



Licensing Toolkit

16 November 2016

Contents

Purpose 4

Who needs a licence?.....	5
Definition of immigration advice.....	5
Definition of immigration matter.....	5
Immigration advice excludes.....	6
Publicly available information.....	6
Clerical work.....	6
Translation and interpreting services.....	6
Settlement services.....	6
People exempt from licensing.....	7
New Zealand Lawyers.....	7
Offshore student advisers.....	7
Employers, recruiters, education providers and travel agents.....	8
Not-for-profit status.....	9
Individuals who work or volunteer for a not-for-profit organisation.....	9
Individuals seeking not-for-profit status.....	10
Renewal of not-for-profit status.....	10
Changes to not-for-profit status.....	12
Fitness for licensing.....	13
Fitness requirements.....	13
Prohibited from licensing.....	13
Restricted from licensing.....	13
Other matters relevant to fitness for licensing.....	14
Fitness for licensing for an initial application.....	14
Fitness for licensing for renewal, upgrade or reapply.....	15
Applying for an initial licence.....	16
Licence Type.....	16
Approved qualifications and entry courses.....	17
Initial licence application process.....	17
Certifying supporting documentation.....	22
Assessment of licence applications.....	22
Grant of licence.....	23
Trans-Tasman mutual recognition.....	24
What is the TTMRA?.....	24

IMMIGRATION ADVISERS AUTHORITY

TTMRA applications.....	24
Certifying supporting documentation.....	27
Assessment of application.....	28
Grant of licence	28
Lawyers 28	
Renewal 29	
Maintaining a current licence.....	29
Changing supervisor	29
Application streams.....	30
Fast-track renewal process.....	30
Inspections renewal process	33
Purpose of inspections.....	33
Adviser eligibility for an inspection.....	33
Inspections process	33
Inspection Renewal Application.....	33
Assessment of inspection renewal applications	39
Inspections outcomes	43
TTMRA renewals.....	44
Grant of licence	44
Reapply for a licence	46
Refresher training.....	46
Reapply Application.....	47
Assessment of licence applications	51
Grant of licence	51
Upgrade 53	
Upgrade requirements	53
Upgrade application process.....	53
Assessment of upgrade applications.....	57
Grant of licence	57
Register of licensed immigration advisers	58
Legislative purposes	58
Contents of the register	58
Cancelled, suspended, voluntarily surrendered and expired licences	59
Cancelled licences	59
Suspended licences	60
Voluntary surrender of a licence	60
Expiry of licence.....	60

Purpose

The Immigration Advisers Authority (the Authority) has developed this *Licensing Toolkit* to provide guidance on the licensing requirements for:

- those seeking to apply for a New Zealand immigration adviser licence for the first time
- licensed immigration advisers seeking to renew or upgrade their licence
- those seeking to reapply for a licence after a period of being unlicensed.

It is recommended that you read these guidelines before applying for an immigration adviser licence.

Who needs a licence?

Any individual providing New Zealand immigration advice either in New Zealand or offshore must be licensed unless explicitly exempt under the Immigration Advisers Licensing Act 2007 (the Act).

Read the Act at:

www.legislation.govt.nz/act/public/2007/0015/latest/dlm406945.html.

This policy outlines:

- the definition of immigration advice
- what immigration advice excludes
- who is exempt from requiring an immigration adviser licence.

Definition of immigration advice

Section 7 of the Act states that immigration advice ‘means 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’.

Section 7 has three key elements, which define immigration advice:

- The person is using or purporting to use knowledge of or experience in immigration.
- Knowledge or experience is used to advise, direct, assist or represent another person.
- The advice, direction, assistance or representation is provided in regard to an immigration matter relating to New Zealand.

Definition of immigration matter

An immigration matter is defined as any matter arising under or concerning the application of the Immigration Act 2009 (including any regulations or instructions made under that Act); and includes:

- an application or potential application for a residence class visa, temporary entry class visa, or transit visa
- a request or potential request for a special direction
- a claim for recognition as a refugee or a protected person, and any related appeal or matter
- a matter relating to immigration sponsorship
- a matter relating to an immigration obligation
- an appeal in relation to an immigration matter.

Read the Immigration Act 2009 at:

http://legislation.govt.nz/act/public/2007/0015/latest/link.aspx?search=ts_act_immigration_rese&p=1&id=DLM1440300#DLM1440300.

