page of your current passport that shows your photograph and your personal details.

Indicate which document you are providing below:

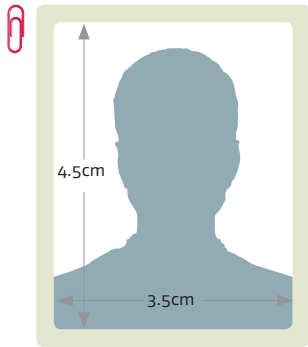
- Certified copy of current driver licence     Certified copy of birth certificate  
 Certified copy of current passport

**SECTION 6 IDENTIFICATION**

Please attach one photograph which will appear on your wallet card and on the register of licensed immigration advisers. We may refuse photographs which are not of adequate quality or are not composed in a way that is suitable for that purpose.

Photographs must meet the following criteria:

- > Be taken within the last 6 months
- > A face, head and shoulders shot
- > You must be looking directly at the camera
- > Do not wear a hat, sunglasses or other accessories that obscure your face
- > Passport-sized 3:4 – width to height ratio
- > In full colour, on a plain light background.



The photograph must be verified as a true likeness of you by a person who has known you for at least 12 months and is not related to you, or part of your family group, or living at the same address as you.

To verify your photograph the verifier must write the following statement on the back of the photograph: "This is a true photograph of <insert your full name>" and then sign his or her signature under the statement.

Please ensure that your verifier completes this section.

Verifier's full name

Address

Phone

+

(+COUNTRY CODE – AREA CODE – LOCAL NUMBER)

I declare that I (name of verifier)

have known (full name of applicant)

FOR AT LEAST 12 MONTHS AND AM NOT RELATED TO OR PART OF THE FAMILY GROUP OF, OR LIVING AT THE SAME ADDRESS AS, THE APPLICANT

Signed



DAY

MONTH

YEAR

**SECTION 7 TRANS-TASMAN MUTUAL RECOGNITION ACT 1997 SECTION 19 NOTICE**

Please complete, sign and date this notice in the presence of a person authorised to take statutory declarations in the country in which you reside. That person must also certify the attachments.

Please note you must select an option under point 7 below.

I, (full name of applicant)

of (address)


occupation

hereby apply for registration as a licensed immigration adviser in New Zealand in accordance with the Trans-Tasman mutual recognition principle in relation to occupations, and do solemnly and sincerely declare the following in support of my application:

1. To the best of my knowledge all the details in this Notice and the attached application form and supporting documents are true and correct.
2. I am currently a registered migration agent with the Australian Office of the Migration Agents Registration Authority.
3. My attached registration page from the OMARA website is current and accurate.
4. I do not hold a practising certificate as a barrister and/or solicitor of the High Court of New Zealand.
5. My registration as a migration agent has not been cancelled nor is it currently suspended in Australia as a result of any disciplinary action.
6. I have not been personally prohibited from operating as a migration agent or licensed immigration adviser nor am I subject to any special conditions as a result of criminal, civil or disciplinary proceedings relating to my registration as a migration agent or licensed immigration adviser.
7. Special Conditions (delete one)
 

There are no special conditions that apply to me as a registered migration agent or licensed immigration adviser.

OR

 The attached special conditions apply to me as a registered migration agent or licensed immigration adviser.
8. I am not the subject of any disciplinary proceedings in Australia or New Zealand relating to my registration as a migration agent or licensed immigration adviser.
9. I am not the subject of any preliminary investigations or action that might lead to disciplinary proceedings in Australia or New Zealand relating to my registration as a migration agent or licensed immigration adviser.
10. I understand that if my application or documents submitted to support my application are found to be forged, false or altered, my registration will be refused or cancelled and the appropriate authorities notified.
11. I give authorisation to the Registrar to make inquiries of and to exchange information with the Australian Office of the Migration Agents Registration Authority or any other relevant authorities in Australia or New Zealand regarding my activity as a registered migration agent or licensed immigration adviser.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the **Oaths and Declarations Act 1957**.

CONTINUED >

Declared at  on this  day of  20

Signature of applicant

Before me

(SIGNATURE OF PERSON BEFORE WHOM DECLARATION IS MADE)

Print full name

(NAME OF AUTHORISED PERSON)

Title of authorised person

(AS DEFINED IN THE OATHS AND DECLARATIONS ACT 1957)

## SECTION 8 FEE AND LEVY

In order to be licensed you must pay a licence application fee and an immigration adviser's levy. The licence application fee must be submitted with this application form. The immigration adviser's levy is payable if the Registrar determines that you are eligible to be granted a licence. Do not pay the immigration adviser's levy now. This will be requested separately.

If you have been lawfully present in New Zealand for more than 183 days in the last 12 months you are classified as ordinarily resident in New Zealand, and the goods and services tax (GST) is included in the fee and levy.

The respective fees and levies are:

	Ordinarily resident in New Zealand	Not ordinarily resident in New Zealand
Fee	\$NZD 909.78	\$NZD 791.11
Levy	\$NZD 1,129.55	\$NZD 982.22
<b>TOTAL</b>	<b>\$NZD 2,039.33</b>	<b>\$NZD 1,773.33</b>

### Payments

- › All payments must be made in New Zealand dollars.
- › We do not accept cash.

### Payment details

Visa  MasterCard

Credit card number

Expiry date    
MONTH YEAR

Please tick one:

- I am ordinarily resident in New Zealand, and the amount to be charged to my credit card is NZ \$909.78
- I am not ordinarily resident in New Zealand, and the amount to be charged to my credit card is NZ \$791.11

Name on card

Cardholder's signature

### Refunds

In some circumstances you may be eligible for a refund of a portion of your application fee (where, for example, your application is returned to you or you withdraw it before it is assessed). If you have paid by credit card the refund amount will be credited back to your credit card account. Otherwise, refunds will be made by cheque in New Zealand dollars.

### Fees and levies for not-for-profit advisers

If you volunteer or work for an organisation on a not-for-profit basis you may be entitled to a waiver of the fees and levy payable for your licence. Please read the not-for-profit policy on the Authority's website for further information.

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**TRANS-TASMAN MUTUAL RECOGNITION ACT 1997 APPLICATION CHECKLIST**

Please complete this checklist **before** submitting your application for a licence.

- Completed Form 401 : Trans-Tasman Mutual Recognition Act 1997 Application
- Completed Form 101A: Supervision Arrangement Application
- Names of any additional companies and organisations you work for and your employment status with them, for example employee or contractor
- Certified copy of your OMARA Registration Certificate
- Certified copy of personal identification
- Trans-Tasman Mutual Recognition Act 1997 Section 19 Notice
- If applicable, any special conditions that apply to you as a registered migration agent
- Verified passport-quality photograph
- Licence application fee

If any required documentation is missing from your application it may be returned.