

Client Communications: Lessons from the Migrant Survey and the Tribunal

31 May 2023 3-4 pm NZST

Why?

Reasons behind this webinar

- Migrant Survey 2023 and recent Tribunal decisions
- The importance of good communications

How?

Code-compliant practice

- Connect and provide objective advice
- Active communication and record-keeping
- Practising as a provisional licence holder

If not?

When things go wrong

Lessons from the Tribunal



Why?

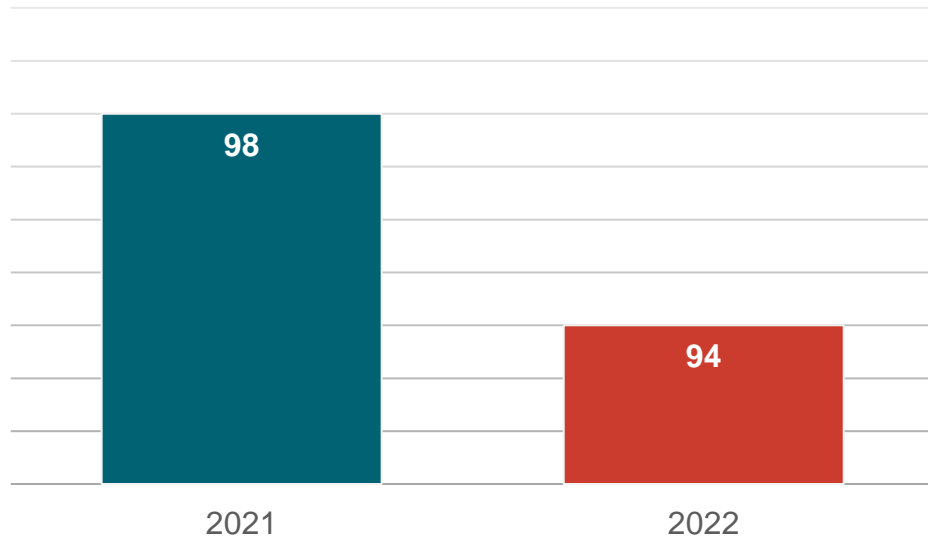
Reasons behind this webinar

A decorative graphic in the bottom right corner consisting of several overlapping triangles in shades of teal, olive green, and red.

Migrant survey 2023:

Mid-point analysis (July – December 2022)

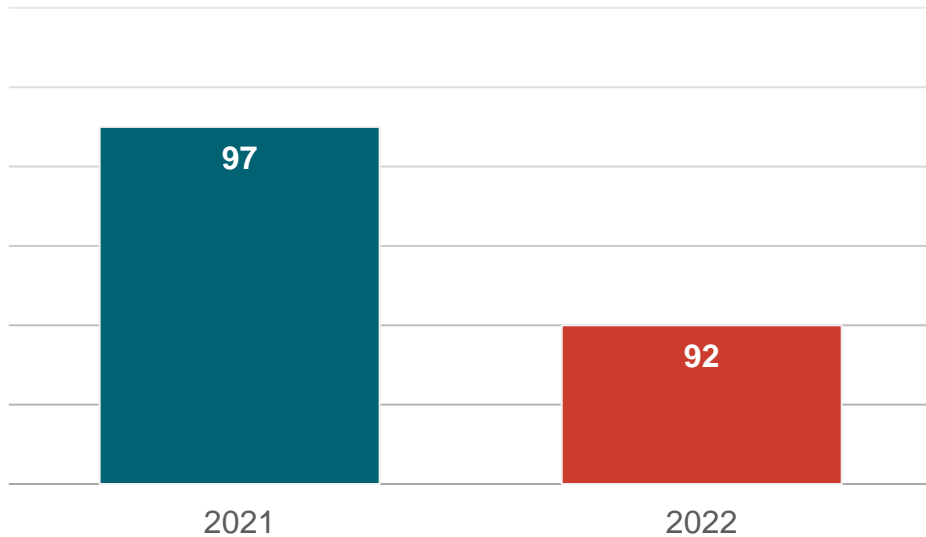
Adviser was honest, truthful



Migrant survey 2023:

Mid-point analysis (July – December 2022)

