

The Client Relationship (part 2)

25 August 2022 3-4pm NZST

Overview

- Migrant Survey 2021
- A relationship of confidence and trust
- Terms of engagement
- Continued engagement
- Licensing perspectives
- Guest Speaker: David Cooper
- Resources
- Feedback and further questions

Poll 1

Q: Have you seen the 2021 Migrant Survey results?

A. Yes

B. No

Migrant Survey 2021: Factors for success

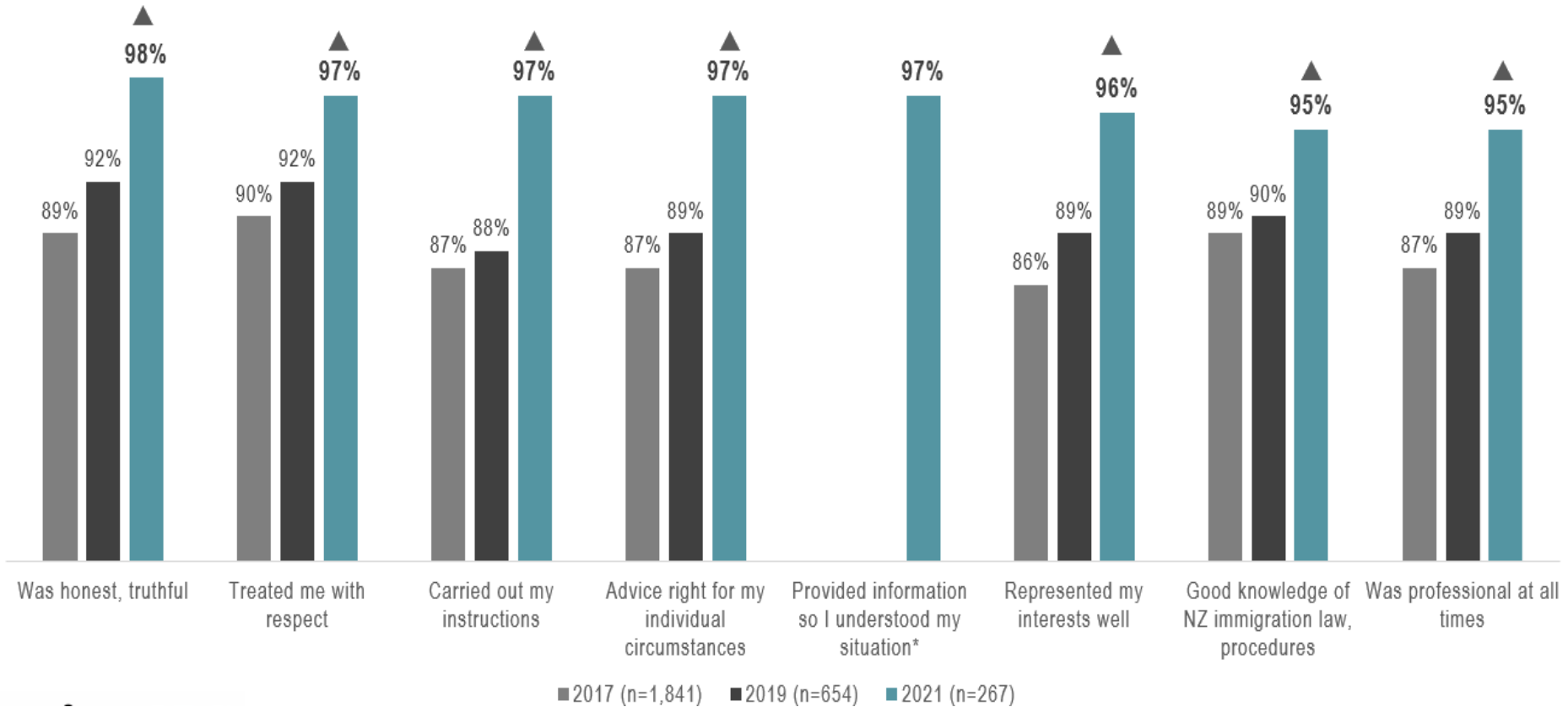
Migrants expect advisers to:

- Work within the required time frame
- Be professional
- Be thorough, give precise advice, achieve desired outcome
- Be honest and trustworthy
- Be knowledgeable

Migrant Survey 2021

Image: Courtesy of Gravitas OPG

Client service: How well did immigration adviser deliver on ... (% well/very well)



Migrant Survey 2021: Problems identified

- Poor treatment by adviser staff
- Lack of follow-up
- Had to repeat some information to different staff

Communications



Migrant Survey 2021: Problems identified

- Administrative errors
- Lack of attention to detail
- Poor quality information received
- The client had to do unexpectedly large amount of work themselves



