

## Licensed Immigration Advisers Competency Standards 2008

Pursuant to section 36 of the Immigration Advisers Licensing Act 2007, the Minister of Immigration makes the following standards:

### Contents

#### General

- 1 Title
- 2 Commencement
- 3 Interpretation

#### Minimum Standards of Competence for Licences

- 4 Minimum standard of competence for a full licence
- 5 Minimum standard of competence for a limited licence
- 6 Minimum standard of competence for a provisional licence
- 7 Performance indicators

#### Schedule Licence Competencies

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#### General

- 1 Title**  
These standards are the Immigration Advisers Competency Standards 2008.
- 2 Commencement**  
These standards come into force on 4 May 2008.
- 3 Interpretation**
  - (1) In these standards, unless the context otherwise requires, -  
  
**Act** means the Immigration Advisers Licensing Act 2007  
**person** means a natural person.
  - (2) Terms or expressions used and not defined in these standards but defined in the Act have the same meaning as in the Act.

#### Minimum Standards of Competence for Licences

- 4 Minimum standard of competence for a full licence**  
To meet the minimum standard of competence for the granting of a full licence a person must demonstrate, to the satisfaction of the Registrar, that he or she meets each of the competencies set out in Part 1 of the Schedule.
- 5 Minimum standard of competence for a limited licence**  
To meet the minimum standard of competence for the granting of a limited licence a person must demonstrate, to the satisfaction of the Registrar, that he or she meets:
  - (a) each of competencies 1, 2, 5, 6 and 7 in Part 1 of the Schedule; and
  - (b) the performance indicators set out underneath competencies 3 and 4 in Part 1 of the Schedule, to the extent that he or she is competent to provide immigration advice in relation to limited specified matters without the direct supervision of a fully licensed immigration adviser.

**6 Minimum standard of competence for a provisional licence**

To meet the minimum standard of competence for the granting of a provisional licence a person must demonstrate, to the satisfaction of the Registrar, that he or she meets each of the competencies set out in Part 2 of the Schedule.

**7 Performance indicators**

A person will be treated as meeting a competency if he or she meets each of the performance indicators set out underneath that competency in the Schedule.

Dated at Wellington this \_\_\_\_\_ day of \_\_\_\_\_ 2008

\_\_\_\_\_  
**Hon Clayton Cosgrove**  
**Minister of Immigration**

## Schedule

### Licence Competencies

#### Part 1: Full Licence

- Competencies:**
1. Relevant qualification.
  2. Demonstrate knowledge of the immigration advisers licensing scheme.
  3. Apply knowledge of immigration law and policy relating to New Zealand.
  4. Prepare, lodge and administer immigration applications, appeals, requests and claims.
  5. Apply communication techniques to the immigration process in the English language.
  6. Conduct business professionally, ethically and responsibly.
  7. Maintain skills and knowledge through participation in relevant professional development activities.

