

# Written Agreements, Client Engagement & Maintaining Records.

*Meeting the Competency Standard 6.1, 6.6 and 6.7 performance indicators*

16 September 2026 | 2 pm – 3 pm NZT

**DISCLAIMER:** None of the information provided in this webinar should be taken as legal advice.

# Today's Webinar

Why does this matter?

Written Agreements

Client Engagement

Maintaining Records



# Why does this matter?

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# Regulatory Requirements

## Relevant Competency Standards

6.1: Understanding of and commitment to professional, ethical, socially responsible and culturally sensitive behaviour and practice; in particular, to all aspects of the licensed immigration advisers code of conduct.

6.6: The ability to develop and maintain ethical and professional relationships with clients.

6.7: The ability to develop and apply a clear and understandable written agreement that includes a full description of the services to be provided by the adviser; fees to be charged and payment schedule; how and when the client will be invoiced, and the refund policy.



# Regulatory Requirements

## Code of Conduct 2014

### **Clause 1:**

A licensed immigration adviser must be honest, professional, diligent and respectful and conduct themselves with due care and in a timely manner.

### **Clause 2:**

A licensed immigration adviser must:

- (a) maintain a relationship of confidence and trust with the client and provide objective advice.
- (e) obtain and carry out the informed lawful instructions of the client.

