

Providing immigration advice: What does tailored and diligent service delivery look like?

IAA Webinar 3

23 November 2023 2-3 pm NZT


In today's webinar

- Highlights of the 2022-2023 Migrant Survey
- Themes emerging from Migrant Survey:
 - Client service and communication
 - Timeliness
 - Information provision



Survey

Have you seen the 2022-2023 Migrant Survey results?

- a) Yes
 - b) No
- 

Results from the Migrant Survey



Highlights from the Migrant Survey

3/5

of LIA clients have their service expectations exceeded



word of mouth remains the most common way applicants find out about an adviser

41%

of clients are aware of the complaints process



clear and frequent communication is the best way to exceed client expectations

91%

of applicants would be willing to recommend their adviser to family and friends



applicants are very positive about the timeliness of the process



Key findings about service delivery

- **Good communication** remains the key contributor to service expectations being met
- A lack of communication remains the key contributor to service expectations not being met
- More **regular contact** and more **timely updates** are identified as the key ways to improve service

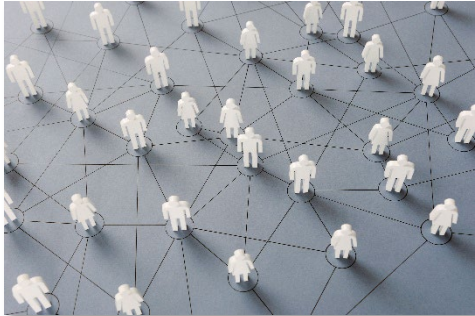


Client Service and Communication



Client service and communication

Satisfaction with all aspects of client service and communication remain high,



but

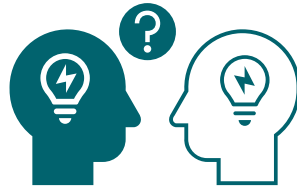
positive perceptions have declined significantly on:

- carrying out the applicant's instructions
- providing information so the applicant understood their situation
- advice being right given personal circumstances



Aligning expectations

- Many complaints that the Authority receives can be understood as resulting from a mismatch of expectations



- The best way to ensure that expectations are aligned is through a robust *written agreement*, *ongoing timely updates*, and *written confirmation of material discussions*




Written agreements

- We have previously covered written agreements (April 2022)
- 89% of respondents recalled having received a written agreement
- Perceptions of written agreements are very high among those who received them
- Ensuring that your written agreements are Code-compliant protects your clients *and you*



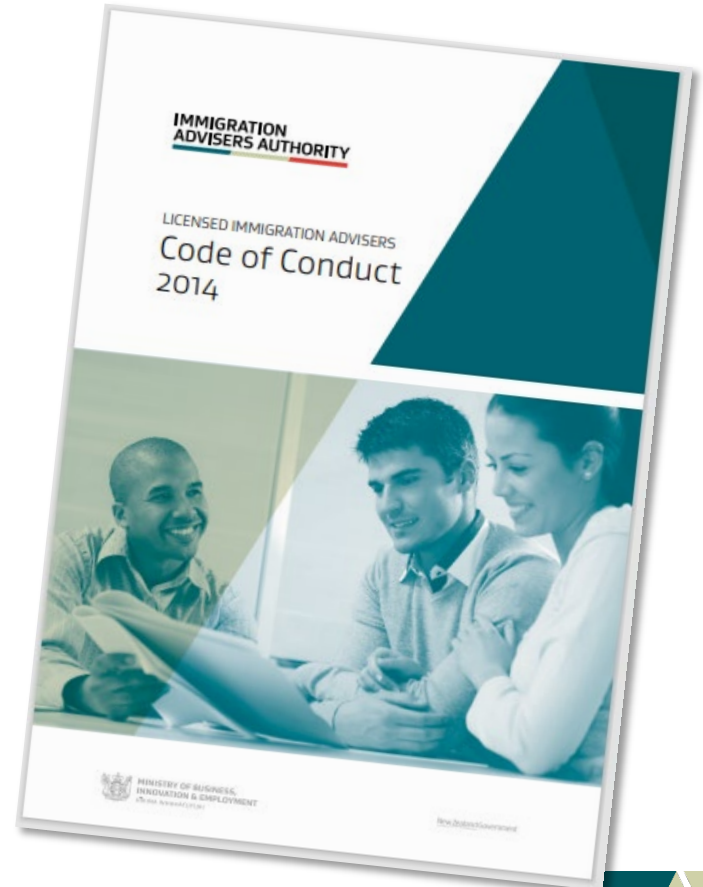
Survey

Do you think your written agreements are Code-compliant?