<b>Competency 1: Relevant qualification</b>	
<b>Performance indicator:</b>	
1.1	Is qualified to provide immigration advice relating to New Zealand by virtue of: <ul style="list-style-type: none"><li>• Sufficient experience in the provision of immigration advice demonstrating that the person applying for a licence meets the competencies for the type of licence to be granted; or</li><li>• Completion of the Graduate Certificate in Australian Migration Law and Practice, or other substantially similar tertiary degree, diploma, certificate or course of study; or</li><li>• Licensing or registration or other similar recognition with an overseas organisation that performs functions that correspond wholly or substantially to those performed by the Authority.</li></ul>
<b>Explanatory note:</b>	Until a suitable formal New Zealand immigration qualification is available, the Registrar will recognise experience in the provision of immigration advice (as that experience relates to the competencies for the type of licence applied for) as a qualification.
<b>Competency 2: Demonstrate knowledge of the immigration advisers licensing scheme</b>	
<b>Performance indicators:</b>	
2.1	Outline the key features of the immigration advisers licensing scheme. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – the purpose of the Immigration Advisers Licensing Act 2007; the functions of the Authority and the Register of Licensed Immigration Advisers.</i></li></ul>
2.2	Describe who needs to be licensed and what matters are covered within the licensing scheme. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – who must be licensed in order to give immigration advice; who is exempt; who is prohibited from holding a licence; what constitutes 'immigration advice.'</i></li></ul>
2.3	Outline the role of the Immigration Advisers Complaints and Disciplinary Tribunal. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – functions and powers of the Tribunal; grounds for complaint; disciplinary sanctions; possible outcomes from complaints procedures.</i></li></ul>
2.4	Outline the offences under the Immigration Advisers Licensing Act 2007. <ul style="list-style-type: none"><li>• <i>Includes – providing immigration advice when not licensed or exempt; holding out that any person who is neither licensed nor exempt provides immigration advice; holding out that any person who is not a licensed immigration adviser is a licensed immigration adviser; providing false or misleading information; asking for or receiving a fee or reward for immigration advice when neither licensed nor exempt; employing or contracting an unlicensed or non-exempt person as an immigration adviser; obstructing inspection; failing to notify change in circumstances.</i></li></ul>
2.5	Outline the responsibilities of licensed immigration advisers. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – maintaining competence through participation in continuing professional development activities; abiding by the Code of Conduct; renewing licence annually; notifying the Registrar of any relevant change in circumstances.</i></li></ul>
<b>Competency 3: Apply knowledge of immigration law and policy relating to New Zealand</b>	
<b>Performance indicators:</b>	
3.1	Describe the key features of the Immigration Act 1987, regulations made under that Act, and applicable international obligations and their application to the immigration process. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – the purpose and intent of the Immigration Act 1987; key sections of the Act; discretionary decision-making powers of the Minister of Immigration; the application of principles of law to immigration decisions, including the principles of natural justice; relevant international obligations.</i></li></ul>
3.2	Access, interpret and apply knowledge of immigration policies and procedures. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – the Immigration New Zealand Operational Policy Manual; Immigration New Zealand Circulars; other avenues for seeking assistance, including the Immigration New Zealand and Authority websites and the Immigration New Zealand Contact Centre.</i></li></ul>
3.3	Identify the main criteria for providing advice in relation to applications, appeals, requests and claims across the full range of immigration matters. <ul style="list-style-type: none"><li>• <i>Includes but not limited to –</i><ul style="list-style-type: none"><li>– <i>applications for temporary entry (students, visitors, work, transit, exchange schemes);</i></li><li>– <i>applications for residence (skilled migrant, family, business, family quota, returning residents, residence from work, special policies);</i></li><li>– <i>claims for refugee status;</i></li><li>– <i>appeals in relation to immigration matters;</i></li><li>– <i>dealing with clients' unlawful status.</i></li></ul></li></ul>