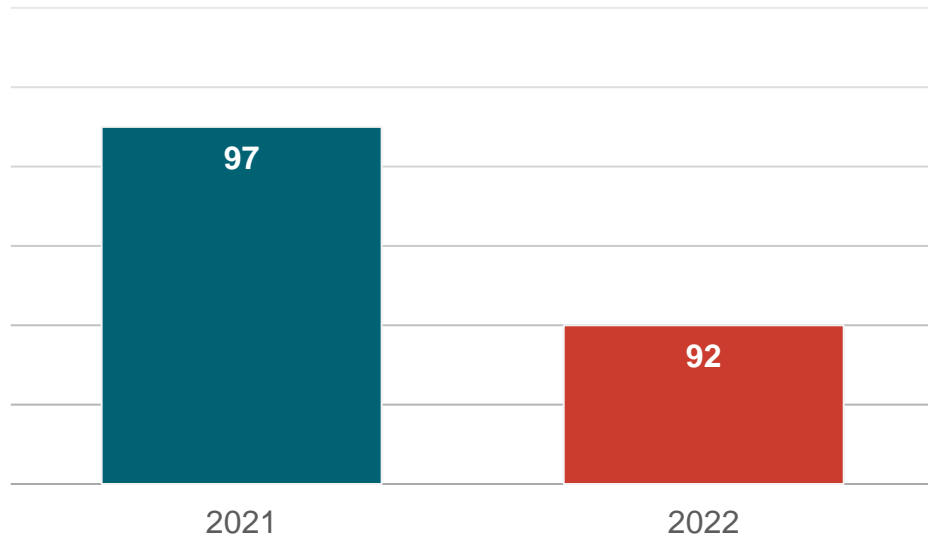
Advice was right for clients' circumstances



Migrant survey 2023:

Mid-point analysis (July – December 2022)

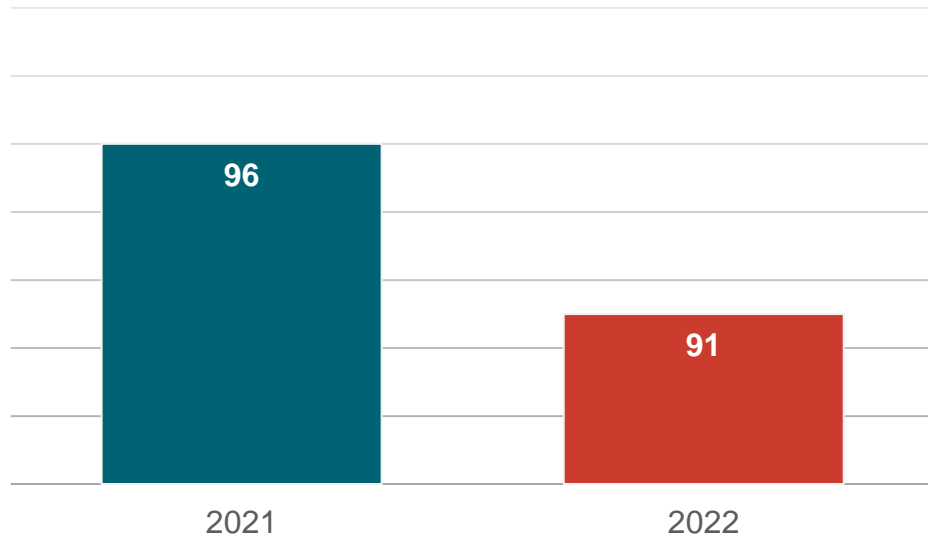
Adviser provided information to help the client understand their situation



Migrant survey 2023:

Mid-point analysis (July – December 2022)

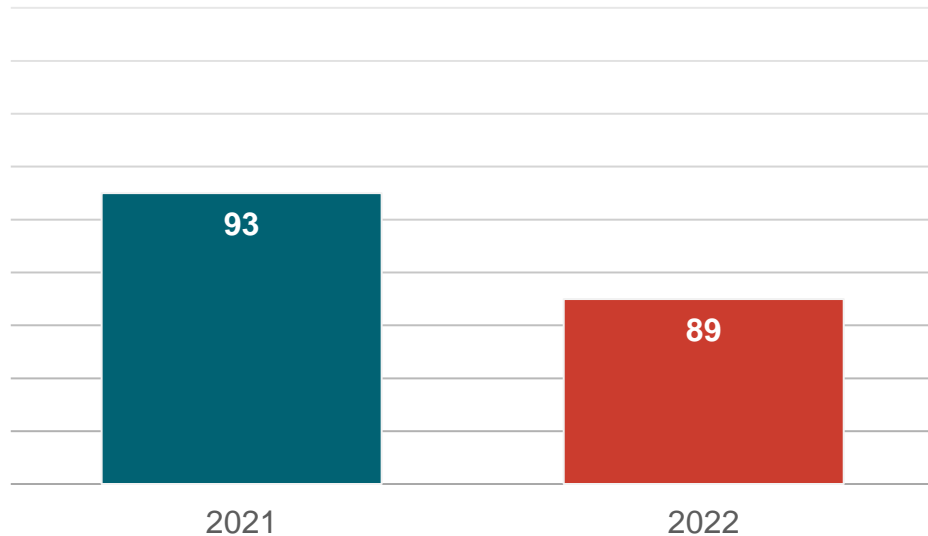
Adviser provided answers to questions in a way the client understood