### **Clauses 18 – 19:**

- Written agreements

### **Clause 26:**

- File Management



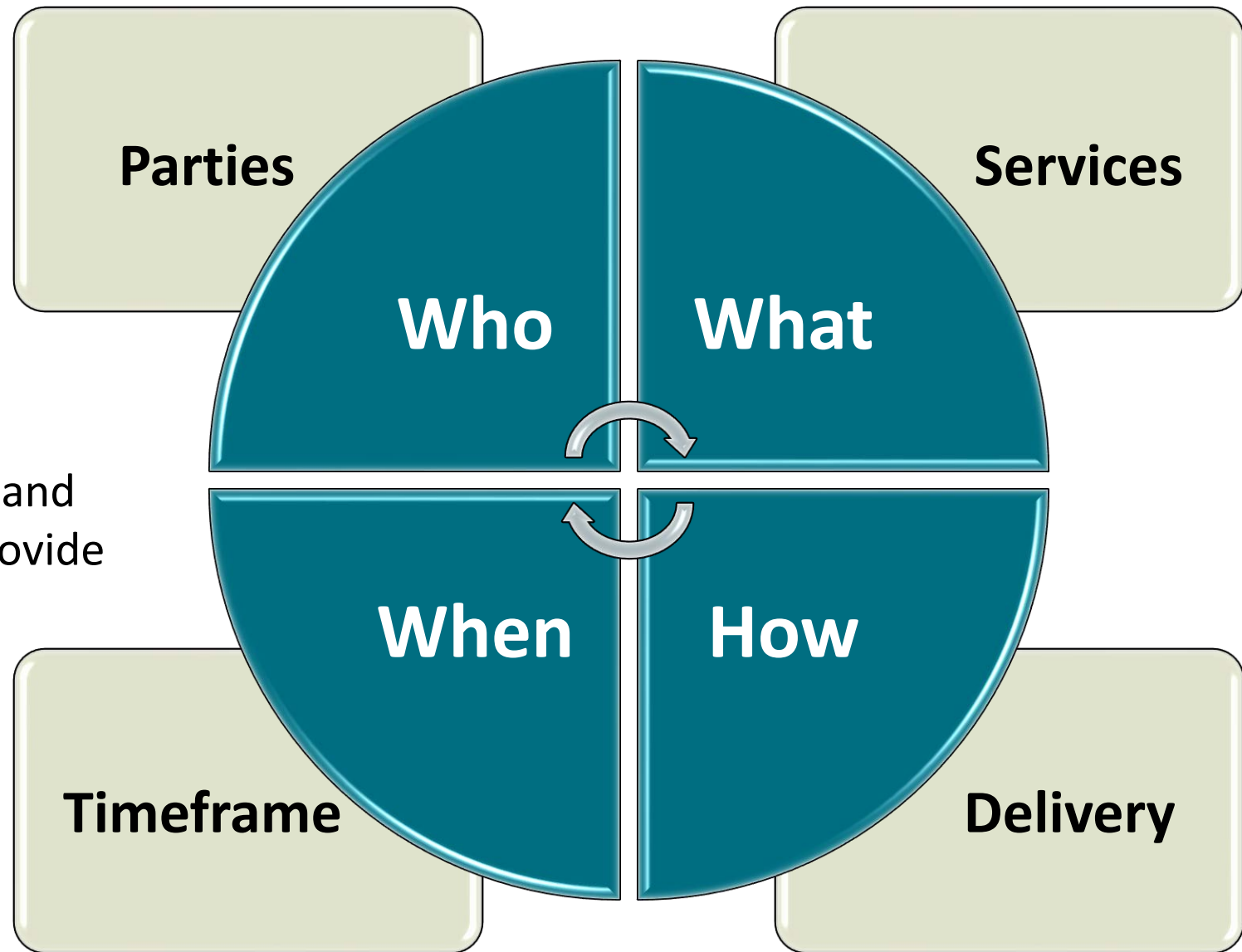
# Written Agreements

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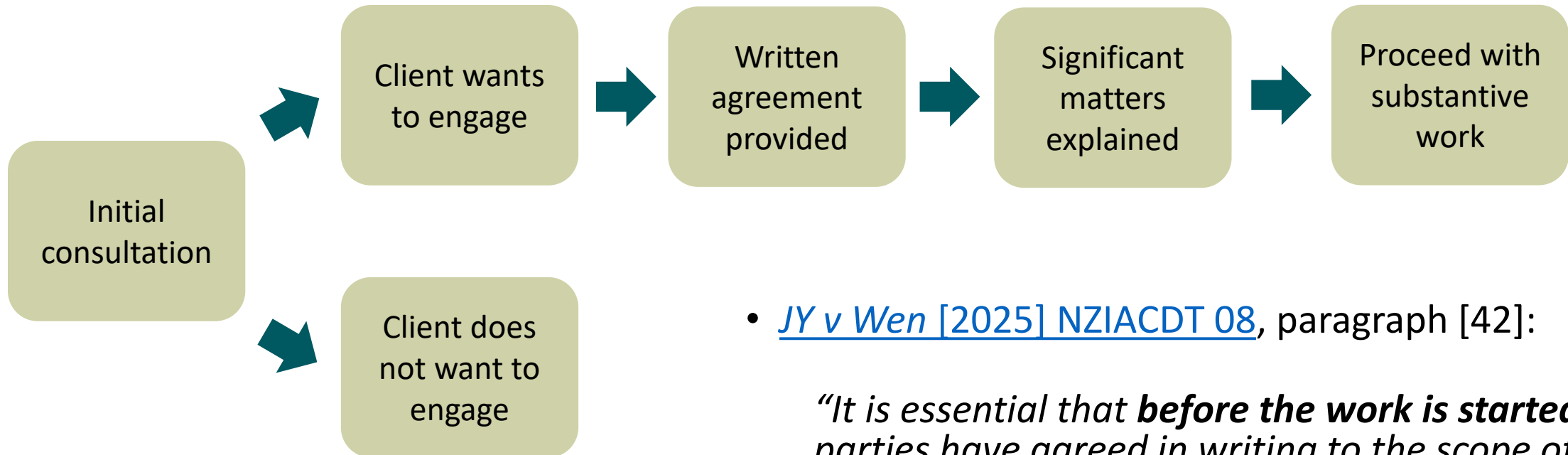


# The Agreement

**Clause 18(a):** A licensed immigration adviser must ensure that when they and the client decide to proceed, they provide the client with a written agreement.



# The Agreement



- [JY v Wen \[2025\] NZIACDT 08](#), paragraph [42]:

*“It is essential that **before the work is started**, the parties have agreed in writing to the scope of the services, the fee and their respective responsibilities. The failure to have a written agreement in place **before the work is undertaken** is a major departure from the expected standard.”*

# Clause 18(b)

An LIA must ensure that:

**before** any written agreement is accepted, they explain all **significant matters** in the written agreement to the client.



