



Immigration
Advisers Authority

New Zealand Government



Do you need to make a complaint about your
Licensed Immigration Adviser?



Licensed professionals = Protected migrants



Do you need to make a complaint about your Licensed Immigration Adviser?



This booklet explains how to make a complaint about your Licensed Immigration Adviser.

- There is a form at the back you can use if you decide to go ahead with your complaint
- When we have received your complaint, we will send you more information to let you know what happens next
- If you have any questions after reading this booklet, contact:

Immigration Advisers Authority

Attention: Complaints

PO Box 6222

Auckland 1141

NEW ZEALAND

Email info@iaa.govt.nz

Phone 0508 422 422 (New Zealand)

+64 9 925 3838 (outside New Zealand)

Web www.iaa.govt.nz



The Immigration Advisers Authority and handling of complaints

The Immigration Advisers Authority (the Authority) is responsible for licensing immigration advisers and managing the complaints process against licensed advisers.

The Authority investigates complaints against licensed immigration advisers where there has been an alleged breach of the Authority's Code of Conduct or complaints on other grounds. The complaint can only be made about a licensed immigration adviser or someone who was licensed in the last two years.

The Registrar of Immigration Advisers takes any breaches of the Code of Conduct very seriously and has a process for dealing with complaints about licensed advisers.

If a complaint meets the criteria, the Authority will refer it to the Immigration Advisers Complaints and Disciplinary Tribunal.

What can you expect from your Licensed Immigration Adviser?

All Licensed Immigration Advisers are required by law to adhere to the Immigration Advisers Authority Code of Conduct.

The Code of Conduct sets out the professional and ethical standards of behaviour for a Licensed Immigration Adviser. Your licensed Adviser is required to display the Code of Conduct, give you a copy and explain it to you.

You have the right to expect your Licensed Immigration Adviser to adhere to the Code of Conduct.

What can you complain about?

The Immigration Advisers Authority can only deal with complaints about the following matters:



A breach of the Code of Conduct

Licensed Immigration Advisers are required by law to adhere to the Code of Conduct. You can complain if you think your Adviser has not adhered to the Code of Conduct.

Negligence

A person who behaves negligently is a person who is not doing what a reasonable person would do in a situation where that person owes a duty of care.

Incompetence

Licensed Immigration Advisers are required by law to be competent to give advice. When the licence is granted the adviser is assessed against competency standards. An Adviser must maintain the appropriate level of competence. The competency standards are available on the Authority's website. An Adviser who is incompetent is not meeting those standards.

Incapacity

A person who is incapable is a person who is not able to deal with something properly.

In this context, incapacity relates to the Licensed Immigration Adviser's conduct in providing immigration advice.

Dishonest or misleading behaviour

A person who is dishonest is a person who does not tell the truth or does not tell the complete truth. A person who behaves in a misleading way is a person that leads another person to have an incorrect impression or belief.

These are all legal terms. To help you make your complaint in the right way we have given you the plain English definitions of these terms.

If you are not sure whether you can complain about whatever is concerning you, please check with us. If your complaint is complex we may suggest that you get independent legal advice or help with making your complaint.



What we can't deal with

The Immigration Advisers Authority cannot deal with complaints about:

- Immigration New Zealand (INZ) staff. If you have a complaint about INZ staff you should first discuss it with your Adviser or lodge a complaint with the manager of the INZ branch that made the decision.
- People who are exempt from licensing. A list of the type of persons who are exempt from licensing is available on our website.
- Unlicensed advisers (unless the adviser was licensed in the previous two years)

What to do first

The very first thing to do if you are not happy with something your Licensed Immigration Adviser has done is to discuss it with them. Try to sort the problem out on a friendly basis – maybe there has just been some misunderstanding that can be worked out.

Your Licensed Immigration Adviser is required to have an internal process for dealing with your complaints.

If this discussion doesn't sort things out, then your next step is to consider making a written complaint to the Authority.

Making your complaint

Your complaint must be in writing and in English. You can use the complaints form at the back of this booklet, or write a letter setting out the details. If you are writing a letter, our preference is for a typed letter. Make sure you include all the details requested on the form. You cannot make an anonymous complaint.

It is very important that you provide as much evidence as possible to support your complaint. This is because we need to investigate your complaint before referring it to the Immigration Advisers Complaints and Disciplinary Tribunal (the Tribunal) to make a decision.

Some tips on making a complaint:



- Act quickly. The sooner you write it all down, the clearer the facts will be.
- Don't get personal. Just give us the facts. Avoid making emotional comments about your Adviser. For example saying "He doesn't keep promises" isn't very helpful. Tell us exactly what he promised to do, and what he actually did do.
- Stick to the point. Only tell us things that are relevant to your complaint.

Cost of making a complaint

It costs you nothing to make a complaint to the Authority and you will not have to pay any of the expenses involved in dealing with your complaint. If the case is serious, the Tribunal may call you as a witness to a hearing. We will send you more information about this if it happens.

What we do with your complaint

When we receive your complaint, we first check it to make sure it is a matter we can deal with.

We can reject your complaint if it is not made in the correct way or if it is trivial or inconsequential or if you have not tried to resolve the complaint with your Adviser.