Migrant survey 2023:

Mid-point analysis (July – December 2022)

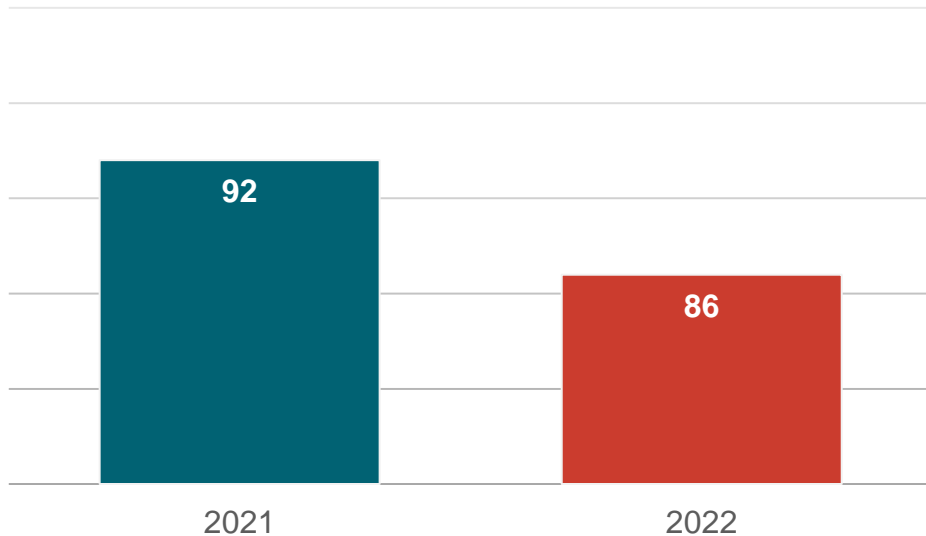
Adviser explained all immigration options to their client



Migrant survey 2023:

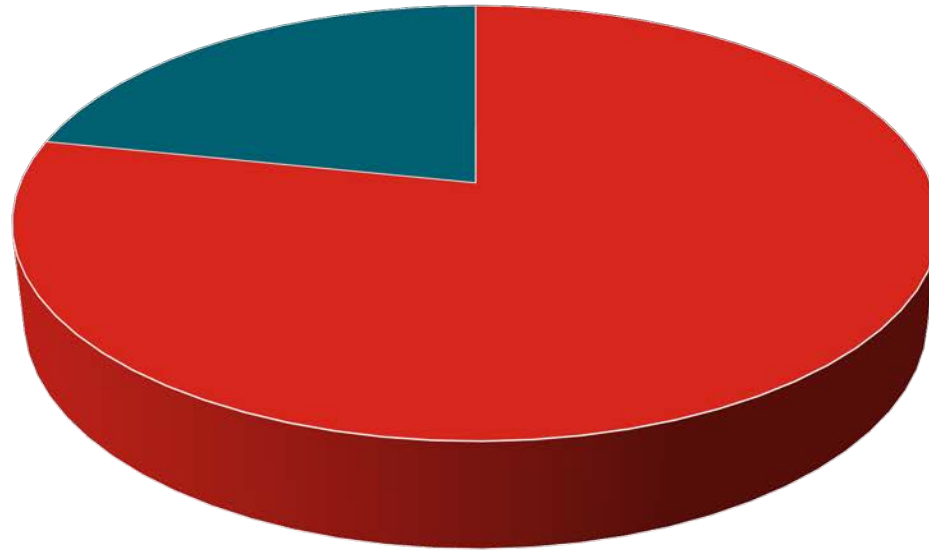
Mid-point analysis (July – December 2022)

Adviser provided a quick response to questions



Tribunal decisions

Complaints upheld since January 2022



■ Poor communications with clients ■ Other



The importance of good communications

'She had given vague and evasive answers to queries from her client as to the status of his visa application... Her approach to communications with her client evident in the earlier complaints and her poor record-keeping had continued in the third complaint'.