Immigration advice excludes

The Act's definition of immigration advice specifically excludes:

- providing information that is publicly available or that is prepared by the Ministry of Business, Innovation & Employment
- directing a person to the Minister of Immigration, or to an immigration officer or a refugee and protection officer (within the meaning of the Immigration Act 2009), or to a list of licensed immigration advisers
- carrying out clerical work, translation or interpreting services or settlement services.

Providing information becomes giving immigration advice when you tailor it to the particular circumstances of an individual or give guidance or assistance to the individual.

Publicly available information

Providing information from a publicly available source is not immigration advice. Examples of a publicly available source include the Immigration New Zealand website or the Immigration New Zealand Operational Manual.

Clerical work

Clerical work relates to the provision of services in relation to an immigration matter, or to matters concerning sponsors, employers, and education providers, in which the main tasks involve all or any combination of the following:

- The recording, organising, storing, or retrieving of information.
- Computer or data entry.
- Recording information on any form, application, request, or claim on behalf and under the direction of another person.

Translation and interpreting services

Providing translation or interpreting services is not giving immigration advice.

Settlement services

Settlement services mean all or any of a range of targeted support services provided for migrants, refugees, protected persons, and their families to settle into the community, learn the language and to find out how to access essential community services. For example, this may include assisting migrants to find housing, schools for their children or information on public transport.

People exempt from licensing

People who can give immigration advice without a licence are:

- those who provide immigration advice in an informal or family context only, so long as the advice is not provided systematically or for a fee
- current New Zealand Members of Parliament and their staff who provide immigration advice within the scope of their employment agreement
- foreign diplomats and consular staff accorded protection
- New Zealand public service employees who provide immigration advice within the scope of their employment agreement (all public service departments are listed in Schedule 1 of the State Services Act 1988)
- New Zealand lawyers
- people working (either employed or volunteers) for New Zealand community law centres, where at least one lawyer:
 - is on the employing body of the community law centre
 - is supervising (either employed or a volunteer) at the community law centre
- people working (either employed or volunteers) for New Zealand citizens advice bureaux
- people who provide immigration advice offshore about student visas only
- people exempted by Regulations (there are currently none).

New Zealand Lawyers

For the purpose of this exemption, a lawyer is a person who holds a current practising certificate as a Barrister or as a Barrister and Solicitor issued by the New Zealand Law Society.

Employees of a lawyer or a law firm who provide immigration advice in the context of their employment agreement also fall within this exemption on the basis that the employee cannot give advice on their own account. The exempt lawyer employing this person is responsible for the advice given to the client, not the employee.

Lawyers are prohibited from applying for a licence under section 12(6) of the Act. The Immigration Advisers Authority will not accept licence applications from either lawyers or non-lawyer employees of law firms.

Offshore student advisers

Advisers who are offshore and provide advice in relation to student visa applications only are exempt. This exemption does not allow an adviser to provide advice to secondary or related applicants on any other visa type such as work, visitor or guardian visas. If an offshore adviser wishes to provide advice on student and other visa types, they must apply for a licence.

Employers, recruiters, education providers and travel agents

Employers, recruiters, education providers and travel agents are not exempt and may become licensed. Those who do not wish to become licensed are free to assist their clients by providing them with publicly available information, as long as they are not interpreting that information or applying immigration instructions or law to a particular person.

Publicly available information can be provided without giving immigration advice by:

- describing to a potential migrant the eligibility criteria for particular immigration categories on the Immigration New Zealand (INZ) website or in Ministry of Business, Innovation & Employment publications
- ensuring that a potential migrant personally makes the decision about whether or not they will lodge an application for a visa under a particular category
- recording information provided by the potential migrant directly onto the required visa application form.

In all of these situations, the employer, recruiter, education provider or travel seller must record their details in the section of the visa application form entitled “Declaration by person assisting the applicant”.

If the client requests specific immigration advice, they should be referred to INZ, a licensed immigration adviser or someone legally entitled to give immigration advice because they are exempt.

Details of all licensed immigration advisers can be obtained from the register of licensed immigration advisers at www.iaa.govt.nz

If you are uncertain about whether or not you are providing immigration advice in any particular situation, you should seek independent legal advice.

Not-for-profit status

Under the Immigration Advisers Licensing Regulations 2008, advisers are not required to pay a licence application fee or immigration adviser's levy if they:

- act on a not-for-profit basis
- are employees of, or volunteers working for, organisations operating on a not-for-profit basis.

