



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
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Immigration
Advisers Authority
New Zealand Government



Results of consultation on improving licensing standards for immigration advisers

November 2014

Introduction

During October 2014, the Immigration Advisers Authority consulted with immigration advisers and other stakeholders on proposals to change licensing standards for immigration advisers. The proposals consulted on included:

- Bolstering the immigration adviser's entry qualification to a one-year graduate diploma (full-time)
- Maintaining the ability to apply for a full licence on completion of the qualification
- Formalising a set number of hours of learner-centred active continuing professional development (CPD) per year for licensed immigration advisers plus some mandatory activities
- Extending fast-track renewal to all advisers, coupled with an increased number of risk-based inspections.

The consultation

Consultation meetings were held in Auckland, Wellington and Christchurch and were attended by 70 immigration advisers in total. The consultation document and short survey were sent out to immigration advisers, immigration lawyers and community representatives. A total of 206 completed responses were received on the survey – 193 from licensed immigration advisers and 13 from other groups including consumer representatives and students of the Graduate Certificate in New Zealand Immigration Advice. In addition, nine teleconferences were held with offshore immigration advisers and five submissions were received that commented on the overall package of changes.

Results of the consultation

The report presents the findings of the consultation, starting with a discussion of the overall package of changes, followed by feedback on the individual proposals.

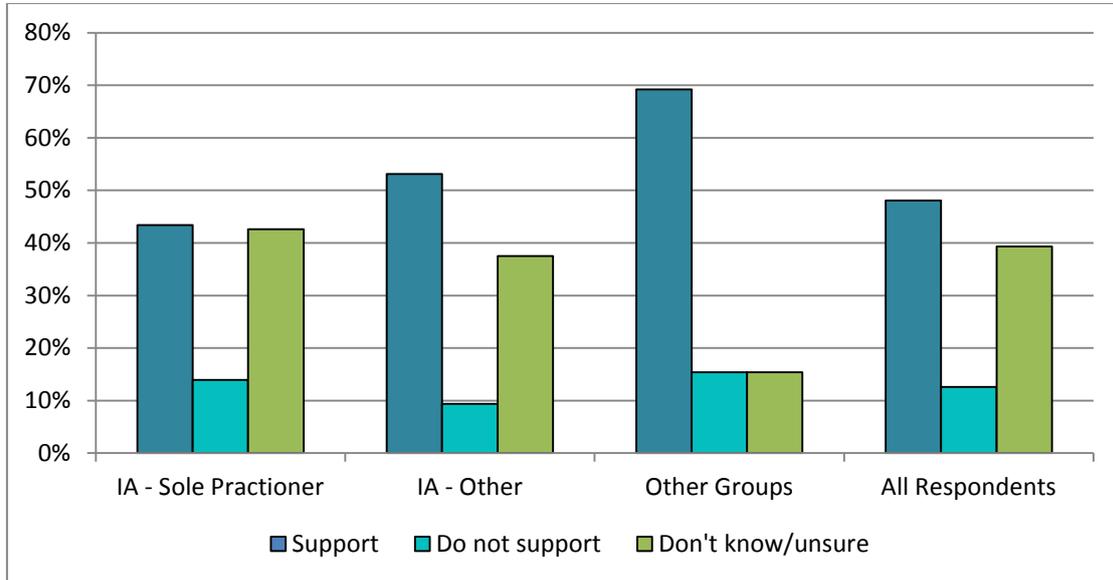
Feedback on the overall package of proposals

Overall, feedback from the consultation meetings showed that immigration advisers were generally supportive of making changes to improve competency standards for immigration advisers. There was a general view that the immigration adviser profession needs to be seen as competent, ethical and professional, and any changes to licensing standards need to further enhance the capability of the profession.

However, there was less than 50 per cent support for the package as proposed.

