



Immigration
Advisers Authority

New Zealand Government



New Zealand immigration advisers
licence application

About applying



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THE PROVISION OF IMMIGRATION ADVICE is now a regulated profession in New Zealand. If you are in New Zealand, it is illegal for you to provide immigration advice about New Zealand unless you are licensed to do so or explicitly exempt from the requirement to be licensed. Offshore immigration advisers will have to be licensed from 4 May 2010, unless exempt.

This leaflet will help you to determine whether you need a licence and what type of licence will be best for you.

1. Do you need a licence?

Some people can provide immigration advice without holding a licence. Some people cannot hold a licence, even if they choose to. Work through this section to determine whether you need a licence or can hold a licence.

Are you providing 'immigration advice'?

Not all assistance with immigration amounts to 'immigration advice' as it is defined in the Immigration Advisers Licensing Act 2007.

You **ARE** providing immigration advice and must be licensed if you are using your knowledge of or experience in immigration to advise, direct, assist, or represent another person in regard to an immigration matter relating to New Zealand, whether directly or indirectly and whether or not for gain or reward.

You **ARE NOT** providing immigration advice if:

- you are providing information that is publicly available or that is prepared or made available by the Department of Labour;
- you are directing a person to the Minister of Immigration or the Department of Labour, or to an immigration adviser, a visa officer or a refugee status officer or to a list of licensed immigration advisers;
- you are carrying out clerical work, translation or interpreting services, or settlement services.

If you are unsure about whether you are providing immigration advice, read the information on the Immigration Advisers Authority's website: www.iaa.govt.nz/becoming-adviser/

Are you an exempt person?

Some people are exempt from the requirement to be licensed. The following people **DO NOT** need a licence to provide immigration advice (but may apply for one if they choose to):

- people who provide immigration advice in an informal or family context only, where the advice is not provided systematically or for a fee;
- members of Parliament or their staff who provide immigration advice within the scope of their employment agreement;
- foreign diplomats and consular staff accorded protection under certain Acts;
- employees of the public service who provide immigration advice within the scope of their employment agreement;
- people employed by or working as volunteers for community law centres, with a lawyer present;
- people employed by or volunteering for citizens advice bureaux;
- people who provide immigration advice offshore in relation to applications or potential applications for student visas or student permits only.

Are you a lawyer?

Practising New Zealand lawyers, and their employees who give immigration advice within

the scope of their employment agreement are exempt from licensing and **DO NOT** need a licence to provide immigration advice, however, they **CANNOT** apply for or hold a licence.

Are you a prohibited person?

Some people are prohibited from licensing. If you are one of the following people, you cannot be granted a licence:

- an undischarged bankrupt;
- prohibited or disqualified under any of the provisions of sections 382, 383, or 385 of the Companies Act 1993 (or any corresponding provision of the Companies Act 1955) from managing a company;
- a person who has been convicted of an offence against the Immigration Act 1987 or the Immigration Act 1964;
- a person who has been removed or deported from New Zealand under the Immigration Act 1987 or the Immigration Act 1964;
- unlawfully in New Zealand;
- a person who holds or has held the office of the Minister of Immigration or Associate Minister of Immigration in the New Zealand Government within the last 12 months, or is employed or has been employed within the last 12 months as an immigration officer, visa officer, or refugee status officer (as defined in the Immigration Act 1987).

Under the Criminal Records (Clean Slate) Act 2004, an eligible individual is entitled to conceal convictions if the individual has:

- no convictions within the last seven years;
- never been sentenced to a custodial sentence (e.g. imprisonment, corrective training, borstal);
- never been ordered by a Court during a criminal case to be detained in a hospital due to his/her mental condition, instead of being sentenced;
- not been convicted of a “specified offence”;
- paid in full any fine, reparation or costs ordered by the Court in a criminal case;

- never been indefinitely disqualified from driving under section 65 of the Land Transport Act 1998 or earlier equivalent provision.

2. What type of licence do you need?

There are three different types of licence. Work through this section to determine which type of licence is best for you.