'As found in IK, Ms Tian has a casual, if not cavalier, attitude to her clients. There is a pattern of making applications without instructions, as well as of failing to keep clients informed. She deceives clients about the status of their visa applications. She has been doing this for many years. Multiple clients have been victims of her deceit'.

-TA v Tian [2022] NZIACDT 19

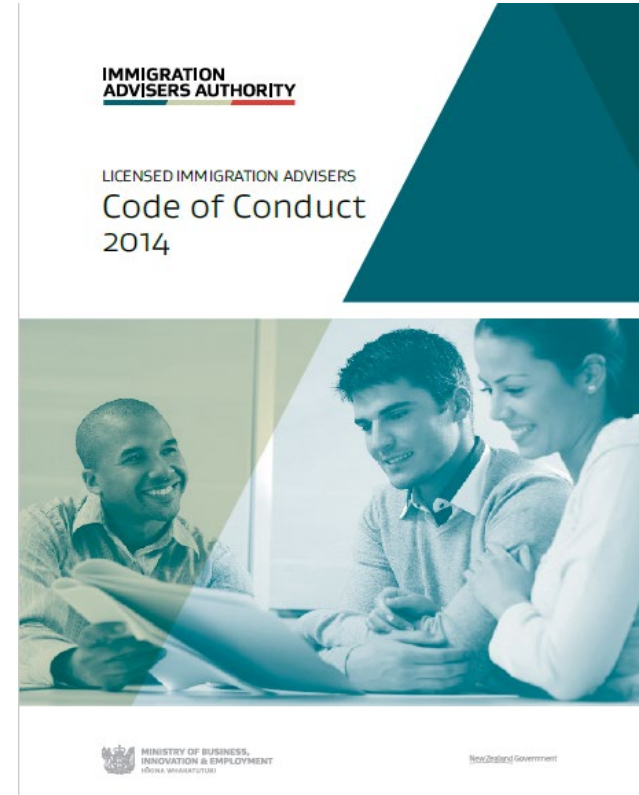
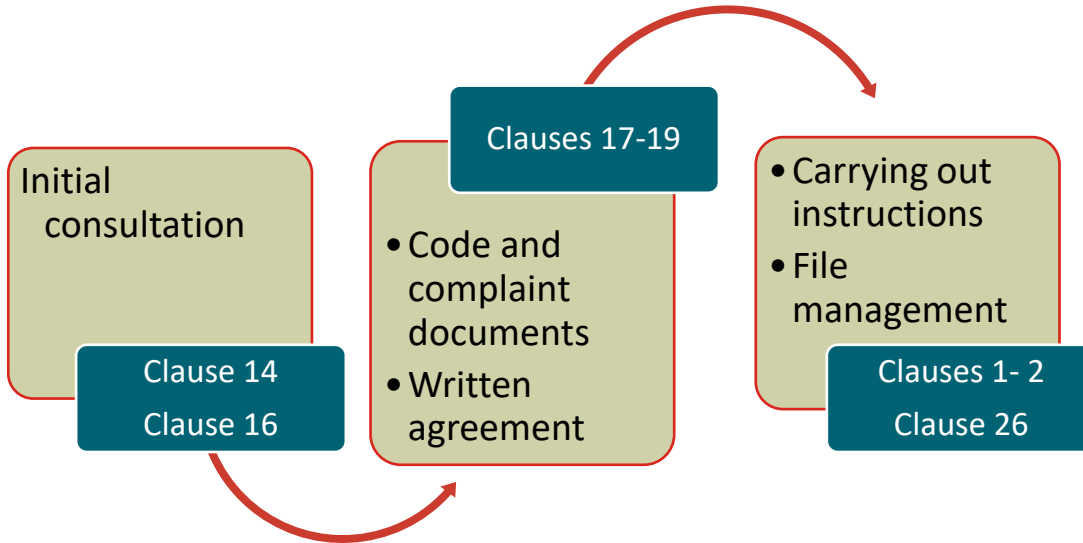


How?