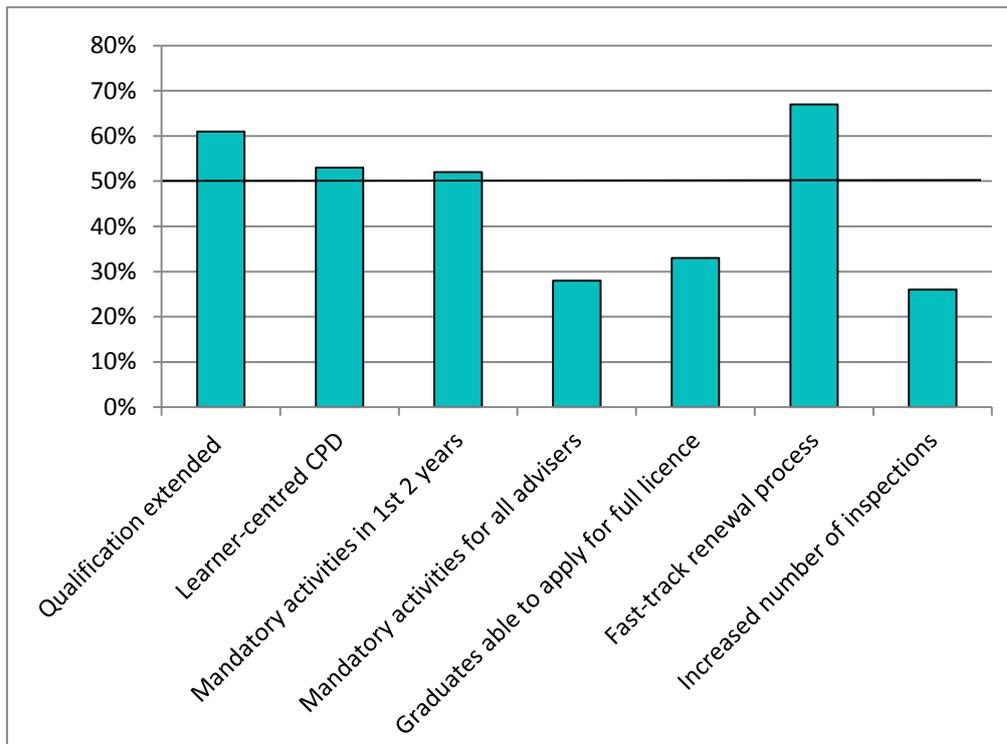
The figure below demonstrates the overall support of the proposals from the respondents who participated in the survey, showing the level of support by all advisers, sole practitioners and other groups (such as community groups and graduates of the Graduate Certificate in New Zealand Immigration Advice).

Figure 1: Level of support for the proposals by different groups of respondents



The following figure illustrates the level of support for each of the proposals, from the survey respondents. The fast-track renewal process was the proposal that received the highest level of support, followed by bolstering the entry qualification for immigration advisers.

Figure 2: Level of support for each proposal



Bolstering the immigration advisers entry qualification

There was support from the survey respondents for bolstering the entry qualification, with 61 per cent (126 individuals) of respondents supporting this proposal.

Advisers who attended the consultation meetings were generally supportive of extending the qualification to one year. However, it was noted though that the consultation document did not show that there were problems with graduates of the course. Many concerns with immigration advisers tended to involve immigration advisers who had been working in the profession for a number of years and had not completed the qualification.

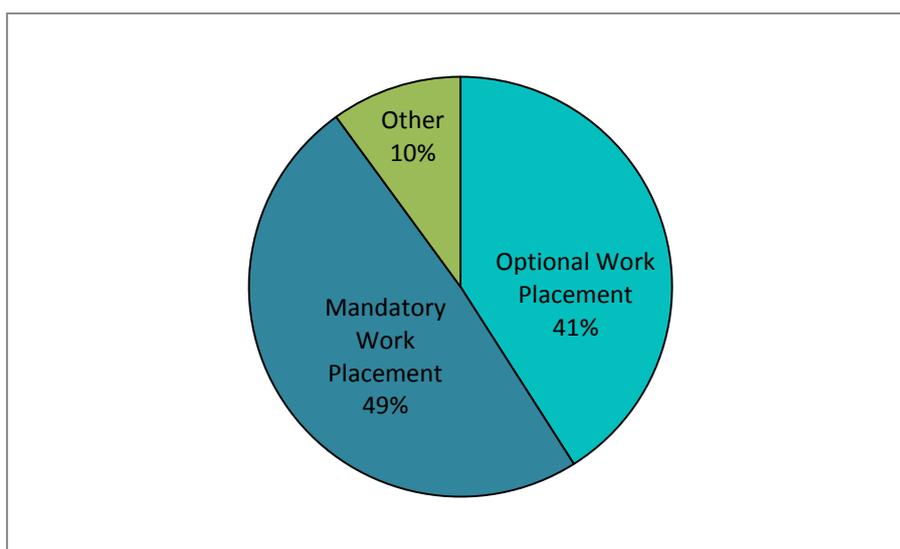
Both graduates of the qualification and those who had worked with graduates of the course noted the following shortfalls with the qualification as it stands now:

