

**IMMIGRATION
ADVISERS AUTHORITY**

Complaints Process

Webinar overview

- I. Our regulatory approach
- II. Complaints about licensed immigration advisers
- III. The complaints process
- IV. The Tribunal IACDT
- V. Fitness for Licensing

Our regulatory approach

- Consumer protection is our focus
- We set standards to create a common threshold of acceptable conduct
- We educate and raise awareness to increase voluntary compliance
- We enforce standards to help all consumers of immigration advice get good advice
- We enforce licensing requirements to shut down deliberate non-compliers and to deter others

Complaints about licensed immigration advisers

Grounds for complaint

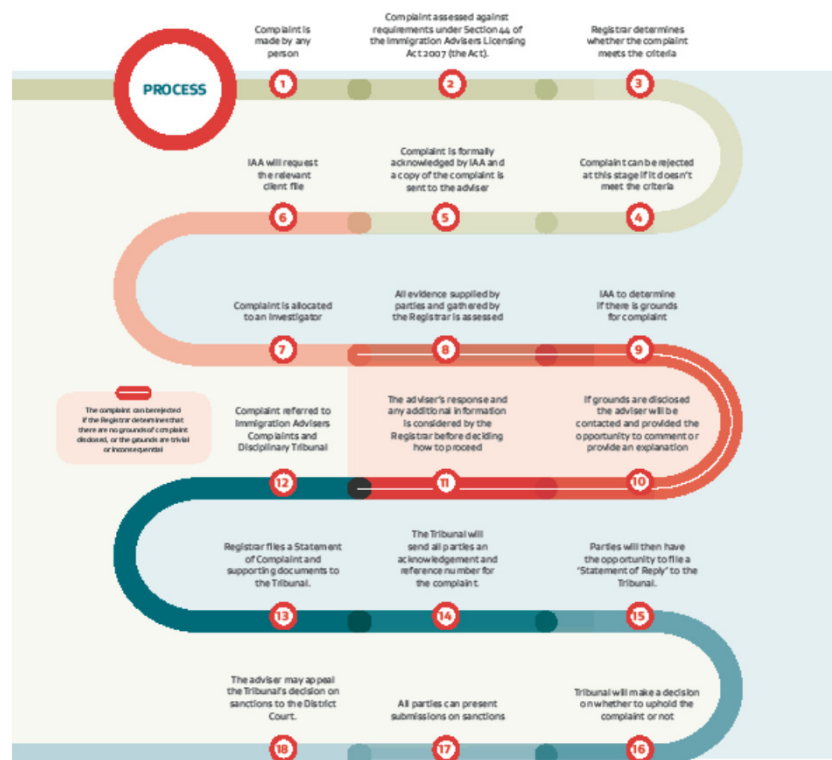
Section 44(2) of the Immigration Advisers Licensing Act 2007:

- Negligence
- Incompetence
- Incapacity
- Dishonest or misleading behaviour
- Breach of the Licensed Immigration Advisers Code of Conduct 2014

The complaints process (LIA)

- Initial assessment at IAA, complaint rejected if criteria not met.
- Complaint sent to adviser with requirement to produce client file. File requested from INZ.
- Assess information and determine whether to proceed with complaint, or reject as trivial/inconsequential/no grounds.
- If grounds disclosed, seek response from adviser.
- If grounds remain disclosed, refer the complaint to the Immigration Advisers Complaints and Disciplinary Tribunal.

WHAT HAPPENS WHEN THE AUTHORITY RECEIVES A COMPLAINT ABOUT A LICENSED ADVISER?



The Tribunal (IACDT)

Disciplinary Sanctions:

- Caution or censure
- Require the adviser to undertake specified training
- Suspension
- Cancellation
- Order preventing the adviser from reapplying for a licence for up to two years
- Order for payment of a penalty not exceeding \$10,000
- Order for the payment of costs
- Order directing adviser to refund fees or expenses
- Order directing adviser to pay reasonable compensation

Fitness for Licensing

Advisers are required to complete a *fitness for licensing questionnaire* when submitting applications for a Licence.

Consideration is given to any disciplinary proceedings when assessing an advisers fitness for licensing (*s17(b) IALA 2007*).

Tribunal decisions/ sanctions do not automatically result in the refusal to grant a licence.

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.

Email us at info@iaa.govt.nz with “**Feedback-Webinar**” in the subject line.