- a) Yes, definitely
 - b) Yes, probably
 - c) Not sure
- 

Written agreements: Common pain points

- Not recording changes to written agreements
- Not tailoring the services to be provided
- No record that Professional Standards have been provided and explained
- Refund and complaints policies are not provided or not Code-compliant
- Payment Ts&Cs not set out clearly



Client service and communication

- Clients can expect an adviser to take *all* the actions spelled out in the written agreement
- Consider the large failure to act in [BU v McCarthy \[2022\] NZIACDT 11](#)



Client service and communication

“It is found that Ms Murthy was not diligent and nor did she exercise due care in failing to personally check whether the staff had correctly filed the application, once the delay was longer than a few weeks. A delay of about two and a half months before Ms Murthy personally checked with NZQA and then ensured the application was successfully filed, is unacceptable.”

– [SU v Murthy \[2022\] NZIACDT 17](#)



Client service and communication

- Clients can expect an adviser to take **only** the actions spelled out in the written agreement

“In addition to the deceit, there are 16 breaches by Ms Tian of her professional obligations, including failing to advise the complainant of the outcome of six applications and filing four futile applications. The breaches included such significant obligations as having a written client agreement and maintaining a client file. These are not minor ‘paper shuffling’ obligations, but important protections for the client.”

– [TA v Tian \[2022\] NZIACDT 19](#)


“It was Mr McCarthy’s responsibility to ensure he had instructions to proceed, not the complainant’s responsibility to instruct him not to proceed (in respect of an application she did not know was to be made)”

– [EQ v McCarthy \[2022\] NZIACDT 29](#)



Survey

What do you call a written agreement when you present it to clients?

- a) Written agreement
 - b) Letter of engagement
 - c) Service contract
 - d) Service agreement
 - e) Contract
 - f) Something else
- 

Timeliness



Timeliness

Applicants are very positive about the timeliness of the process



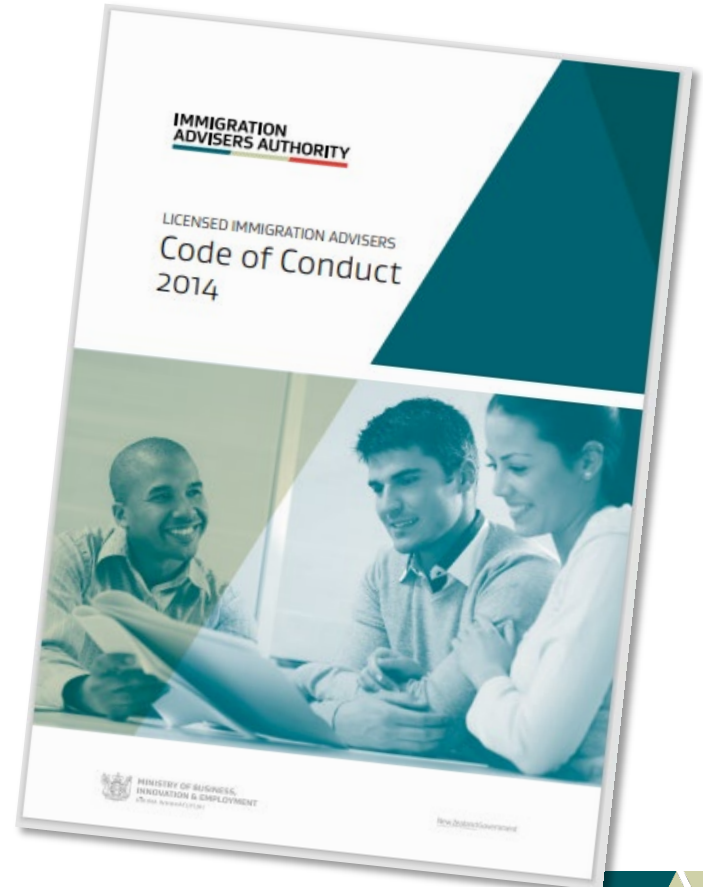
but

there has been a significant decline in providing ongoing timely updates on application progress



Timeliness

- Clause 1 of the Code says that *“A licensed immigration adviser must be honest, professional, diligent and respectful and conduct themselves with due care and in a **timely manner**”*
- Clause 26(b) of the Code says that *“A licensed immigration adviser must confirm in writing to the client when applications have been lodged, and make on-going **timely updates**”*



Timeliness

“It is alleged Mr Lawlor did not provide timely updates to the complainant concerning the work visa application. He did not inform her of Immigration NZ’s emails of 15 and 21 May 2019. Mr Lawlor accepts he did not send the emails to his client. This is a breach of cl 26(b) of the Code. The failure to inform his client of issues raised by Immigration NZ is not trivial.”

– [WS v Lawlor \[2023\] NZIACDT 9](#)



Timeliness


“When the expression was lodged in December 2020, she said her staff phoned the complainant to confirm this, but they did not give him a copy of the expression. She says they phoned him several times to update him, telling him that the selection process had not resumed. Such phone calls are not sufficient. Ms Murthy had to inform the complainant in writing when the expression was lodged and then to update him from time to time (even if no progress was being made).”