This policy outlines the circumstances in which an immigration adviser can apply for not-for-profit status with the Immigration Advisers Authority (the Authority).

Individuals who work or volunteer for a not-for-profit organisation

A not-for-profit organisation is:

- an organisation in its own right
- one that does not return profits to those who own or control it
- one that does not charge more than a nominal fee for services provided
- institutionally separate from government
- self-governing
- one that has voluntary membership and participation.

Applicants who work or volunteer for a not-for-profit organisation should contact the Authority to request recognition of their not-for-profit status **before** they apply for a licence.

Applicants will need to provide the following information to assist the Authority in assessing if they work or volunteer for a not-for-profit organisation:

- A summary of the context in which the applicant will provide immigration advice for the organisation. This includes a description of the organisation they represent and their role and responsibilities within the organisation.
- A statement confirming whether and to what extent the organisation the applicant works or volunteers for meets the not-for-profit criteria listed above.
- A letter signed by an official, on the letterhead of the organisation the applicant works or volunteers for, dated within the last month, confirming that the applicant intends to provide immigration advice on a not-for-profit basis (when licensed) and confirming the applicant's role and responsibilities within the organisation.
- A copy of the Memorandum and Articles of Association, Constitution or other founding documents of the organisation.
- A copy of the certificate of incorporation for the organisation (if applicable).
- A copy of the last annual report or financial accounts for the organisation.
- The name and contact details of an authorised officer of the organisation they represent who can verify the information provided by the applicant.
- Authorisation to contact the person detailed above.
- A statutory declaration confirming that the information provided to the Authority is true and accurate to the best of the applicant's knowledge and belief.

The Authority will assess all the information provided by the applicant.

IMMIGRATION ADVISERS AUTHORITY

The Authority will contact the applicant to inform them whether it is satisfied that they will provide services on a not-for-profit basis. If satisfied, the applicant will be able to apply for a licence online without submitting the otherwise required fee and levy.

Once the applicant has completed the online application form up to the point where they are asked for the fee, they must call the Authority and provide the reference number given to them when their not-for-profit status was approved, to be permitted to submit the online application without paying the fee.

The Authority will assess the licence application in the same manner and according to the same competency standards as a fee-paying applicant.

Individuals seeking not-for-profit status

Applicants who wish to act as an immigration adviser on a not-for-profit basis outside of an employment or contractual business relationship must meet the following criteria:

- The adviser must not be going to profit financially from the immigration advice activity.
- The adviser must not be going to charge more than nominal fees for services provided.
- The adviser may recover actual expenses, but may not charge for their time.

Individual applicants should contact the Authority to request recognition of their not-for-profit status **before** they apply for a licence.

Applicants will need to provide the following information to assist the Authority in assessing whether they will be providing services on a not-for-profit basis:

- A summary of the context in which they wish to provide immigration advice.
- A statement confirming that the applicant will not profit financially from the immigration advice activity, will not charge more than nominal fees for services provided, and will not charge for their time.
- The name and contact details of a person who can verify the information provided by the applicant.
- Authorisation to contact the above person.
- A statutory declaration confirming that the information provided to the Authority is true and accurate to the best of the applicant's knowledge and belief.

The Authority will contact the applicant to inform them whether it is satisfied that they will provide services on a not-for-profit basis. If satisfied, the applicant will be able to apply for a licence online without submitting the otherwise required fee and levy.

Once the applicant has completed the online application form up to the point where they are asked for the fee, they must call the Authority and provide the reference number given to them when their not-for-profit status was approved, to be permitted to submit the online application without paying the fee.

The Authority will assess the licence application in the same manner and according to the same competency standards as a fee-paying applicant.

Renewal of not-for-profit status

Advisers who wish to have their not-for-profit status recognised for renewal purposes must provide the information required below **two months prior** to their licence expiry date to

IMMIGRATION ADVISERS AUTHORITY

ensure that they can apply to renew their licence without paying the fee prior to their licence expiry date.