Same principle applies for **LIA Professional Responsibilities**  
cl 17(b)



# Verbal and Written

What record(s) do you keep of your compliance with cl18(b)?

- [ZR v Kim \[2024\] NZIACDT 06](#), paragraph [50]:

*“Mr Kim says he did so in the emails...such an explanation breaches the Code. It must be given **personally** by Mr Kim as the licensed adviser and must be **verbal**.”*

- [JY v Wen \[2025\] NZIACDT 08](#), paragraph [43]:

***“The Tribunal pays no regard to the template statement in the agreement that all significant matters had been explained, in the absence of corroborating evidence that such explanation actually happened.”***

# Scenario 1

**A client wants to proceed with your services. You have verbally explained the significant matters of the written agreement and LIA professional standards to them and all the parties have signed the agreement.**

**What other measure is required from your end to maintain your compliance with the Code of Conduct?**

- a) Send a written confirmation to the client to indicate that significant matters of the written agreement and LIA professional standards have been verbally explained.
- b) Record the information in the client file without sending any confirmation.
- c) Confirm with the client over the phone that significant matters of the written agreement and LIA professional standards have been explained.
- d) Nothing else is required as the client has confirmed verbally that they understand everything.



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# Clause 18(c)

- An LIA must ensure that:  
**all parties** to a written agreement sign it, or confirm in writing that they accept it.



[INZ\(Watson\) v Tran \[2024\] NZIACDT 27](#), at [37]:

*“In the absence of a disability or other compelling reason, it is the client who must personally sign it. The client was an adult, so her mother’s apparent consent to the process was no justification. Mr Tran’s reliance on the law of agency is misplaced. Whether or not a contract signed by an agent is contractually valid is not the point. The obligations in the Code are for the purpose of consumer protection. It is therefore important that the adviser ensures his or her client personally signs and understands the contract.”*



# Scenario 2

A travel agent you work with has provided you the contact details for the son of an elderly migrant who wishes to apply for a visitor visa. The migrant lives remotely and does not readily have access to the internet.

Which of the following are not Code-compliant actions? Select all that apply.

- a) Have the migrant's son sign the agreement on behalf of the migrant.
- b) Find a way for the migrant to sign or confirm acceptance in writing.
- c) Do not take on the case.
- d) Ask the travel agent to ensure the migrant signs or confirms acceptance in writing.

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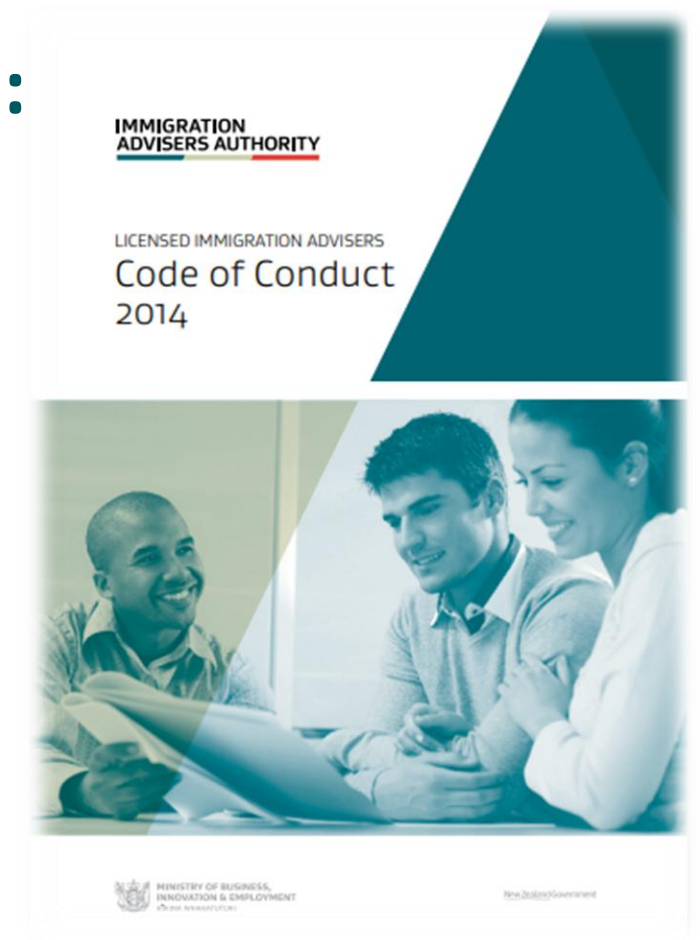
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# Mandatory content & recommendations