3.4	Apply knowledge of immigration matters to provide comprehensive advice. <ul style="list-style-type: none"> <li>• <i>May include –</i> <ul style="list-style-type: none"> <li>– <i>applications for temporary entry (students, visitors, work, transit, exchange schemes);</i></li> <li>– <i>applications for residence (skilled migrant, family, business, family quota, returning residents, residence from work, special policies);</i></li> <li>– <i>claims for refugee status;</i></li> <li>– <i>appeals in relation to immigration matters;</i></li> <li>– <i>dealing with clients' unlawful status.</i></li> </ul> </li> </ul>
3.5	Outline where information about New Zealand culture and traditions, including information about the Treaty of Waitangi and tikanga can be accessed.
3.6	Demonstrate knowledge of the Privacy Act 1993, Official Information Act 1982 and the Ombudsmen Act 1975. <ul style="list-style-type: none"> <li>• <i>Includes but not limited to – outlining how and when the rights under those Acts can be accessed to the advantage of clients.</i></li> </ul>
<b>Competency 4: Prepare, lodge and administer immigration applications, appeals, requests and claims</b>	
<b>Performance indicators:</b>	
4.1	Develop and maintain professional relationships with Immigration New Zealand and other relevant organisations. <ul style="list-style-type: none"> <li>• <i>May include but not limited to – Settlement Support NZ; Work and Income; the New Zealand Qualifications Authority; other government agencies; professional registration bodies; health organisations.</i></li> </ul>
4.2	Develop and maintain professional relationships with clients. <ul style="list-style-type: none"> <li>• <i>Includes but not limited to – providing advice and information before, during and after the immigration application process.</i></li> </ul>
4.3	Assess clients' immigration situations. <ul style="list-style-type: none"> <li>• <i>Includes but not limited to – working with clients to establish eligibility criteria; gathering all appropriate information necessary to make an accurate assessment; conducting preliminary assessments; identifying potential barriers to eligibility; evaluating the range of possible options for clients; providing correct advice and information to clients; providing reasons for advising on a course of action.</i></li> </ul>
4.4	Agree on terms of appointment. <ul style="list-style-type: none"> <li>• <i>Includes but not limited to – agreeing on services to be provided and fees to apply; outlining refund policy and any other key terms of agreement; establishing performance expectations; entering into a formal agreement with clients.</i></li> </ul>
4.5	Arrange agreed services in a timely, complete and accurate manner. <ul style="list-style-type: none"> <li>• <i>Includes but not limited to – planning the immigration process; issuing understandable and accurate instructions; coordinating the preparation of applications; lodging applications with supporting evidential documents; taking all reasonable steps to ensure that clients submit accurate and genuine documentation; satisfying all lodgement requirements.</i></li> </ul>
4.6	Administer the immigration application process. <ul style="list-style-type: none"> <li>• <i>Includes but not limited to – following up applications; liaising with and administering the immigration process with Immigration New Zealand or other appropriate organisation; keeping clients informed; understanding and responding appropriately to issues as they arise; completing the process following decision including the timely return of clients' documents; ensuring that decisions are communicated to clients and the details and implications of outcomes are explained; checking permit labels for accuracy; advising clients of the procedures for handling complaints; advising clients of available avenues for redress, including appeal rights; taking any necessary follow up action.</i></li> </ul>
4.7	Administer refugee or protection claims or know where to refer clients for specialist advice. <ul style="list-style-type: none"> <li>• <i>Includes but not limited to – recognising when clients have potential refugee or protection claims and either: completing claim documentation, advising clients of right to apply for permits, explaining the consequences of refugee status claims, explaining how determinations on claims are made; or knowing who appropriate specialists are and how to contact them.</i></li> </ul>
4.8	Administer appeals or know where to refer clients for specialist advice. <ul style="list-style-type: none"> <li>• <i>Includes but not limited to – recognising when clients have appeal rights and either: completing appeal documentation, complying with statutory timeframes, ensuring that evidentiary and submissions requirements are met; or knowing who appropriate specialists are and how to contact them.</i></li> </ul>
4.9	Make requests for special directions or know where to refer clients for specialist advice. <ul style="list-style-type: none"> <li>• <i>Includes but not limited to – recognising when a request for a special direction is appropriate and either: completing request documentation and delivering it to appropriate parties; or knowing who appropriate specialists are and how to contact them.</i></li> </ul>
4.10	Apply quality assurance techniques to the provision of immigration advice. <ul style="list-style-type: none"> <li>• <i>Examples of techniques: checklists; peer reviews; case reviews; supervisor reviews; team briefings.</i></li> </ul>
<b>Competency 5: Apply communication techniques to the immigration process in the English language</b>	
<b>Explanatory note:</b> Audiences include but are not limited to – clients; colleagues; Immigration New Zealand, the Authority, immigration tribunals and other government organisations; business and other professional organisations; the general public.	
<b>Performance indicators:</b>	
5.1	Competently complete documentation in the English language to a high standard. <ul style="list-style-type: none"> <li>• <i>May include – completing forms; writing letters, e-mails, memos, agreements, and reports; understanding, interpreting, formulating and presenting detailed and structured written presentations, submissions and arguments.</i></li> </ul>
5.2	Competently conduct oral communications in the English language to a high standard. <ul style="list-style-type: none"> <li>• <i>May include – conducting information-gathering interviews by telephone and face-to-face; applying active listening techniques; dealing with conflict situations; delivering oral presentations or seminars; delivering detailed and structured oral submissions and arguments to immigration tribunals.</i></li> </ul>

## **Competency 6: Conduct business professionally, ethically and responsibly**

### **Performance indicators:**

- 6.1 Demonstrate professional, ethical, and socially responsible behaviour and practice.
- *Includes but not limited to – demonstrating understanding of and commitment to the Licensed Immigration Advisers Code of Conduct; acting in clients' best interests; providing honest advice; preserving client confidentiality; ensuring client complaints are handled in the correct manner; handling conflicts with clients and other parties in a constructive and professional manner; recognising and managing conflicts of interest; disclosing any financial and non-financial interests in goods or services recommended or supplied to clients; disclosing conflicts of interest to other parties as appropriate.*
- 6.2 Operate within the scope of individual knowledge and skills.
- *Includes but not limited to – making decisions and taking actions consistent with the adviser's own level of expertise and skills; recognising when other specialist advice is required and referring clients on when appropriate.*
- 6.3 Apply business management disciplines to immigration matters in accordance with New Zealand law and best practice.
- *Includes but not limited to – providing client services; managing the financial aspects of immigration business; applying immigration knowledge as appropriate and in a manner that protects clients' immigration status and entitlement.*
- 6.4 Facilitate communication in languages other than English when necessary.
- *Includes but not limited to – identifying when English as a second language is a critical barrier to communication and taking steps to overcome that; communicating orally and in writing using any other language appropriate for the situation; using translators or interpreters.*