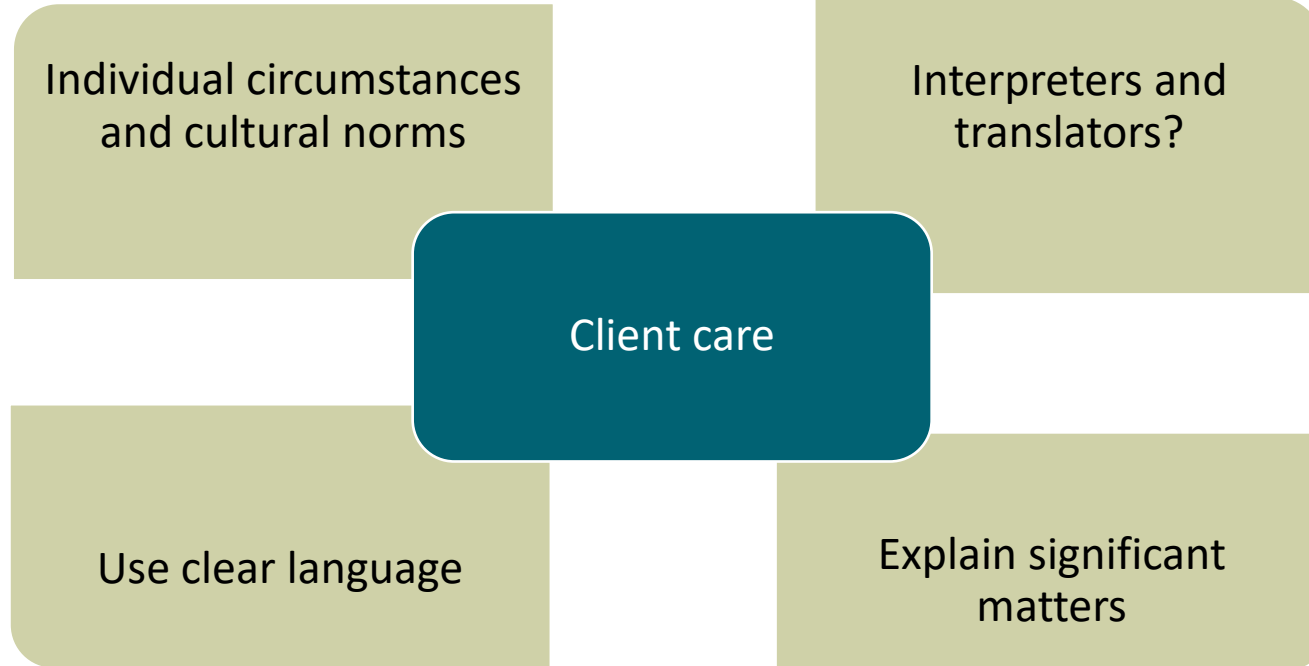
Code-compliant practice

The bottom right corner of the slide features a decorative graphic composed of several overlapping triangles. The colors include a dark teal, a light beige, and a bright red, creating a modern, abstract design.

