



Immigration
Advisers Authority

New Zealand Government



What does it mean to be a licensed New Zealand immigration adviser?





Licensed professionals = Protected migrants

What does it mean to be a licensed New Zealand immigration adviser?



The Immigration Advisers Licensing Act 2007 makes it illegal for anyone to give New Zealand immigration advice who is not licensed to do so (unless they are exempt – see **‘Who is exempt from licensing?’** on page 4). This is a major step forward for the immigration advice profession that will benefit both advisers and migrants.

Before the law was passed, anyone could call themselves an immigration adviser, whether or not they were qualified to give immigration advice. The actions of a small number of poor practitioners seriously disadvantaged some migrants, as well as damaging the reputations of legitimate advisers.

This booklet explains how the licensing law works for immigration advisers, as well as outlining the benefits and responsibilities that come with being licensed.

The Immigration Advisers Authority is committed to ensuring that licensed people giving immigration advice about New Zealand act in a professional and ethical manner.

A separate booklet is available to explain how licensing affects migrants coming to New Zealand. This and other information is available on our website, through an email request, or by writing to the Authority. See page 9 for contact details.

Barry Smedts | Registrar of Immigration Advisers



Who needs to be licensed?

Anyone who is giving New Zealand immigration advice, unless they are exempt – see ‘**Who is exempt from licensing?**’ below.

When will I need to be licensed?

Immigration advisers in **New Zealand** had to have a licence from **4 May 2009**.

Offshore immigration advisers who give advice on New Zealand immigration matters must have a licence after **4 May 2010**.

Licences can only be held by individuals, not organisations, and they can’t be transferred to anyone else. All licences must be renewed annually.

What is immigration advice?

Immigration advice is:

- Using, or purporting to use, 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.

If you are someone who does any of these things, you need a licence

(unless you are exempt – see ‘**Who is exempt from licensing?**’ below).

Immigration advice **is not**:

- Providing information that is publicly available or that is prepared or made available by the Department of Labour;
- Directing a person to the Minister or the Department of Labour or an immigration officer, a visa officer, a refugee status officer, or a list of licensed immigration advisers;
- Carrying out clerical work, translation or interpreting services, or settlement services.

If this is what you do, you do not need a licence.

Who is exempt from licensing?

Certain people are able to provide immigration advice without a licence. These include:

- People who provide immigration advice in an informal or family context only, so long as the advice is not provided systematically or for a fee;
- Current members of Parliament and their staff who provide immigration advice within the scope of their job;

- Foreign diplomats and consular staff accorded protection under certain Acts;
- Public service employees who provide immigration advice within the scope of their job;
- Practising New Zealand lawyers, and their employees who provide immigration advice within the scope of their job;
- People working (either employed or volunteers) for community law centres, where at least one lawyer is involved with the centre;
- People working (either employed or volunteers) for citizens advice bureaux;
- People who provide immigration advice **offshore** who advise on student visa and permit applications **only**;
- People exempted by Regulations.

Others might not be allowed to get a licence, such as someone convicted of an offence against the Immigration Act or an undischarged bankrupt.

How do immigration advisers benefit from licensing?

Licensing has already made immigration advice a more professional industry.

In order to become licensed, advisers have to meet competency standards, which prove their expertise in immigration. As regulated professionals, licensed immigration advisers will benefit from continuing professional development programmes.


Licensed immigration advisers have to adhere to a code of conduct, which increases industry-wide professionalism and ethical behaviour.

Under the Act, immigration advisers who breach the code or provide poor or fraudulent advice can be sanctioned. This helps protect advisers who give their clients sound advice and professional service, and enhances the industry's overall reputation.

You can read the code of conduct and competency standards on the Authority's website (see page 9 for contact details).

How do migrants benefit from licensing?

Creating professional standards for immigration advisers helps protect migrants and refugees from poor advice or unprofessional behaviour. Licensing means migrants can be confident they will get the correct and best information, whether they



work with a licensed immigration adviser, an exempt person, or deal directly with Immigration New Zealand. This, in turn, will help to enhance their overall New Zealand immigration experience.

The Act also provides for the Immigration Advisers Complaints and Disciplinary Tribunal, hosted within the Ministry of Justice. People who are unhappy with the service they have received can formally complain to the Immigration Advisers Authority. All complaints will be investigated by the Authority and referred to the Tribunal as appropriate.

Please contact the Authority for more information about the complaints process (see page 9 for contact details).

What types of licence are available?

There are three different kinds of licence: full, limited and provisional. While the areas of competence are similar for all three types of licence, the level of knowledge required is different.

Full licence: To get a full licence, advisers have to prove they are able to competently provide advice in relation to at least one temporary and one residence immigration matter, and that they have broad

knowledge of the requirements for all immigration matters.