The bottom right corner of the slide features a decorative graphic composed of several overlapping triangles. The triangles are colored in shades of teal, olive green, and red, creating a modern, abstract geometric pattern.

# Clause 19 - A written agreement must contain:

- Name(s) and licence number(s)
- Written authority
- Licence limitations (provisional/limited)
- Description of services
- Fees
- Disbursements
- Payment terms
- Interest on unpaid accounts policy
- Refund policy
- Conflicts of interest
- Record of documents provided by the adviser



[Written agreement – Guidance and Checklist for licensed advisers](#)

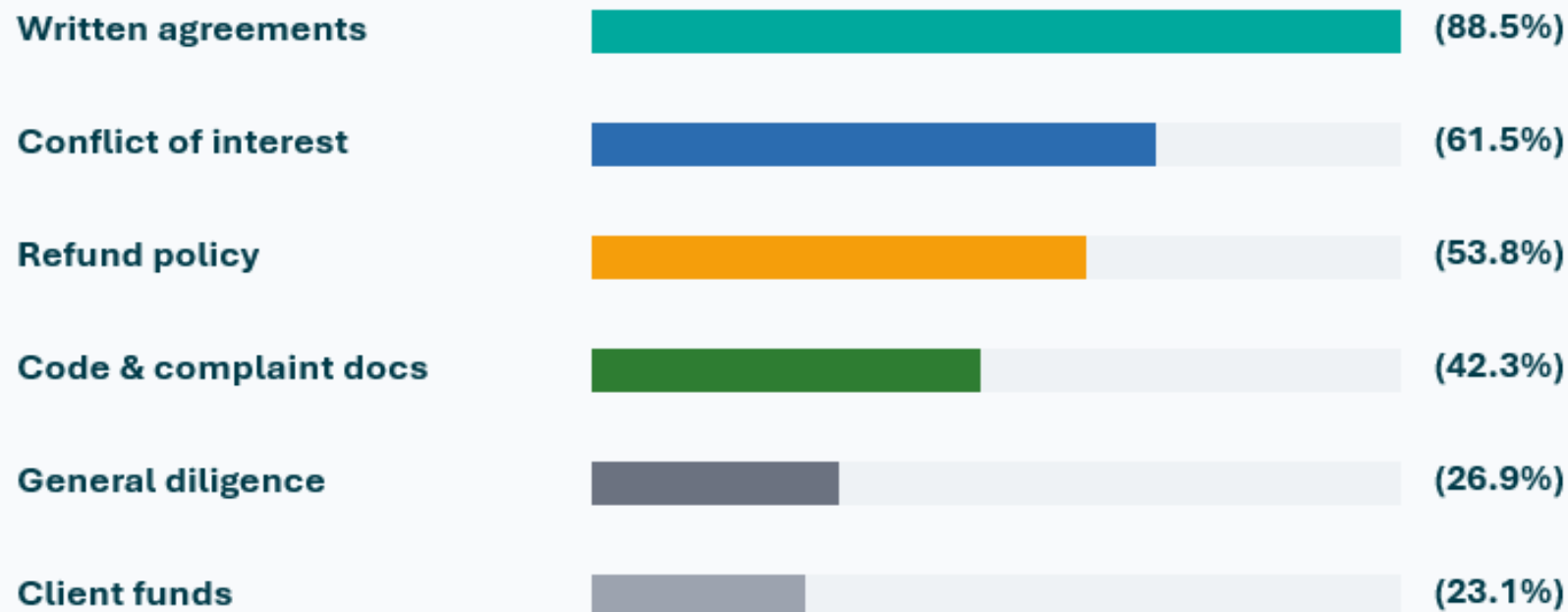
# Observations

Percentage of inspection outcomes where each issue was identified.

