

# IMMIGRATION ADVISER LICENSING

## A guide for New Zealand employers and recruiters of migrants

In order to protect the interests of consumers receiving immigration advice and to enhance New Zealand's reputation as a migration destination, the Immigration Advisers Licensing Act was passed in 2007.

The Act requires anyone onshore and giving New Zealand immigration advice to be licensed by the Immigration Advisers Authority from **4 May 2009**, unless they are exempt from licensing.

As from 4 May 2009, Immigration New Zealand (INZ) no longer accepts applications made by onshore unlicensed immigration advisers, unless they are exempt.

Licensing for immigration advisers based offshore will be mandatory from **4 May 2010**.

## How does immigration adviser licensing affect employers and recruiters? – your options

### Example scenario one – not giving advice

- Describing to a migrant the eligibility criteria for particular immigration categories as represented on the INZ website or in a Department of Labour publication.
  - Letting the migrant decide whether to apply under a particular category.
  - Translating the information where necessary.
  - Completing the required visa or permit application form under the migrant's direction.
  - Forwarding the application to INZ.
- these do not involve giving immigration advice and do not require a licence.

### Referring on

Without a licence, you can refer all requests for immigration advice to INZ or to a licensed immigration adviser – there's a register of these on the Authority's website: [www.iaa.govt.nz/adviser-register/search.htm](http://www.iaa.govt.nz/adviser-register/search.htm) – or to someone else legally entitled to give immigration advice because they are exempt. To find out more, visit: [www.iaa.govt.nz/becoming-adviser/exempt.html](http://www.iaa.govt.nz/becoming-adviser/exempt.html)

### Giving information but not advice

Giving immigration advice is more than providing information. It means using your knowledge or experience to tailor advice on a New Zealand immigration matter specifically for another person's circumstances. The guidance, assistance, direction or representation given may involve providing options

about the person's possible entitlements, or avenues they might take.

### Example scenario two – giving immigration advice in New Zealand

Advising a migrant to apply for residence in New Zealand under a particular category, describing the advantages for applying under that category over an alternative category and assisting the migrant to tailor their application to meet the requirements of that category is providing immigration advice. If you're based in New Zealand, you need to be licensed or exempt from 4 May 2009.

You can continue to give certain types of immigration information and help to migrants after 4 May 2009 in New Zealand without needing a licence. This includes carrying out clerical work, doing translations, carrying out settlement services, referring someone to INZ, or providing publicly available information. Read more: [www.iaa.govt.nz/about/what.html](http://www.iaa.govt.nz/about/what.html)

### What if I have provided immigration advice prior to May and my company wants me to apply for a licence, but I can't provide client files because I haven't made applications to INZ?

Anyone applying for a licence needs to provide evidence that they meet the competency standards for licensing. This evidence includes submitting client files. If you want to apply for a full or limited licence and you can't provide complete client files, you should contact the Authority for assistance.

### I have been working overseas as an immigration adviser and have recently returned to New Zealand. Can I still apply for a licence?

Yes. You can't provide immigration advice legally in New Zealand without a licence, unless you are exempt. Contact the Authority to discuss making a licence application. Also –

- New entrants to the immigration advice industry need to apply for a provisional licence.
- Licences are for individuals, not companies and are not transferable.
- If you apply for a licence from the Authority, you cannot provide advice until you receive your licence.
- The Authority aims to process licence applications within 40 working days.

### Q. What is the cost of licensing?

The cost of applying for a licence is \$1995 (incl. GST). This is also the cost of annual licence renewal. You will also need to allow for costs of continuing professional development for licensed staff.

### Q. What's in it for you?

Licensed immigration advisers benefit from:

- recognition of their work as a profession;
- recognition that they are meeting New Zealand Government quality standards;
- an ongoing professional development programme.