Limited licence: Authorises advisers to provide immigration advice, without supervision, in relation to specified matters only. A person who holds a limited licence may have chosen to specialise in one particular area, so they must prove that they can provide advice, unsupervised, in relation to that specialist area only.

Provisional licence: This licence may be granted to new entrants to the industry or to others who need to work under the direct supervision of a fully licensed immigration adviser. The supervision policy is available on the Authority's website.

Where do I apply for a licence?

Licensing is managed by the Immigration Advisers Authority, a statutory body that is hosted within New Zealand's Department of Labour, but run independently from the Department's day-to-day immigration functions.

Please contact the Authority to get a licence application pack. See page 9 for contact details.

Applicants will always need to allow plenty of time, whether applying for a new licence or an annual renewal.



What will I have to do to become licensed?

In order to get and hold a licence, immigration advisers will need to:

- Provide all required information and pay all fees and levies;
- Meet competency standards that prove expertise in immigration;
- Agree to abide by the code of conduct.

When applying, an adviser's personal history will also be considered, including criminal convictions, immigration offences, bankruptcy or other issues that might make them unsuitable to hold a licence.

It is important to ensure that immigration adviser licensing applications are sent in with all the necessary information. **If an application is refused, the refusal and the applicant's name and details must be listed on the public register of immigration advisers.**

For more details about applying for a licence, please see the *Application Booklet* available on the Authority's website (see page 9 for contact details).

How will I be assessed?

You will be asked to provide supporting information along with your application form, including evidence of your work history and your knowledge of immigration law and policy. You may also be asked to supply work samples.


An assessor will consider all of the documentation you have provided, assess whether you meet the minimum standards of competence for the type of licence you have applied for, then provide this information to the Registrar. You are likely to be contacted by the assessor during this process.

The Authority may conduct an on-site inspection to determine an applicant's competence.

Licensed advisers holding a provisional or limited licence may upgrade their licence when they meet the requirements of the upgrade policy, available on the Authority's website (see page 9 for contact details).

How much will it cost?

The total cost of an initial licence or renewal is \$2039.33 (incl. GST). This is made up of the licence fee of \$909.78, plus a levy of \$1129.55. The fee for upgrading a licence



from one type to another is \$546.89 (incl. GST). Advisers not ordinarily resident in New Zealand do not pay the GST component.

Advisers who meet the not-for-profit criteria will not be charged fees or levies.

The licence fee covers the cost of processing all applications, while the levy covers the funding of the Tribunal and part of the cost of the Authority's non-application related functions.

How will people know who is licensed?

The Authority keeps a publicly available register of licensed immigration advisers. This register also lists people who have been refused a licence and advisers who have had their licence cancelled, or who have surrendered their licence.

Only licensed immigration advisers may use the Authority's trademark:



Advisers must also display their licence prominently in their place of business and provide proof of licensing at a client's request.

What are a licensed immigration adviser's responsibilities under the Act?

As part of professionalising the industry, licensed immigration advisers must meet competency standards and commit to continuing professional development. Advisers will also have to behave professionally and ethically, adhering to a code of conduct. This includes:

- Obligations to clients;
- Obligations to the relevant Minister and Department;
- Obligations to the Registrar of Immigration Advisers;
- Conflicts of interest;
- Disclosure requirements;
- Reasonableness of fees;
- Consumer complaints process.

The Authority will investigate all complaints made against licensed immigration advisers and resolve them through a clear,

fair process. Breaches of the code of conduct will be put before the Immigration Advisers Complaints and Disciplinary Tribunal and may incur stiff penalties.

You can read the code of conduct in full on the Authority's website.

What happens if someone complains about me?

The Authority will investigate all complaints made against licensed immigration advisers and refer them to the Immigration Advisers Complaints and Disciplinary Tribunal as appropriate. If you are a licensed immigration adviser and have a complaint raised against you, you will be notified in writing. All parties involved in a complaint will be kept informed about its progress.

The Authority will also take action against unlicensed immigration advisers. Unlicensed immigration advisers, or advisers who don't adhere to the code, can be subject to very stiff penalties.

Please contact the Authority for more information about the complaints process.

Where can I get more information?

The Immigration Advisers Authority website is a good place to find all the latest news about the Authority. The site also has policy documents, booklets and forms available for download, including:

New Zealand Immigration Advisers Licence Application – Application Booklet

The Immigration Advisers Competency Standards 2008

The Licensed Immigration Advisers Code of Conduct 2008

Immigration Adviser Licensing: What does it mean for migrants?

The Immigration Advisers Authority exists for the benefit of advisers and migrants alike. Contact the Authority on:

Email: info@iaa.govt.nz

Freephone: 0508 422 422 (NZ only)

Phone: +64 9 925 3838
(outside NZ)

Mail: PO Box 6222
Auckland 1141
New Zealand

Visit the Authority's website:
www.iaa.govt.nz



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