Client engagement process



Client care: Connect with your client



Client care: Provide objective advice

Consider all options

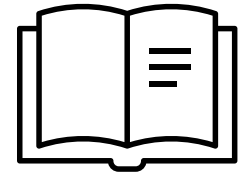
Be honest

Work within your own knowledge

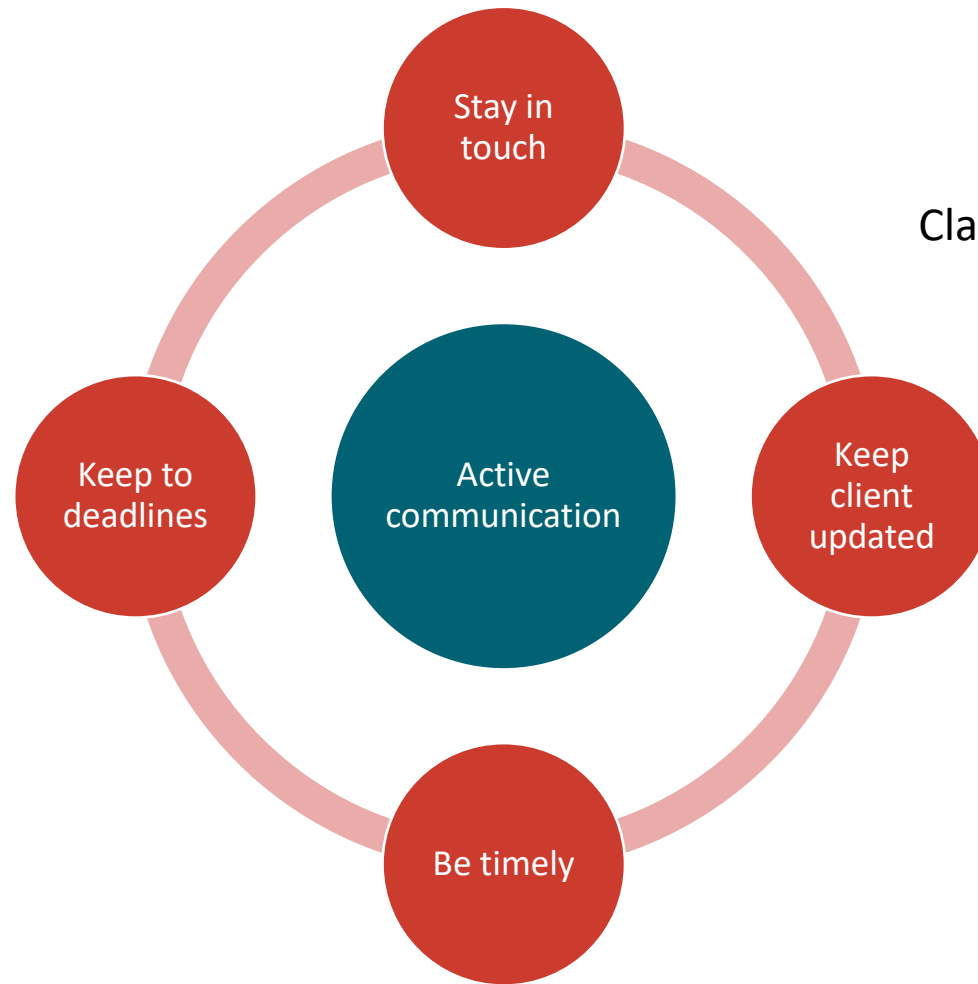


Identify barriers

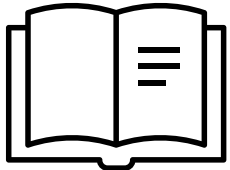
Futile immigration matter?



Clause 26



Clause 1



Record-keeping (communications)



Written records



File management



Record-keeping (communications)

(13) Failure to provide timely updates on visa applications, in breach of cl 26(b)

[84] [...]Without assessing all communications between Mr Lawlor and the brother-in-law or the complainant, it is apparent that generally his communications with them (regarding progress of the applications/requests, their outcomes and his exchanges with the visa officers) was poor. **He did not keep them up to date, except on isolated occasions.**

[86] Mr Lawlor accepts he did not adequately communicate in writing, either to the brother-in-law or the complainant, information about the brother-in-law's immigration matters [...] Mr Lawlor accepts **the breach of cl 26(b).**



Record-keeping (communications)

(14) Failure to maintain a client file, in breach of cl 26(a)(iii)

(15) Failure to confirm in writing to the brother-in-law the details of material discussions, in breach of cl 26(c)

[87] These heads of complaint appear to overlap. There are almost no written communications from Mr Lawlor to the brother-in-law or the complainant, recording the advice he gave them concerning the immigration status of the brother-in-law and his family and his recommendations concerning what applications to make. Mr Lawlor acknowledges this. The failure to confirm in writing to one or both of them the details of such discussions is a **breach of cl 26(c)**.



Record-keeping (communications)

[88] However, the failure to write to either of them confirming the advice given is not a breach of cl 26(a)(iii). This provision requires Mr Lawlor to maintain a file of such written communications as he did have, not to create written communications. The Registrar does not identify any communication, known to exist, which was not on Mr Lawlor's file. **It is really the lack of such written communications which is the professional violation here.**

- [BC v Lawlor \[2022\] NZIACDT 10](#)



Provisional licence holders

- Communications to be reviewed by supervisor
- Provisions in the supervision agreement?
- Code of Conduct?



If not?

When things go wrong: Lessons from the Tribunal



Recent tribunal decisions

- [TA v Tian \[2022\] NZIACDT 7](#)
- [TQ v Gibson \[2022\] NZIACDT 18](#)
- [BC v Murthy \[2023\] NZIACDT 8](#)



Resources

Finding more information



IAA website:

- [Competency Standards 2016](#)
- [Code of Conduct 2014](#)
- [Code of Conduct Toolkit](#)
- [Past webinars](#)
- [2021 Migrant Survey Results](#)



- Have we done a good job?
- How can we do better?

We want to hear from you

- Complete post-webinar survey
- Email us at info@iaa.govt.nz



Thank you.

Questions?