– [BC v Murthy \[2023\] NZIACDT 8](#)



Survey

How often do you provide updates to your clients?

- a) Weekly
 - b) Fortnightly
 - c) Monthly
 - d) Whenever a relevant change happens (e.g. the application is allocated to an INZ officer for processing)
 - e) Whenever an action point arises (e.g. RFI from INZ)
- 

Information Provision



Information provision

Perceptions of information provision are generally high



but

LIA clients are less satisfied with:

- answers being provided in a way they could understand
- having all immigration options explained



Information provision: Eligibility assessments



- Written eligibility assessments are often missing from IAA client file inspections
- An eligibility assessment helps clients understand their options and your recommendation



Information provision: Eligibility assessments

- [BC v Lawlor \[2022\] NZIACDT 10](#): Adviser filed two visa applications for which the clients were not eligible
 - A PGVV when the client was ineligible because he was onshore
 - A work-to-residence application when the client was ineligible because neither his qualification nor his work experience met requirements



Information provision: Eligibility assessments


“At their meeting on 18 September 2020, Ms Murthy and the complainant must have discussed whether he met the criteria for the skilled migrant category, yet there was no written communication from her confirming the advice she must have given. Ms Murthy says the complainant requested an assessment of other options and she reviewed the file and advised him of the option of a partnership-based visa. She does not say when this happened. Ms Murthy was required to confirm any such oral advice in writing.”

– [BC v Murthy \[2023\] NZIACDT 8](#)



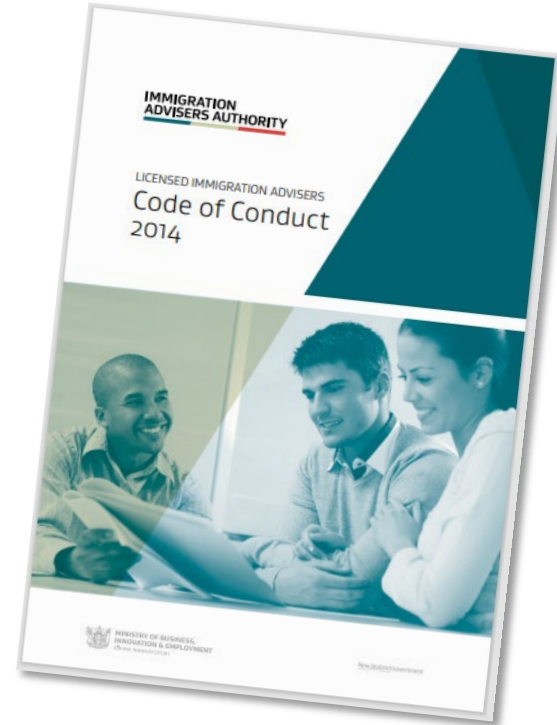
Survey

How do you assess a client's eligibility?

- a) I use a template I created myself
 - b) I write an assessment from scratch each time
 - c) I talk through immigration instructions for the desired visa with my client
 - d) I use INZ's visa finder
 - e) Something else
- 

Information provision: Written confirmation of material discussions

- Clause 26(c) of the Code requires that advisers confirm material discussions in writing to the client



Information provision: Written confirmation of material discussions

Date and Time	Friday, 3 November, 3:30 p.m.
Location/Medium	Zoom
Attendees/Participants	John Smith, LIA#555555555 Michael Johnson, Principal Applicant
Main point(s) discussed	<ul style="list-style-type: none">• PPI from INZ: Drink driving conviction
Action points	<ul style="list-style-type: none">• MJ to prepare PPI response for INZ and send to JS by Wednesday, 8 November• JS to prepare accompanying cover letter for INZ• JS to submit both letters to INZ by Friday, 10 November• JS to confirm letter submission with MJ
Timeline	As above



Information provision: Written confirmation of material discussions


“[Confirming material discussions in writing] is not a trivial ‘bureaucratic’ obligation [...] Advice given verbally at a meeting when many other matters are discussed is not always fully appreciated. Written confirmation allows a client to reflect more fully on the advice.”

- [ZK v Li \[2022\] NZIACDT 27](#)



Survey

How do you confirm material discussions with clients?

- a) By email
 - b) By text/WhatsApp/WeChat
 - c) Through meeting minutes
 - d) I don't confirm discussions
 - e) All my work is already in writing
- 

Resources

- [Written agreement guidance](#)
- [Written agreement checklist](#)
- [Key results from the Migrant Survey](#)
- [Past webinars](#)
- [Code of Conduct 2014](#)



Questions?



Feedback? Further questions?

- How can we do better?
- Have we done a good job?
- Whatever the feedback, compliments, or complaints, we want to hear from you.



- 📋 Complete the post-webinar survey
- 📞 Call us at 0508-422-422 (in NZ) or +64-9-925-3838 (outside NZ)
- ✉️ Email us at info@iaa.govt.nz with **“Feedback – Webinar”** in the subject line



Thank you.