*\*Each inspection outcome may include multiple issues. Categories are not mutually exclusive.*

**1 July 2025 to 30 June 2026**

## Common issues identified



# Recommendations

## **Description of services**

The description of the services should be tailored to the individual client and their needs. Include sufficient details to avoid misunderstandings. Scope of work must be clear.

## **Fees and Disbursements**

- Provide a breakdown of fees and levy on the agreement.
- Advisers should contact the [IRD](#) directly, or an accountant, if they are unclear about GST requirements.
- Include the likely disbursements that will be incurred by the client in your written agreement. You must also include the relevant amounts, if known. If not known, you must include a reasonable estimate.

## **Payment terms**

All payment milestones should be detailed in the payment terms and conditions, including when funds received in advance become payable.



### **Interest on unpaid accounts**

The written agreement must specify details like when unpaid accounts with incur interest and what will be the percentage of interest.

### **Refund policy**

Your refund policy should not limit the situations in which a refund may be considered. You are not required to always provide a refund, and it is generally acceptable to charge for work already completed. However, you must always consider whether a refund would be fair and reasonable in the circumstances.

### **Conflicts of interest**

Situations where there is dual representation, commission involvement, family relationship or any other actual or perceived conflicts of interest should be included in your written agreement. If there is no conflicts of interest identified, this must be mentioned in the agreement too.

### **Documents provided to the client**

- LIA professional responsibilities
- Access to the code of conduct
- Internal complaints procedure



# Client Engagement

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# The Core

## Clause 1:

A licensed immigration adviser must:  
be honest, professional, diligent and respectful and  
conduct themselves with due care and in a timely  
manner.

## Clause 2:

(a) maintain a relationship of confidence and trust  
with the client and provide objective advice.

(e) obtain and carry out the informed lawful  
instructions of the client.



# What is rubber-stamping?

[INZ\(Calder\) v Ahmed \[2019\] NZIACDT 18:](#)

*[48] “Typically, this occurs where a licensed immigration adviser uses agents sometimes from another country to recruit the clients, prepare the immigration applications and send them to the licensed adviser to sign off and file with Immigration New Zealand. There is little, if any, direct contact between the licensed adviser and the client.”*

*[49] “The practice is illegal. A person commits an offence under the Act if he or she provides “immigration advice” without being licensed or exempt from licensing. A person employing as an immigration adviser another person who is neither licensed nor exempt also commits an offence. A person may be charged with such an offence even where part or all of the actions occurred outside New Zealand.”*



# Similar cases

## [ZR v Kim \[2024\] NZIACDT 06:](#)

[52] *“Mr Kim has failed to (personally and directly) “obtain” the complainant’s instructions. However, he did personally undertake the substantive immigration work, so he complied with his obligation to “carry out” the complainant’s instructions. The failure to obtain the complainant’s instructions is **a limited form of rubber stamping and a breach of cl 2(e).**”*

## [Watson v Santos \[2025\] NZIACDT 56:](#)

[23] *“It is a fundamental obligation of advisers to personally communicate with their client. This is an important aspect of the licensing regime’s protection of consumers. An adviser **cannot offload engagement to an unlicensed and unqualified agent** who is not bound by the prescribed standards of knowledge and ethics.”*

## [XL v Zhu \[2026\] NZIACDT 42:](#)

[25] *“**The most serious** was her complete failure to communicate with the complainant, instead abdicating responsibility to the unlicensed YT. It is important that advisers take charge of client **engagement from the beginning of the relationship until its conclusion.**”*



# OWN THE ADVICE. OWN THE WORK. OWN THE RECORD.

Direct contact + informed instructions + objective advice + complete records

**Best practice protects the client — and your licence.**



# Maintaining Records

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# File Management: Clause 26