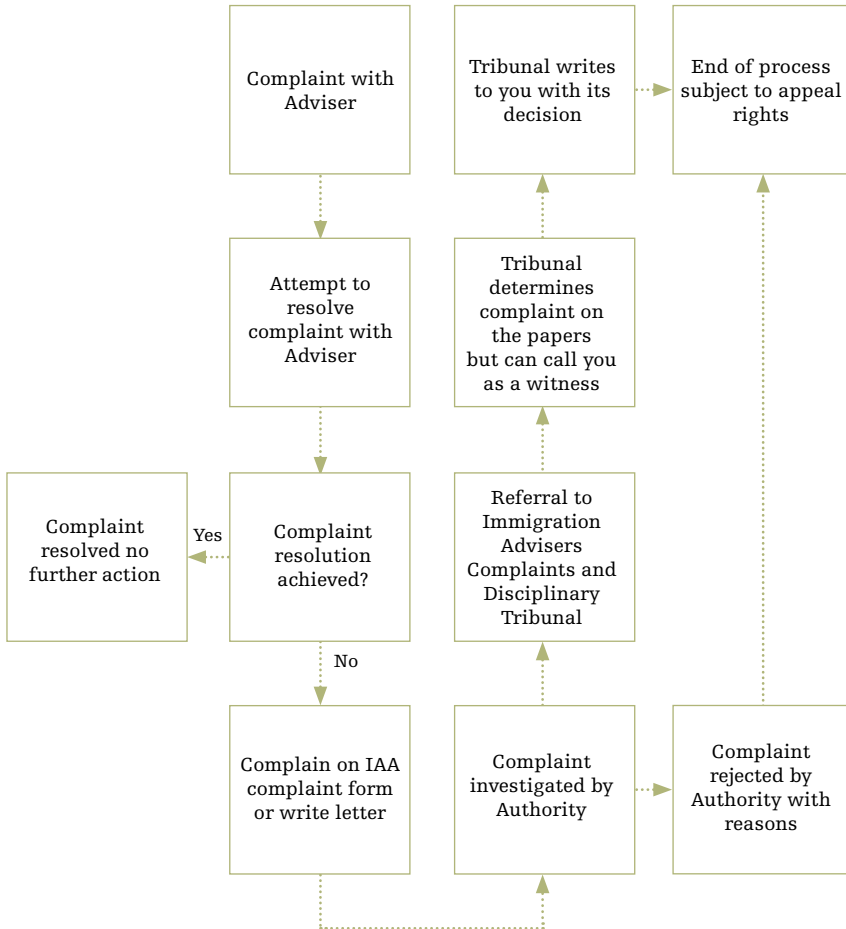
We will inform your Adviser that you have made a complaint and give them the opportunity to comment. Your Adviser will receive a copy of your complaint.

If your complaint is a matter we can deal with then we will refer it to the Immigration Advisers Complaints and Disciplinary Tribunal. The Tribunal is separate from the Authority. If the Tribunal upholds your complaint it has the power to impose penalties on the Adviser. For example it could cancel the Adviser's licence or order the Adviser to pay you reasonable compensation.



How long the complaints process takes

How long the complaints process takes depends on how complicated the complaint is, how many questions we have and how long these take to be answered. If there is an appeal the process can take longer, as the procedures then become similar to a court case.





COMPLAINTS FORM

A copy of this form will be sent to your adviser

Privacy Act 1993

- a. The information provided by you on this form will be used for the purposes of investigating a complaint under the Immigration Advisers Licensing Act 2007.
- b. Upon receipt of this completed form the Immigration Advisers Authority may make any necessary enquires about the contents of this form, so that decisions can be made regarding this complaint.
- c. This may include the necessary disclosure of this information to third parties.

This form is available on the Authority's website www.iaa.govt.nz.
Please complete this form in English.

Your details

Name: _____

Date of Birth: _____

Address: _____

Daytime phone number: _____

Email address: _____

What steps have you taken to resolve the complaint with your Adviser?

Have you complained about this Adviser to any other agency? Yes No



If yes, please provide details

.....

.....

.....

The licensed adviser's details

Name:

Company (if relevant):

.....

Adviser Number (You can find this on the Register):

Is this person still your Adviser? Yes No

If no, on what date did this person cease to represent you?

.....

What is your complaint about?

- 1. Breach of Code of Conduct
- 2. Negligence
- 3. Incompetence
- 4. Incapacity
- 5. Dishonest or misleading behaviour



Your complaint

Please give full details of your complaint. Set out what happened, in date order, attaching relevant documents. Your complaint must fit into one of the five categories explained above. Describe exactly what you are unhappy about and why. (Please use a separate page if necessary). If you are unsure how your complaint fits into these categories, please call us or seek further advice.

Resolution

What do you want to see happen as a result of your complaint?

Supporting documents

It is very useful to have copies of any documents that support your complaint. For example emails from your Adviser promising to do something by a certain date and an email showing that it has not been done.

Witnesses



Please tell us if there are any witnesses who can provide direct, independent evidence that will help us deal with your complaint.

Name: _____

Contact details: _____

Declaration:

I understand that a copy of my complaint and supporting evidence will be sent to the Adviser concerned, and may be used by the Tribunal in evidence.

I agree to waive any legal privilege preventing my Licensed Immigration Adviser (or former Licensed Immigration Adviser) from releasing information about me or my complaint to the Authority.

Signed: _____

Date: _____





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