Diligence

Migrant Survey 2021: Suggestions for improvement

- More regular proactive contact
- Keep to timeframes
- Notify of delays as early as possible so timeframe expectations can be re-set
- Providing services at a reasonable cost and ensure refund policies are explained.
- Being more open to referring complex cases on to specialist advisers/lawyers, and in a timely way
- Ensuring adequate language support is in place
- Enhancing awareness of the complaints process



A relationship of confidence and trust

Terms of engagement

Understandable fee structure and refund policy

Clear complaints procedure

Continued engagement

Open and honest communications

Accurate information and updates

Terms of engagement

Understandable fee structure and refund policy

- Set out in written agreement
- Changes must be in writing
- Changes to fees and disbursements must also be in writing

WRITTEN AGREEMENTS

18. A licensed immigration adviser must ensure that:

...

d. any changes to a written agreement are recorded and accepted in writing by all parties

19. A licensed immigration adviser must ensure that a written agreement contains: [...]

f. where fees are to be charged, the fees for the services to be provided by the adviser, [...]

g. the likely disbursements that will be incurred [...]

i. where fees and/or disbursements are to be charged, the payment terms and conditions for any fees and/or disbursements [...]

k. where fees and/or disbursements are to be charged, the adviser's refund policy

FEES

20. A licensed immigration adviser must: [...]

c. inform the client of any additional fees, or changes to previously agreed fees, and ensure these are recorded and agreed to in writing.

DISBURSEMENTS

21. A licensed immigration adviser must: [...]

c. inform the client of any additional disbursements, or changes to previously agreed disbursements, and ensure these are recorded and agreed to in writing.

Terms of engagement

Understandable fee structure and refund policy

- Do not work in a manner that unnecessarily increases fees and disbursements
- Invoice correctly
- Ensure fair and reasonable refunds

FEES

20. A licensed immigration adviser must: [...]
b. work in a manner that does not unnecessarily increase fees, and

DISBURSEMENTS

21. A licensed immigration adviser must: [...]
b. work in a manner that does not unnecessarily increase disbursements

INVOICES

22. A licensed immigration adviser must, each time a fee and/or disbursement is payable, provide the client with an invoice containing a full description of the services the fee relates to and/or disbursements that the invoice relates to.

REFUNDS

24. A licensed immigration adviser must:
a. ensure that refunds given are fair and reasonable in the circumstances
b. ensure that refund obligations can be met, and
c. promptly provide any refunds payable upon completing or ceasing a contract for services.

Poll 2

Q: Do you take funds in advance?

