



Immigration Adviser Licensing Implications For EDANZ

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Immigration Advisers Authority
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Overview

- The role of the Immigration Advisers Authority
- Who needs to be licensed?
- Getting licensed



Immigration Advisers Authority's role

- The licensing process
- Register of advisers
- Complaints system
- Professional development
- Provide information
- Enforcement of disciplinary decisions
- Prosecutions - unlicensed advisers
- Competency standards and code of conduct

What does the new law require?

Anyone giving “immigration advice” will need a licence (unless exempt)

Who is exempt?

- People who advise in an informal or family context
- Current Members of Parliament and their staff
- Public service employees (within the scope of their job and only applies to central govt depts)
- Foreign diplomats
- Lawyers
- Citizens Advice Bureaux and Community Law Centre volunteers



What is “immigration advice”?

“Using, or purporting to use, knowledge of or experience in immigration to advise, direct, assist or represent another person in regard to an immigration matter relating to New Zealand, whether directly or indirectly and whether or not for gain or reward.”



“Immigration advice” is not

- Providing information that is publicly available or that is prepared or made available by the Department of Labour
- Directing a person to the Minister or the Department of Labour or an immigration officer, a visa officer, a refugee status officer, or a list of licensed immigration advisers
- Carrying out clerical work, translation or interpreting services or settlement services.

Summary - key elements of “immigration advice”

- Assistance or direction tailored to the particular circumstances of an individual
- Guidance to an individual based on the adviser’s knowledge and experience in immigration
- Offering an opinion or suggestions about possible entitlements or avenues an individual might take.



Implications for EDANZ member orgs

- Stay within the exclusions from the definition of “immigration advice” (eg ref to public info)
- Form beneficial relationships
- Seek assurances from advisers that they are licensed if they need to be
- Seek licensing early

Implications for Employers

- **Personal licence:** Licence is for individuals not for companies or employers
- **Needs analysis:** Do my staff give immigration advice/need to give immigration advice? Might not be giving “immigration advice” according to definition (eg referral to public sources)
- **Business structure:** Licence(s) or relationship with a licensed adviser on Register? Or lawyer or other exempt
- **Supervision:** Provisional licence holders must be supervised by full licence holder. So can't employ prov licence holder without full.
- **Offences:** S 68 – offence to knowingly employ unlicensed adviser, S 69 offence to knowingly pay unlicensed adviser for advice
- **Financial:** \$890 fee + \$1105 levy. Licence fees are annual (although renewal fees not yet prescribed) + costs of continuing professional development for staff



Licensing timeframes:

4 May 2009 onshore

4 May 2010 offshore



Licensing Process

- Registrar can grant full, limited, provisional licence
- Fees \$890 + \$1,105 Levy on shore



The Register of Immigration Advisers

The screenshot shows a web browser window displaying the Immigration Advisers Authority website. The page title is "Register of Licensed Immigration Advisers" and the sub-page is "Adviser Details". The main content area lists the details for a specific adviser:

This person **holds a current licence** to provide immigration advice for the type of licence approved.

Last updated 01 July 2008

Name Anthony (Tony) Chung Pak Tse

Employer name

Business address A & P Investments Ltd
Level 2A, 109 Queen Street Auckland Central Auckland
New Zealand

Phone +64 9 3661638

Phone Mobile +64 21 661388

Fax +64 9 3661639

Email tonytse@ihug.co.nz

Address for service Level 2A, 109 Queen Street Auckland Central Auckland
NEW ZEALAND

Licence number 200800013

Licence type Full licence ([read more about licence types](#))

Registration date 25 June 2008

Expiry date 24 June 2009

On the right side of the page, there is a red button labeled "Search the Register". Below it, a text box contains the following information:

Application packs will be available from the Immigration Advisers Authority from **4 May 2008**.

People giving [immigration advice](#) in **New Zealand** must be licensed from **4 May 2009**.

Offshore people who give advice about New Zealand immigration matters must be licensed from **4 May 2010**.

[Do I need to get a licence?](#)


[Search for exemptions](#)

At the bottom right, there is a circular logo that says "LICENSED BY Immigration Advisers Authority".



Licence Certificates

Immigration Advisers Authority New Zealand Government



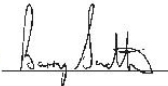
This is to certify that
David Wang
has been granted a full licence to operate as an
Immigration Adviser
under the Immigration Advisers Licensing Act 2007.

This Adviser is bound by the licensed Immigration Advisers code of conduct.

This licence was issued on
1 July 2008

This licence expires on
30 June 2009

Licence Number
200800036

Granted by Registrar of Immigration Advisers 

LICENSED BY
Immigration Advisers Authority

Licensed Immigration Adviser
NEW ZEALAND

Sue Ronald SURNAME

Has been granted a **Provisional/Full/Limited** licence to operate as an Immigration Adviser under the Immigration Advisers Licensing Act 2007.

This licence expires on 31 December 2008

Licence Number XXXXXXXXX

Trade Mark



Immigration
Advisers Authority

Enforcement

- Application: Statutory Declaration and offence for providing false information
- Code of Conduct: enforceable through complaints process and independent Tribunal
- Offences: penalties imprisonment and up to \$100,000 fine for providing advice (unless exempt) without a licence
- Audit: IAA will audit licensed advisers and has powers of inspection
- INZ Role: From May 2009, INZ will not accept applications from unlicensed advisers.

For more information, contact

The Immigration Advisers Authority
PO Box 6222
Wellesley Street, Auckland

www.iaa.govt.nz

NZ Freephone 0508 IAA IAA (0508 422 422)
Offshore phone - +64 9 925 3838