## **Competency 7: Maintain skills and knowledge through participation in relevant professional development activities**

### **Performance indicator:**

- 7.1 Participate actively in relevant professional development activities.
- *May include but not limited to – self-directed learning on topics relevant to the provision of immigration advice; reading materials relevant to the provision of immigration advice provided by the Registrar or other organisation; receiving formal instruction, education or training relevant to the provision of immigration advice; attending information sessions, seminars, courses or conferences relevant to the provision of immigration advice; participating in the structured supervision or mentoring of another immigration adviser; active participation in a relevant professional body, organisation or association.*

## Part 2: Provisional Licence

- Competencies:**
1. Relevant qualification.
  2. Demonstrate knowledge of the immigration advisers licensing scheme.
  3. Understand immigration law and policy relating to New Zealand.
  4. Demonstrate knowledge of the immigration application process.
  5. Apply communication techniques in the English language.
  6. Conduct business professionally, ethically and responsibly.
  7. Develop skills and knowledge through participation in relevant professional development activities.

<b>Competency 1: Relevant qualification</b>	
<b>Performance indicator:</b>	
1.1	Is qualified to provide immigration advice relating to New Zealand by virtue of: <ul style="list-style-type: none"><li>• Sufficient experience in the provision of immigration advice demonstrating that the person applying for a licence meets the competencies for the type of licence to be granted; or</li><li>• Completion of the Graduate Certificate in Australian Migration Law and Practice, or other substantially similar tertiary degree, diploma, certificate or course of study; or</li><li>• Licensing or registration or other similar recognition with an overseas organisation that performs functions that correspond wholly or substantially to those performed by the Authority.</li></ul>
<b>Explanatory note:</b> Until a suitable formal New Zealand immigration qualification is available, the Registrar will recognise experience in the provision of immigration advice (as that experience relates to the competencies for the type of licence applied for) as a qualification.	
<b>Competency 2: Demonstrate knowledge of the immigration advisers licensing scheme</b>	
<b>Performance indicators:</b>	
2.1	Outline the key features of the Immigration Advisers Licensing Scheme. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – the purpose of the Immigration Advisers Licensing Act 2007; the functions of the Authority and the Register of Licensed Immigration Advisers.</i></li></ul>
2.2	Describe who needs to be licensed and what matters are covered within the licensing scheme. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – who must be licensed in order to give immigration advice; who is exempt; who is prohibited from holding a licence; what constitutes 'immigration advice'.</i></li></ul>
2.3	Outline the role of the Immigration Advisers Complaints and Disciplinary Tribunal. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – functions and powers of the Tribunal; grounds for complaint; disciplinary sanctions; possible outcomes from complaints procedures.</i></li></ul>
2.4	Outline the offences under the Immigration Advisers Licensing Act 2007. <ul style="list-style-type: none"><li>• <i>Includes – providing immigration advice when not licensed or exempt; holding out that any person who is neither licensed nor exempt provides immigration advice; holding out that any person who is not a licensed immigration adviser is a licensed immigration adviser; providing false or misleading information; asking for or receiving a fee or reward for immigration advice when neither licensed nor exempt; employing or contracting an unlicensed or non-exempt person as an immigration adviser; obstructing inspection; failing to notify change in circumstances.</i></li></ul>
2.5	Outline the responsibilities of licensed immigration advisers. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – maintaining competence through participation in continuing professional development activities; abiding by the Code of Conduct; renewing licence annually; notifying the Registrar of any relevant change in circumstances.</i></li></ul>
<b>Competency 3: Understand immigration law and policy relating to New Zealand</b>	
<b>Performance indicators:</b>	
3.1	Describe the key features of the Immigration Act 1987, regulations made under that Act and applicable international obligations. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – the purpose and intent of the Immigration Act 1987; key sections of the Act; discretionary decision-making powers of the Minister of Immigration; the application of principles of law to immigration decisions, including the principles of natural justice; relevant international obligations.</i></li></ul>
3.2	Explain where to access information on immigration policies and procedures. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – Immigration New Zealand Operational Policy Manual; Immigration New Zealand Circulars; other avenues for seeking assistance, including the Immigration New Zealand and Authority websites and the Immigration New Zealand Contact Centre.</i></li></ul>
3.3	Identify the main criteria for providing advice in relation to applications, appeals requests and claims across the full range of immigration matters. <ul style="list-style-type: none"><li>• <i>Includes but not limited to –</i><ul style="list-style-type: none"><li>– <i>applications for temporary entry (students, visitors, work, transit, exchange schemes);</i></li><li>– <i>applications for residence (skilled migrant, family, business, family quota, returning residents, residence from work, special policies);</i></li><li>– <i>claims for refugee status;</i></li><li>– <i>appeals in relation to immigration matters;</i></li><li>– <i>dealing with clients' unlawful status.</i></li></ul></li></ul>
3.4	Assist clients to access information about New Zealand culture and traditions, including information about the Treaty of Waitangi and tikanga, on request.
3.5	Demonstrate knowledge of the Privacy Act 1993, Official Information Act 1982 and the Ombudsmen Act 1975. <ul style="list-style-type: none"><li>• <i>Includes but not limited to – outlining how and when the rights under those Acts can be accessed to the advantage of clients.</i></li></ul>