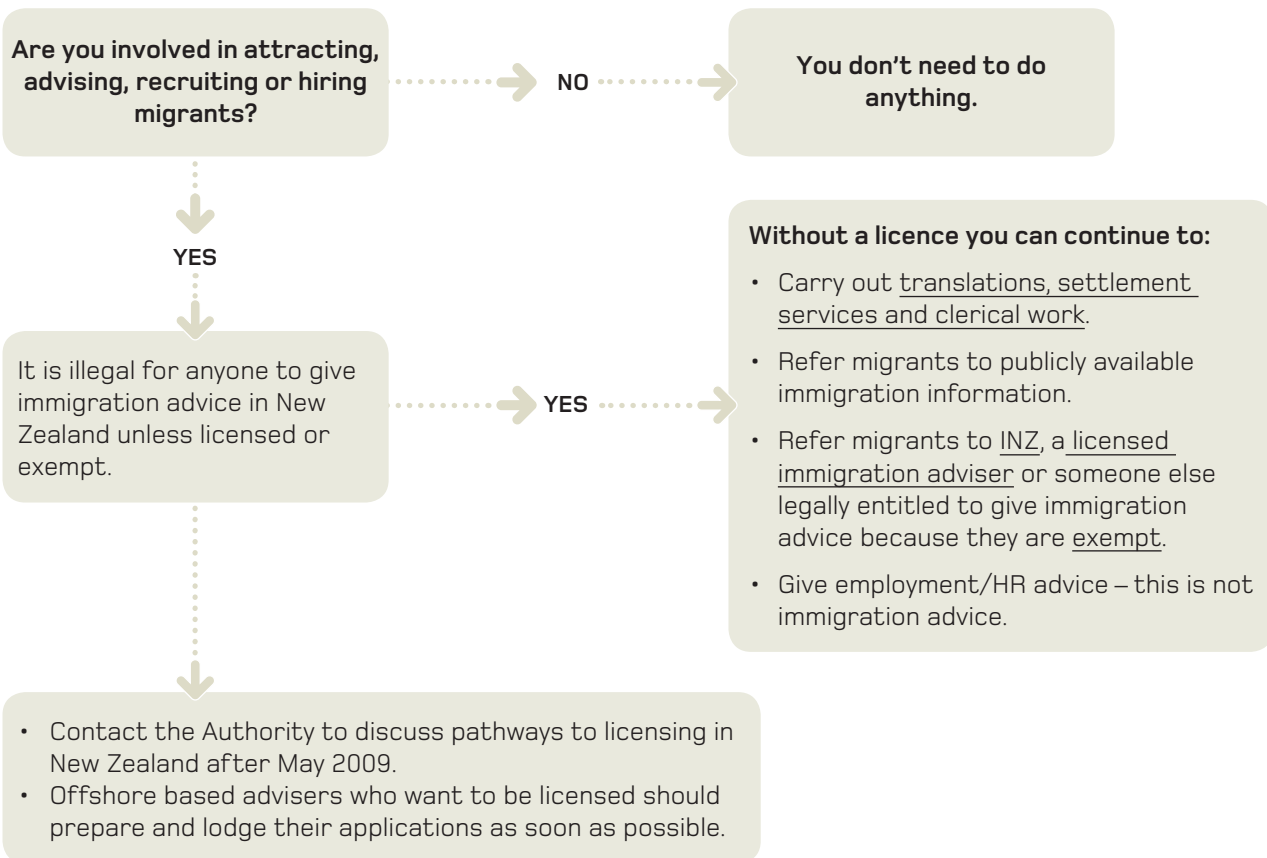
By working with – or having in house – a licensed immigration adviser:

- you will have certainty that migrant employees are getting the correct and best advice and their applications will be made in a thorough and timely fashion;
- you will be able to offer a comprehensive advice service to migrant employees;
- this will benefit you, the migrant and New Zealand.

**Good advice = happy migrants = good settlement outcomes.**

## FLOW CHART

You can choose between the options below. Click on the underlined links for more information:



Contact the Immigration Advisers Authority:

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

Freephone: 0508 422 422

If offshore, phone +64 9 925 3838

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

For information and fact sheets from INZ that employers and recruiters can refer migrants to, please visit the INZ website at: [www.immigration.govt.nz/employerfactsheets](http://www.immigration.govt.nz/employerfactsheets)