- Some material is covered only very briefly
- Some exam questions are multi-choice so do not provide an accurate assessment of ability
- Some of the teaching on the course is not particularly high quality
- Examples that are provided, or worked through, are not necessarily representative of what advisers deal with in reality
- The course does not teach how to relate with and deal with clients, or Immigration New Zealand
- The course does not cover how to build a client file
- There is no practical component.

Respondents were divided on whether the work placement should be mandatory or optional

Survey respondents were asked whether the extended qualification should include a mandatory or optional work placement, with 49 per cent (90) supporting a mandatory placement, while 41 per cent (75) thought the placement should be optional, as in Figure 3 below.

Figure 3: Mandatory versus optional work placement



Those who attended the consultation meetings were also divided on whether the qualification should include a mandatory or optional work placement. Survey respondents and those who attended the meetings who supported a mandatory work placement cited these reasons:

- Taking papers may be seen as an easier option.

- If the placement is optional it sets up too much of a division amongst the graduates, with those who have completed a work placement seen as more desirable.
- Other professions have mandatory work placements.
- Experience of working in the field is essential in preparing the future immigration adviser. Immigration advice is a complex area in which to work and is vastly different to what one learns in a text book.
- Work experience would protect the clients of new advisers as it would better equip advisers for working with clients.
- Mandatory work placements would lead to better trained graduates and therefore improved industry standards.
- Work experience would empower graduates and give them confidence to go out into the industry.

Respondents identified a number of skills which they thought can only be gained through work experience, including:

- Customer service / client management skills
- Knowledge of communication systems and software
- Application of knowledge in a busy, complex environment
- Understanding of professional ethics and workplace procedures

The respondents who favoured an optional work placement gave these reasons:

- A mandatory work placement would unfairly penalise students who live in remote areas or who lived overseas. These students would encounter greater costs, or may be prevented from completing the qualification.
- Existing advisers may be unwilling to take on students. They may be reluctant to reveal their business practices to a future competitor, be too busy or under resourced, or apprehensive about sharing client information.
- All students are different and some may suit undertaking a work placement while others would benefit more from doing additional academic work. Some students may already have gained related work experience.
- A mandatory work placement would penalise students who were unable to find a placement.
- The qualification could include more practical examples for those who opt out of the work placement.

Most advisers would be willing to offer a work placement

The survey asked licensed advisers if they would be willing to offer a work placement to a student of the Graduate Diploma.

In total, 57 per cent of respondents (98 individuals) were willing to offer a placement, with 43 per cent (75 individuals) unwilling. 58 per cent of sole practitioners would be prepared to offer a placement, compared with 53 per cent of all other practitioners.

Reasons for being unwilling to offer a work placement include:

- Insufficient capacity – 25 respondents recorded that they work alone or in small businesses which do not have enough space, resources or work to offer placements.
- Lack of time
- Lack of experience – eight respondents, including those who would otherwise like to offer placements, noted that they do not at this stage have enough experience of their own to be able to train another person.
- Concerns about competition – six respondents expressed the concern that they would simply be divulging their business practices to a student who would then set up his or her own competing practice. There would be many benefits for the student but few incentives for the existing adviser offering the placement.
- Risks to the business – 11 respondents were not comfortable with sharing confidential client information with students. They were also sceptical about allowing students to offer advice and worried that students could make costly mistakes.
- Three respondents noted that they are based overseas, or that they are not the employer in their practice, ruling them out of taking on students. One respondent noted that his or her preference is simply to work alone.

