



The complaint can be rejected if the Registrar determines that there are no grounds of complaint disclosed, or the grounds are trivial or inconsequential

NOTES

PROCESS

	1	Complaint is made by any person
If the complaint is not made in the correct manner it may be rejected by the Registrar.	2	Complaint assessed against requirements under Section 44 of the Immigration Advisers Licensing Act 2007 (the Act).
	3	Registrar determines whether the complaint meets the criteria
	4	Complaint can be rejected at this stage if it doesn't meet the criteria
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: • 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	5	Complaint is formally acknowledged by IAA and a copy of the complaint is sent to the adviser
	6	IAA will request the relevant client file
	7	Complaint is allocated to an Investigator
	8	All evidence supplied by parties and gathered by the Registrar is assessed
	9	IAA to determine if there are grounds for complaint
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).		
The Registrar has the option to recommend that the complaint go through the advisers 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.		
	10	If grounds are disclosed the adviser will be contacted and provided the opportunity to comment or provide an explanation
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.	11	The adviser's response and any additional information is considered by the Registrar before deciding how to proceed
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	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.
Once the complaint has been referred to the Tribunal, please contact the Tribunal for any updates.	14	The Tribunal will send all parties an acknowledgement and reference number for the complaint.
	15	Parties will then have the opportunity to file a 'Statement of Reply' to the Tribunal.
	16	Tribunal will make a decision on whether to uphold the complaint or not.
The Tribunal can dismiss the complaint, uphold the complaint and take no action, or uphold the complaint and impose sanction(s).	17	All parties can present submissions on sanctions.
	18	The adviser may appeal the Tribunal's decision on sanctions to the District Court.