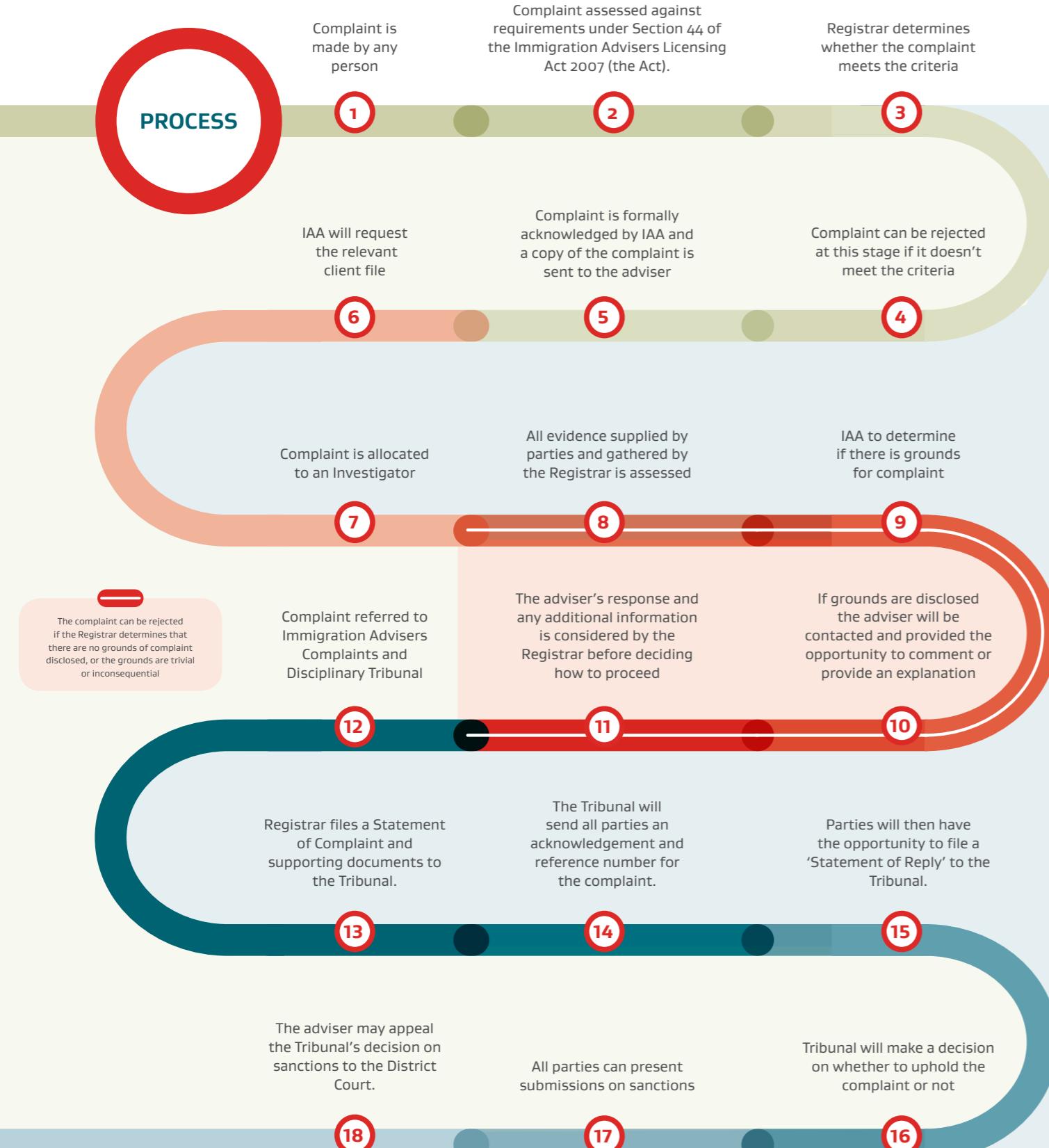


WHAT HAPPENS WHEN THE AUTHORITY RECEIVES A COMPLAINT ABOUT A LICENSED ADVISER?



| NOTES | PROCESS |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| If the complaint is not made in the correct manner it may be rejected by the Registrar. | 1. Complaint is made by any person. |
| It is an offence for an adviser to fail to comply, in any respect, with a requirement to produce a client file for inspection. Adviser should ensure that a copy of the full client file is provided at the outset. This includes: <ul style="list-style-type: none">• copies of all file notes,• visa applications and supporting documents,• written agreements• electronic communications, including text messages, WhatsApp and WeChat messages. If communications or client file documents are not in English, translations are needed. An official translator does not need to be used. We may ask for more information about the complaint from the parties involved | 2. Complaint assessed against requirements under Section 44 of the Immigration Advisers Licensing Act 2007 (the Act). |
| The complaint can be rejected at this stage if there are no grounds found, or they are considered trivial or inconsequential. The adviser may also be asked to resolve the situation through their own complaints process. In all cases, written notice will be provided to the parties. The decision to reject or not pursue a complaint can be appealed under the Act (s.54). | 3. Registrar determines whether the complaint meets the criteria. |
| The Registrar has the option to recommend that the complaint go through the adviser's own complaints procedure. Both parties may come to a resolution and the complaint is rejected or they do not come to a resolution and the complaint is progressed. | 4. Complaint can be rejected at this stage if it doesn't meet the criteria. |
| If grounds are disclosed the adviser will be contacted and provided the opportunity to comment or provide an explanation. | 5. Complaint is formally acknowledged by IAA and a copy of the complaint is sent to the adviser. |
| The adviser's response and any additional information is considered by the Registrar before deciding how to proceed. | 6. IAA will request the relevant client file. |
| The adviser is not required to provide a response, however anything the adviser does provide will be taken into account by the IAA when reconsidering if there are grounds of complaint. | 7. Complaint is allocated to an Investigator. |
| The complaint can be rejected at this stage if there are no grounds found, or they are considered trivial or inconsequential. The adviser may also be asked to resolve the situation through their own complaints process. In all cases, written notice will be provided to the parties. The decision to reject or not pursue a complaint can be appealed under the Act (s.54). | 8. All evidence supplied by parties and gathered by the Registrar is assessed. |
| All parties will receive copies of this. | 9. IAA to determine if there are grounds for complaint. |
| Once the complaint has been referred to the Tribunal, please contact the Tribunal for any updates. | 10. The adviser's response and any additional information is considered by the Registrar before deciding how to proceed. |
| The Tribunal can dismiss the complaint, uphold the complaint and take no action, or uphold the complaint and impose sanction(s). | 11. If grounds are disclosed the adviser will be contacted and provided the opportunity to comment or provide an explanation. |
| Tribunal will make a decision on whether to uphold the complaint or not. | 12. Complaint referred to Immigration Advisers Complaints and Disciplinary Tribunal. |
| All parties will receive copies of this. | 13. Registrar files a Statement of Complaint and supporting documents to the Tribunal. |
| The Tribunal will send all parties an acknowledgement and reference number for the complaint. | 14. The Tribunal will send all parties an acknowledgement and reference number for the complaint. |
| Parties will then have the opportunity to file a 'Statement of Reply' to the Tribunal. | 15. Parties will then have the opportunity to file a 'Statement of Reply' to the Tribunal. |
| The adviser may appeal the Tribunal's decision on sanctions to the District Court. | 16. Tribunal will make a decision on whether to uphold the complaint or not. |
| All parties can present submissions on sanctions. | 17. All parties can present submissions on sanctions. |
| The adviser may appeal the Tribunal's decision on sanctions to the District Court. | 18. The adviser may appeal the Tribunal's decision on sanctions to the District Court. |