Advisers who work or volunteer for a not-for-profit organisation

Not-for-profit advisers who work or volunteer for the same not-for-profit organisation should provide the following evidence to the Authority **two months before** they apply to renew their licence:

- A statement confirming that their role and responsibilities within the organisation have not changed, or if they have, describing in what way they have.
- Confirmation that the organisation continues to meet the criteria in this policy.
- A letter signed by an official, on the letterhead of the organisation the applicant works or volunteers for, dated within the last month, confirming that the applicant provides immigration advice on a not-for-profit basis and confirming the applicant's role and responsibilities within the organisation.
- The name and contact details of an authorised officer of the organisation they represent who can be contacted to verify the information provided by the applicant.
- Authorisation to contact the person detailed above.
- A statutory declaration confirming that the information provided to the Authority is true and accurate to the best of the applicant's knowledge and belief.

The Authority will contact the applicant to inform them whether it is satisfied that they will provide services on a not-for-profit basis. If satisfied, the applicant will be able to apply for a licence online without submitting the otherwise required fee and levy.

Once the applicant has completed the online application form up to the point where they are asked for the fee, they must call the Authority and provide the reference number given to them when their not-for-profit status was approved, to be permitted to submit the online application without paying the fee.

Advisers who work or volunteer in an individual capacity

Not-for-profit advisers who continue to work or volunteer in an individual capacity should provide the following evidence to the Authority **two months before** they apply to renew their licence:

- A statement confirming that the context in which they provide immigration advice has not changed, or if it has, describing in what way it has.
- A statement confirming that the applicant does not profit financially from the immigration advice activity, does not charge more than nominal fees for services provided and provides immigration advice on a charitable and non-commercial basis.
- The name and contact details of a person who can verify the information provided by the applicant.
- Authorisation to contact the above person.
- A statutory declaration confirming that the information provided to the Authority is true and accurate to the best of the applicant's knowledge and belief.

The Authority will contact the applicant to inform them whether it is satisfied that they will provide services on a not-for-profit basis. If satisfied, the applicant will be able to apply for a licence online without submitting the otherwise required fee and levy.

IMMIGRATION ADVISERS AUTHORITY

Once the applicant has completed the online application form up to the point where they are asked for the fee, they must call the Authority and provide the reference number given to them when their not-for-profit status was approved, to be permitted to submit the online application without paying the fee.

Changes to not-for-profit status

If an adviser's circumstances change, they must contact the Authority immediately in writing as per section 26 of the Immigration Advisers Licensing Act 2007. Advisers who do not maintain their not-for-profit status must immediately pay the licence application fee that would otherwise have been payable and the immigration adviser's levy that is in proportion to the unexpired term of the licence the adviser currently holds.

Fitness for licensing

This policy sets out the fitness standards all immigration adviser licence applicants must meet and the fitness assessment process that the Immigration Advisers Authority (the Authority) uses when it processes an application.

Fitness requirements

Under section 15 of the Immigration Advisers Licensing Act 2007 (the Act) the Registrar of Immigration Advisers (the Registrar) must be satisfied that an applicant is not prohibited from licensing and is fit to be licensed under sections 16 and 17 of the Act.

Read the Act at:

<http://www.legislation.govt.nz/act/public/2007/0015/latest/dlm406945.html>.

The Registrar bases the fitness decision on information from the applicant, a New Zealand Criminal Record History from the New Zealand Ministry of Justice or an equivalent international agency and any other relevant information.

Prohibited from licensing

Section 15(1) of the Act states that an applicant is prohibited from licensing if they:

- are an undischarged bankrupt
- are prohibited or disqualified under any of the provisions of sections 382, 383, or 385 of the Companies Act 1993 (or any corresponding provision of the Companies Act 1955) from managing a company
- have been convicted of an offence against the Immigration Act 2009, the Immigration Act 1987 or the Immigration Act 1964
- have been removed or deported from New Zealand under the Immigration Act 2009, the Immigration Act 1987 or the Immigration Act 1964
- are unlawfully in New Zealand.

Section 15(2) of the Act states that persons who hold or have held any of the following offices or employment are prohibited from being licensed while holding the office or employment or at any time within 12 months after leaving the office or employment:

- Ministers of Immigration and Associate Ministers of Immigration in the New Zealand Government.
- Any immigration officer, visa officer, or refugee status officer (as defined in the Immigration Act 1987).
- Any immigration officer or refugee and protection officer (as defined in the Immigration Act 2009).

The Registrar has no discretion to licence a person prohibited from licensing.

Restricted from licensing

Section 16 of the Act identifies persons who are restricted from licensing and establishes a presumption against licensing.