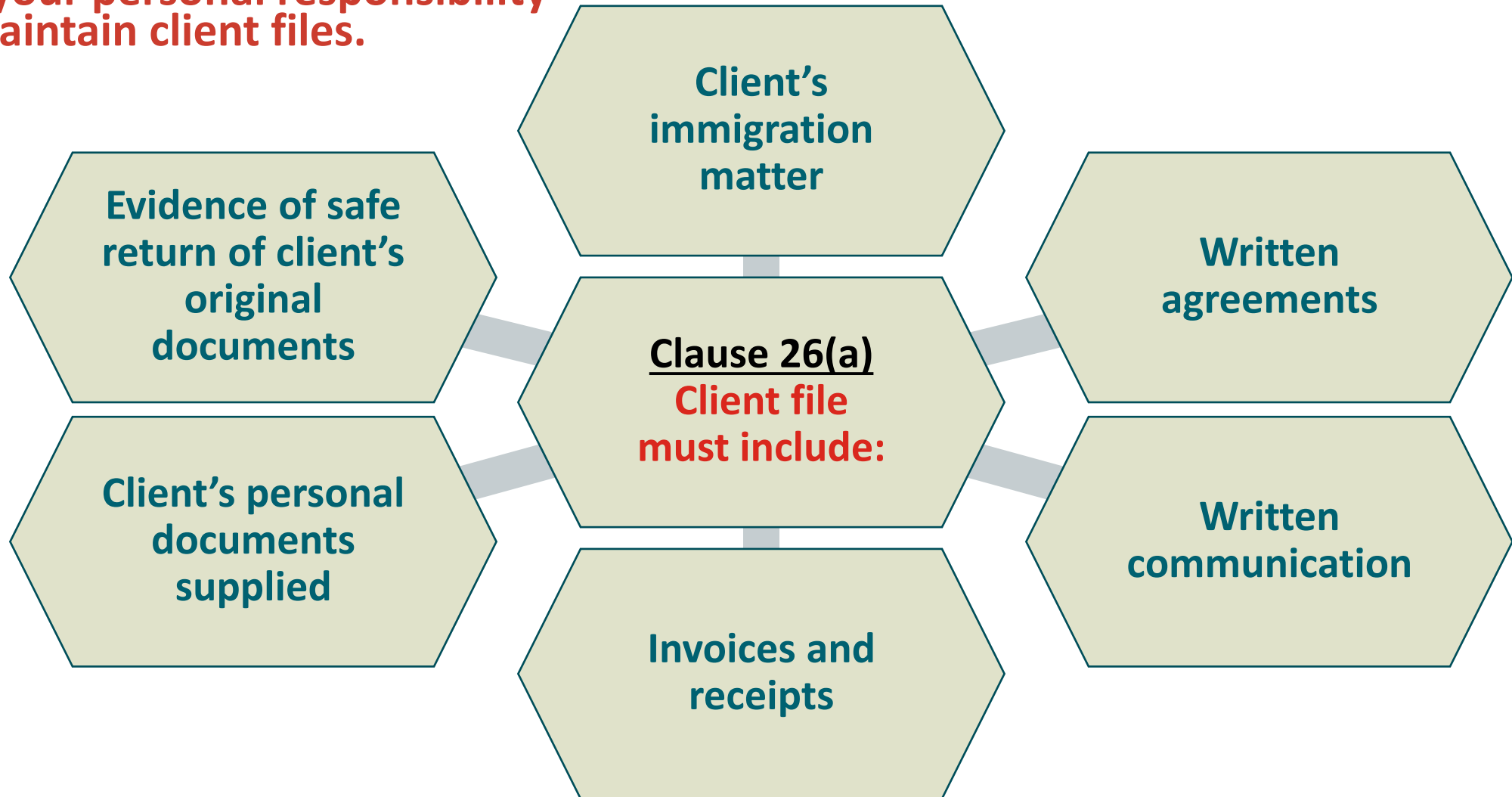
-  **Maintain each client file for a period of no less than 7 years.**
-  **Provide written confirmation when applications are submitted.**
-  **Provide application progress updates.**
-  **Maintain a well-managed filing system.**
-  **Confirm in writing the key details of all significant discussions.**
-  **Provide the client or their new adviser with copies of all applications and related correspondence when requested.**



# Remember



**It is your personal responsibility to maintain client files.**



## Individual Records

**Advisers must maintain an acceptable continued professional development (CPD) plan and record for each 12-month licensing period.**

### Competency Standards 7.1 & 7.3

## Individual Records

**Annual CPD plan and record must be maintained for no less than 3 years.**

[NG v Murthy \[2023\] NZIACDT 10:](#)

[44] “Clause 26(f) of the Code requires an adviser to **release copies** of all lodged applications and correspondence to a new adviser or lawyer **when requested** by the client or the new adviser or lawyer.”