**Competency 4: Demonstrate knowledge of the immigration application process****Performance indicators:**

- 4.1 Describe the importance of maintaining professional relationships with Immigration New Zealand and other organisations involved in the immigration process.
- *May include – Settlement Support NZ; Work and Income; New Zealand Qualifications Authority; other government agencies; professional registration bodies; health organisations.*
- 4.2 Describe the importance of maintaining professional relationships with clients.
- *Includes but not limited to – providing advice and information before, during and after the immigration application process.*
- 4.3 Outline the immigration application process.
- *Includes but not limited to – assessing clients' immigration situations; agreeing on terms of appointment; arranging agreed services in a timely, complete and accurate manner; administering the application process; applying quality assurance techniques to immigration application procedures.*

**Competency 5: Apply communication techniques in the English language****Explanatory note:**

Audiences include but are not limited to – clients; colleagues; government organisations; business and other professional organisations; the general public.

**Performance indicators:**

- 5.1 Competently complete documentation in the English language to a high standard.
- *Includes but not limited to – forms, letters, e-mails, memos, agreements, and reports.*
- 5.2 Competently conduct oral communications in the English language to a high standard.
- *May include – conducting information-gathering interviews by telephone and face-to-face; applying active listening techniques; dealing with conflict situations; delivering presentations or seminars.*

**Competency 6: Conduct business professionally, ethically and responsibly****Performance indicators:**

- 6.1 Explain the importance of professional, ethical, and socially responsible behaviour and practice.
- *Includes but not limited to – demonstrating understanding of and commitment to the Licensed Immigration Advisers Code of Conduct; acting in clients' best interests; providing honest advice; preserving client confidentiality; ensuring client complaints are handled in the correct manner; handling conflicts with clients and other parties in a constructive and professional manner; recognising and managing conflicts of interest; disclosing any financial and non-financial interests in goods or services recommended or supplied to clients; disclosing conflicts of interest to other parties as appropriate.*
- 6.2 Operate within the scope of individual knowledge and skills.
- *Includes but not limited to – making decisions and taking actions consistent with own level of expertise and skills; recognising when other specialist advice is required and referring clients on when appropriate.*
- 6.3 Facilitate communication in languages other than English when necessary.
- *Includes but not limited to – identifying when English as a second language is a critical barrier to communication and taking steps to overcome that; communicating orally and in writing using any other language appropriate for the situation; using translators or interpreters.*

**Competency 7: Develop skills and knowledge through participation in relevant professional development activities****Performance indicator:**

- 7.1 Participate actively in relevant professional development activities.
- *May include but not limited to – self-directed learning on topics relevant to the provision of immigration advice; reading materials relevant to the provision of immigration advice provided by the Registrar or other organisation; receiving formal instruction, education or training relevant to the provision of immigration advice; attending information sessions, seminars, courses or conferences relevant to the provision of immigration advice; participating in the structured supervision or mentoring of another immigration adviser; active participation in a relevant professional body, organisation or association.*