Full licence

A full licence allows you to provide immigration advice about any immigration matter. This licence is for people who have a broad knowledge of immigration law, policy and procedure and significant work experience providing advice.

To be granted a full licence, you will need to demonstrate that you can competently provide advice on both temporary and residence matters and have a broad knowledge of the requirements for all immigration matters. You will also need to demonstrate a high standard of English.

Limited licence

A limited licence allows you to provide immigration advice on specific matters only. This licence is for people who practise in specialised areas or who have some areas of knowledge or skill that require strengthening before they can be granted a full licence.

To be granted a limited licence you will need to demonstrate that you are able to competently provide advice, without supervision, in relation to the matters that you have decided to specialise in. You will also need to demonstrate a high standard of English. Your licence will set out the areas you are limited to practising in.

Provisional licence

A provisional licence allows you to provide immigration advice, but only under the supervision of a fully licensed immigration adviser. This licence is for people who are new entrants to the immigration advice industry or who are still developing their knowledge and experience.

To be granted a provisional licence you will need to demonstrate that you have a sound knowledge of immigration law, policy and procedure and a high standard of English. Before you apply for this licence you will need to identify a person who can supervise you. The policy covering supervision arrangements is available on the Authority's website at www.iaa.govt.nz/becoming-adviser/supervision-policy.html

Upgrading your licence

A limited licence may be upgraded to a full licence; or a provisional licence may be upgraded to a limited or full licence in line with the upgrade policy, available on the Authority's website: www.iaa.govt.nz/licensed-advisers/upgrade-policy.html

The upgrade fee is NZ\$535 incl. GST (NZ\$475.56 if you are not ordinarily resident in New Zealand).

3. How do you apply?

To apply you need to complete the licence *Application Booklet*, available on the Authority's website at www.iaa.govt.nz/becoming-adviser/apply.html and provide all supporting documentation to the Immigration Advisers Authority in New Zealand. The application requires you to provide your personal and contact details, evidence of your competence to provide immigration advice, and proof of your identity. People applying for full and limited licences are required to submit actual client files to demonstrate their experience. A checklist is provided to ensure that you provide all of the necessary documentation. You will be required to make a statutory declaration before you submit your application.

IMPORTANT:

You must submit a police certificate with your application, obtained within the last six months, from each country that you have lived in for 12 months or more over the last 10 years. If a country from which you require a police certificate will only deliver the certificate directly to the Authority, you must NOT apply for a licence until the Authority has received the certificate. Please advise the Authority by email to info@iaa.govt.nz that you intend to apply for a licence and have

sought a police certificate. The Authority will contact you by return email when the certificate has been received, after which you may apply for a licence.

Please contact the Authority if you have any difficulty obtaining your police certificate(s).

What does it cost?

The total cost of an initial licence or licence renewal is NZ\$1995 incl. GST. This is made up of an application processing fee of NZ\$890 incl. GST (NZ\$791.11 if you are not ordinarily resident in New Zealand), and an immigration adviser's levy of NZ\$1105 incl. GST (NZ\$982.22 if you are not ordinarily resident in New Zealand), payable if your licence application is successful.

4. What happens next?

If your application is lodged correctly (i.e. you have provided all of the necessary documentation and paid the application fee), it will be assessed by a trained assessor. Part of the assessment will be a telephone interview between you and your assessor. A recommendation will be provided to the Registrar who will then decide whether your licence should be granted or refused. You may meet the requirements for a different licence type and will be advised if that is the case.

The Authority may also visit your site, to help determine your competence.

You will be advised if your application is successful, and your licence will be issued once you have paid the immigration adviser's levy and met any other conditions. The levy covers the non-application-related costs of operating the Immigration Advisers Authority and the Immigration Advisers Complaints and Disciplinary Tribunal.

Once you are licensed, your business details will be available on a public register so that members of the public can contact you. You have important obligations as a licensed immigration adviser. Please refer to our publication *What does it mean to be a licensed immigration adviser?* for further information.

More information on the Authority is available on www.iaa.govt.nz