Ability to apply for a full licence following completion of the Graduate Diploma

The proposal for graduates to be able to apply for a full licence did not receive a great deal of support from survey respondents, with only 33 per cent (60 individuals) of respondents supporting the proposal.

In the survey comments, 17 responses referred to this proposal. Of these, ten voiced their support for a provisional licence on graduation rather than a full licence. Ideas on how this system could be implemented included:

- Requiring graduates to complete two years of work experience under supervision before applying for a full licence.
- Limiting advisers with provisional licences to working on processing temporary visas, whereas advisers with full licences would be able to take on more difficult work assignments.
- Requiring graduates to complete in-house training before the award of a full licence.

The proposal for graduates to be able to apply for a full licence was discussed in depth at the consultation meetings. Participants were divided between support for a full licence and a provisional licence.

Those who supported graduates being able to apply for a full licence gave the following reasons:

- Given that there is no identified issue with graduates then they should definitely get a full licence.
- There will still be the ability to get a provisional licence after completing two courses of the qualification. This, along with receiving a full licence on completion of the course, provides a good return from putting people through the course.

- Graduates will be getting industry experience through the work placement so should be ready to provide immigration advice.

Some thought that a graduate should only be able to apply for a full licence if they completed a work placement.

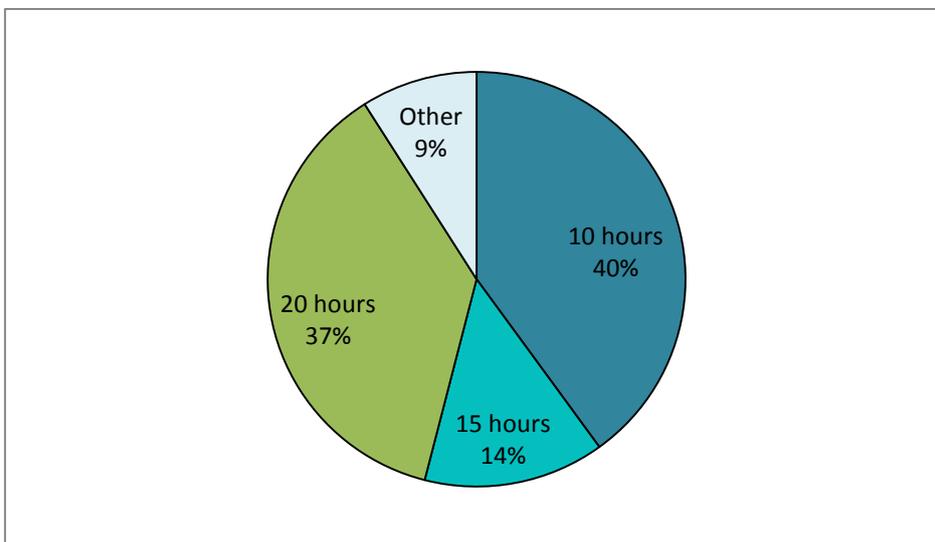
Those who supported graduates being able to apply for a provisional licence gave the following reasons:

- It is quite a risk for clients if graduates are able to provide full and unchecked immigration advice when just qualified and inexperienced. Decisions need to be supervised.
- New graduates should not provide advice on certain complex visa categories – such as Entrepreneur Category.
- Experience is a critical part of being an immigration adviser and graduates should not be able to practice unless they have supervised experience under their belt.
- Other professions (real estate, law, accountancy) do not get a full licence on graduation, they are required to be supervised for a period first.

Formalising Continuing Professional Development (CPD) hours

Survey respondents were asked which of the three options for CPD they preferred: 10 hours, 15 hours or 20 hours. The results are illustrated in Figure 4 below.