A. Yes

B. No

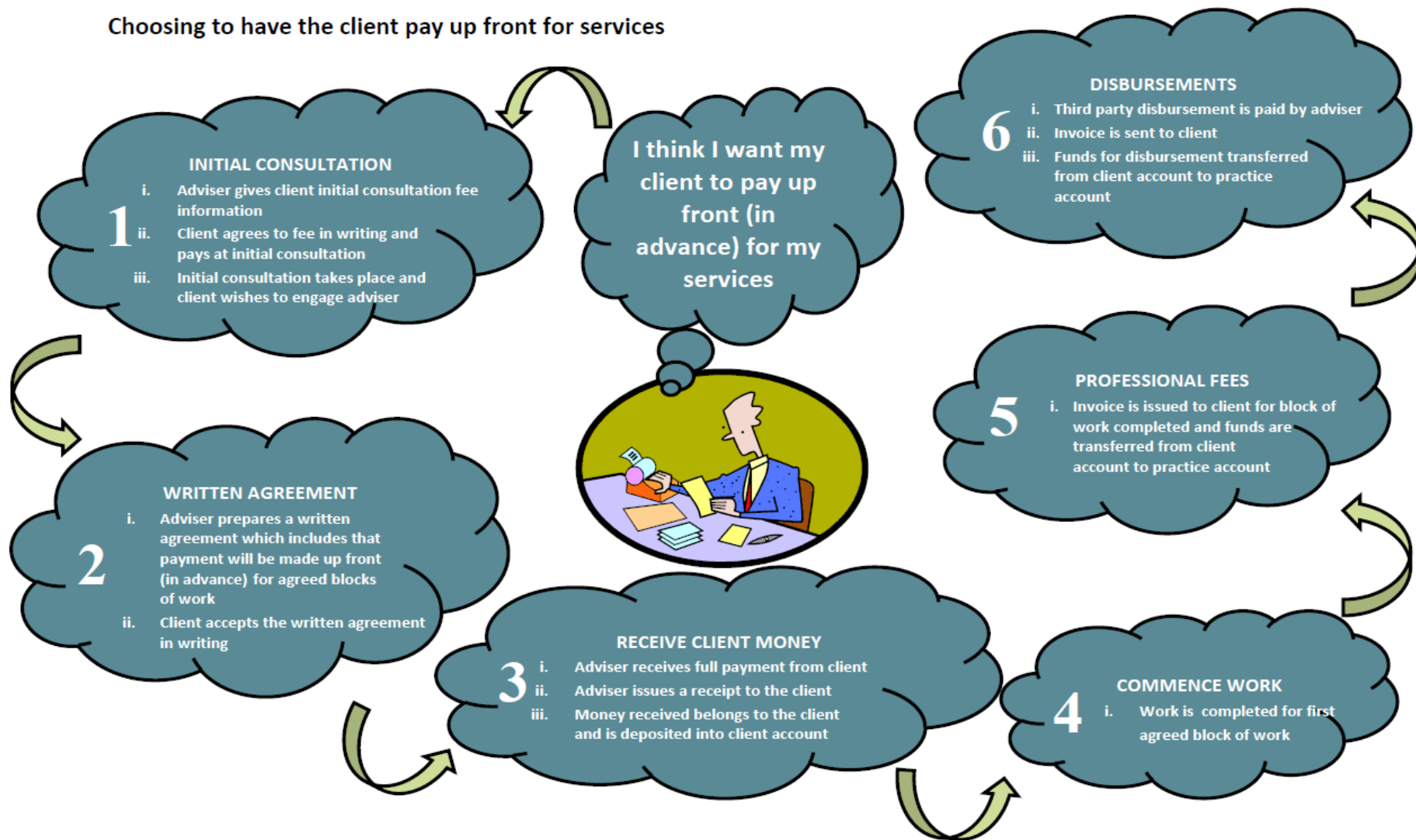
Poll 3

Q: How confident do you feel in managing funds in advance?

- A. Fully confident
- B. Mostly confident
- C. Not confident

Terms of engagement: Funds in advance


Choosing to have the client pay up front for services



Continued engagement

Maintain a relationship of confidence and trust

- Do not engage in rubber-stamping
- Protect your client's confidentiality
- Work within the limits of your knowledge and skills



CLIENT CARE

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, and [...]

LEGISLATIVE REQUIREMENTS

3. A licensed immigration adviser must:

- a. if operating in New Zealand, act in accordance with New Zealand law
- b. if operating offshore, act in accordance with the law of the jurisdiction they are operating in, and
- c. whether in New Zealand or offshore, act in accordance with New Zealand immigration legislation, including the Immigration Act 2009, the Immigration Advisers Licensing Act 2007 and any applicable regulations.

CONFIDENTIALITY

4. A licensed immigration adviser must:

- a. preserve the confidentiality of the client except in the following circumstances: [...]

WORK WITHIN LIMITS OF KNOWLEDGE AND SKILLS

8. A licensed immigration adviser must:

- a. work within the scope of their individual knowledge and skills, [...]

Continued engagement

Open and honest communications

- Be diligent, professional, honest
- Provide timely, accurate advice
- Do not misrepresent yourself or the immigration matter
- Own up to mistakes

GENERAL

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

ADVISERS

29. A licensed immigration adviser must not misrepresent or promote in a false, fraudulent or deceptive manner:

- a. themselves, including their qualifications or their licence status or type
- b. their business
- c. their employees
- d. the client
- e. immigration opportunities or risks, or
- f. New Zealand's immigration requirements.

APPLICATIONS

31. A licensed immigration adviser must:

- a. not deliberately or negligently provide false or misleading documentation to, or deliberately or negligently conceal relevant information from, the decision maker in regard to any immigration matter they are representing, and
- b. if they become aware that false or misleading documentation has been provided to, or that relevant information has been concealed from, the decision maker in regard to any immigration matter they are representing:
 - i. inform the client about the potential consequences of continuing to misrepresent themselves to the decision maker
 - ii. discuss with the client the ways the misrepresentation or concealment could be remedied, [...]

Continued engagement

Open and honest communications

- Provide regular updates
- Confirm material discussions in writing
- Keep proper records

FILE MANAGEMENT

26. A licensed immigration adviser must:

- a. maintain a hard copy and/or electronic file for each client, which must include:
 - i. a full copy of the client's application or other immigration matter
 - ii. copies of all written agreements and any changes to them
 - iii. copies of all written communications (including any file notes recording material oral communications and any electronic communications) between the adviser, the client and any other person or organisation
 - iv. copies of all invoices and receipts relating to the client
 - v. copies of all personal documents relating to the client supplied to the adviser, and
 - vi. evidence of the safe return of the client's original documents
- b. confirm in writing to the client when applications have been lodged, and make on-going timely updates
- c. confirm in writing to the client the details of all material discussions with the client
- d. maintain a well-managed filing system
- e. maintain each client file for a period of no less than 7 years from closing the file, and make those records available for inspection on request by the Immigration Advisers Authority, and [...].

Licensing perspectives

- Competency standard 4
- Competency Standard 6
- Licence application outcomes



Guest speaker:

David Cooper

LIA # 200800355

Malcolm Pacific Immigration

Resources

IAA Website

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

IACDT decisions

- Clause 1; owing up to mistakes:
 - INZ (Foley) v Rodriguez* [2019] NZIACDT 60
 - IF v Registrar* [2022] NZIACDT 8
- Clause 26:
 - NJUM v Vole* [2020] NZIACDT 5

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.