[KZ v Ma \[2026\] NZIACDT 31:](#)

[10] “Failed to provide to the Authority **complete copies** of the complainant’s **immigration matters in her client file**, in breach of cl 26(a)(i) and (e).”

[Kindl v Zhou \[2026\] NZIACDT 35:](#)

[36] “Failed to **maintain the client file**, in breach of cl 26(a). Failed to **confirm to the client in writing** when the visa application was made and to **provide timely updates**, in breach of cl 26(b). Failed to maintain a **well-managed filing system**, in breach of cl 26(d).”

[37] “Ms Zhou was able to produce to the Authority the visa application and the supporting documents, but she did not **produce any communications** with the person pretending to be the client, the employer or the agent. She lost the WeChat text communications with the employer and the agent when she lost her phone.”

[38] “Ms Zhou is responsible for **confirming the lodgement and approval** of the application in a communication to the client, **not just his agent**. She is then responsible for **maintaining (creating) a hard copy or electronic file of such communications and for retaining the file** for a period of not less than **seven years**.”

# Scenario 3

**My repeat clients usually meet me in person or discuss matters over the phone. They don't prefer constant back and forth of emails. There is mutual trust and understanding between us since they have been using my services since many years.**

**Which statement below demonstrates compliance with the Code of Conduct?**

- a) Sending confirmation emails for every significant discussion will not be appreciated by my clients.
- b) I am confident in the quality of my relationships with my clients and do not anticipate that the absence of written confirmation would result in any concerns.
- c) Verbal confirmations of substantial matters are sufficient to demonstrate my compliance.
- d) Sending confirmation emails of phone conversations or in person discussion will not dilute mutual trust & understanding. It will ensure that my practices are robust.



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# Scenario 4

As my clients are all across the globe, I have overseas unlicensed agents working for me. They bring in business in the form of clients for student, visitor and AEWV categories. They are only responsible for marketing my business and generating sales. They do not provide immigration advice.

Which of the following are not Code-compliant actions? Select all that apply.

- a) Communication related to application progress can be done through my agents.
- b) I do not need to keep a record of my direct communication with the client as it is the agent's responsibility.
- c) I need to maintain end-to-end engagement with the client, have direct written communication, ensure they understand and sign documents themselves and retain all the records for the client file.
- d) I need to maintain all my off-shore client files for a minimum of 5 years.



# Scenario 4

As my clients are all across the globe, I have overseas unlicensed agents working for me. They bring in business in the form of clients for student, visitor and AEWV categories. They are only responsible for marketing my business and generating sales. They do not provide immigration advice.

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- ☒ d) I need to maintain all my off-shore client files for a minimum of 5 years.

# Recap

- Use a written agreement before work begins.
- Explain significant matters of the agreement and LIA professional standards verbally.
- Confirm the explanation in writing.
- Engage with clients personally – ALWAYS.
- Review the content of your written agreement.
- Give objective advice; follow lawful instructions.
- Confirm lodgements, updates and key discussions.
- Maintain a well managed filing system.
- Retain complete client files for 7 years.



# Resources

- [Immigration Advisers Licensing Act 2007 | New Zealand Legislation](#)
- [Code of conduct | IAA](#)
- [Code of conduct toolkit | IAA](#)
- [Immigration Advisers Complaints & Disciplinary Tribunal | New Zealand Ministry of Justice](#)



# Feedback? Further Questions?

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



Complete the post-webinar survey: [September 2026 webinar survey](#)



Email us at [info@iaa.govt.nz](mailto:info@iaa.govt.nz) with “**Feedback – Webinar**” in the subject line



# Thank you!

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