Figure 4: Support for different CPD options



There was resounding support for the principle of CPD in general

A great number of respondents, 47 in total, did not directly refer to the number of hours stipulated in their responses, but did stress the benefits of CPD, including:

- The ability to meet other advisers and network
- To learn from experts
- To stay up to date with changes in the profession
- To upskill or develop a specialised area of knowledge
- To broaden knowledge of the industry
- To ensure high quality advice is provided to clients

- To raise professional standards.

In addition, a number of comments were received in support of each of the options.

From those who supported 10 hours CPD

The general view from the respondents who supported 10 hours CPB was that 10 hours was sufficient for advisers who had already worked in the industry for two years. They noted that after two years, advisers are well-equipped to handle a variety of cases and are learning on the job, as well as constantly undertaking self-directed learning.

A number of respondents noted that anything more than 10 hours may prove to be costly for advisers, not only due to the actual cost of the CPD but also due to the time taken away from working with clients. It was also noted that there is simply not enough material to fill 15 or 20 hours of CPD.

From those who supported 15 hours CPD

Similar to above, these respondents believed 15 hours (equivalent to two full days) is sufficient to allow for studying, staying up to date with changes and ongoing learning. A view was that 15 hours would not adversely affect advisers in terms of time away from the job and the associated costs of training.

From those who supported 20 hours CPD

Just as respondents for the first two options claimed that their choice was reasonable, supporters of the 20 hour option also believed that 20 hours was reasonable to expect of newer advisers in the workforce. Some respondents noted that across a whole year, this is not a huge amount of time. There was a sense of “the more the better” in terms of the number of hours spent in CPD. Some respondents felt that even 20 hours of CPD was insufficient.

Views at the consultation meetings were mixed on the number of mandatory hours of CPD for immigration advisers

A number of contributors commented that they did not support anything less than 20 hours – considering that reducing the number of CPD hours downgraded the profession. Others noted that it is actually not much of a change, as many advisers claim self-directed learning, such as reading the operations manual, as CPD, when this should just actually be part of the job. For some advisers the active CPD would be an increase in what they are currently doing. There was support for improving the quality of CPD and making it a more active activity.

Some general feedback on the CPD proposal included:

- CPD needs to be available, accessible (including for overseas-based advisors), affordable and relevant.
- There was support for aligning the system with the Law Society.
- There was support for the idea of keeping an online record.

Respondents supported 20 hours of CPD for advisers in their first two years of licensing

Fifty-three per cent of survey respondents thought that there should be a requirement for new advisers to undertake 20 hours of learner-centred CPD in their first two years of licensing.

Contributors considered that this was the time that advisers would benefit most from mentoring in particular.

There was support for prescribing mandatory CPD activities for new advisers...

Advisers supported the proposal that would enable the Immigration Advisers Authority (IAA) to approve activities that are mandatory for advisers in their first two years of licencing with 52 per cent (108 individuals) supporting this proposal. Participants made suggestions about types of CPD that might be mandatory, including when there are changes to immigration policy, mentoring and courses on ethical professional practices.

... but not for experienced advisers

Only 28 per cent of survey respondents supported the IAA prescribing activities for experienced advisers.

Most advisers would be willing to mentor a new graduate

The survey participants were asked if they would be willing to mentor a new graduate. Advisers expressed overwhelming support, with 76 per cent of respondents willing to mentor a graduate. Of the 23 per cent who were not willing, reasons given included not having the time, they would not receive any benefit themselves, they do not want to divulge their business practices, or they are not experienced enough yet.

Fast-track renewal plus risk-based inspections

The proposal to allow all renewals to be fast-tracked was by far the most popular proposal consulted on, with support from two-thirds of all survey respondents.

Throughout the consultation meetings there was resounding support for a fast-track renewal process. The current renewal process is seen as cumbersome, time consuming and not particularly effective. This proposal would streamline the process and be simple, quick and cost-effective.

Some potential issues were raised with risk-based inspections, including:

- The need to be careful about selecting the risk-based criteria. The threat of an inspection may impact on advisers taking clients if high decline rates are an indicator of risk – if advisers take on difficult cases they will then have higher decline rates.
- How will inspections work if an adviser changes company and therefore no longer has access to clients' files?