IMMIGRATION ADVISERS AUTHORITY

The Registrar can overturn this restriction if satisfied that the nature of the offence or matter that brings about the restriction is unlikely to affect adversely the applicant's fitness to provide immigration advice.

The following persons are subject to a restriction on licensing:

- Persons who have been convicted, whether in New Zealand or in another country, of a crime involving dishonesty, an offence resulting in a term of imprisonment, or an offence against the Fair Trading Act 1986 (or any equivalent law of another country).
- Persons who under the law of another country:
 - are an undischarged bankrupt
 - have been prohibited or disqualified from managing a company
 - have been convicted of an immigration offence
 - have been removed or deported from the country.
- A person to whom Section 15(1)(a) or (b) has applied in the past.

Other matters relevant to fitness for licensing

Section 17 of the Act sets out other matters that the Registrar may consider when considering the fitness of an applicant:

- Any conviction, whether in New Zealand or in another country, for an offence of a kind other than those referred to in sections 15 and 16.
- Any disciplinary proceedings, whether in New Zealand or in another country, and whether in relation to the provision of immigration advice or in relation to the conduct of any other occupation or profession, taken or being taken against the person (including any past cancellation or suspension of a licence under this Act, or any non-compliance with any sanction imposed under this Act).
- Whether or not the person is related by employment or association to a person to whom a licence would be refused under sections 15, 16 or 17.

Fitness for licensing for an initial application

The Initial Licence Application form requires the applicant to answer questions about their fitness for licensing and in some circumstances provide further information:

- Questions 1 to 7 require the applicant to declare whether they meet any of the criteria for prohibition under the Act. An applicant is prohibited from applying for a licence if they answer yes to any of the questions (and the Criminal Records (Clean Slate) Act 2004 does not apply) and should not submit an application.
- Questions 8-10 require the applicant to declare whether they meet any of the criteria for restriction under the Act. The Registrar requires applicants to provide full details of the circumstances surrounding the relevant offence or matter.
- Questions 11, 12 and 15 require the applicant to declare whether they meet any of the criteria under section 17 of the Act. Applicants are required to provide full details of the circumstances surrounding the relevant offence or matter.

If the applicant has answered yes to any of questions 7 to 12, or 15, the Authority will carry out a fitness assessment.

IMMIGRATION ADVISERS AUTHORITY

As part of this assessment, the Authority will consider information supplied with the application and if necessary seek further information directly from the applicant or consent from the applicant to seek information from third parties.

In the event there are any concerns arising from information supplied, the Authority will inform the applicant of these concerns and provide them with an opportunity to comment.

The application will be refused in the event the applicant does not pass the fitness assessment.

Fitness for licensing for renewal, upgrade or reapply

Fast-Track Renewal, Inspection Renewal, Upgrade and Reapply application forms all require the applicant to complete a fitness for licensing questionnaire and answer questions about their fitness for licensing and in some circumstances provide further information:

- Questions 1 to 7 require the applicant to declare whether they meet any of the criteria for prohibition under the Act. An adviser is prohibited from applying for a licence if they answer yes to any of these questions (and the Criminal Records (Clean Slate) Act 2004 does not apply) and should contact the Authority immediately to surrender their licence.
- Questions 8-15 require the applicant to declare whether they meet any of the criteria for restriction under the Act. The Registrar requires advisers to provide full details of the circumstances surrounding the relevant offence or matter.

If the applicant has answered yes to any of questions 7 to 12, or 15, the Authority will carry out a fitness assessment.

If an applicant has a complaint pending before the Immigration Advisers Complaints and Disciplinary Tribunal, they will be required to answer yes to question 12. If an applicant then answers yes to either question 13 (b) or (c) they will be required to provide the relevant information requested.

As part of the fitness assessment, the Authority will consider information supplied with the application and if necessary seek further information directly from the adviser or consent from the adviser to seek information from third parties.

In the event there are any concerns arising from information supplied, the Authority will inform the adviser of these concerns and provide them with an opportunity to comment.

The application will be refused in the event the adviser does not pass the fitness assessment.

Applying for an initial licence

This policy sets out the requirements to apply for a New Zealand immigration adviser licence for the first time.

To become a licensed immigration adviser you must meet the requirements set out in the Immigration Adviser Competency Standards 2015 or the Trans-Tasman Mutual Recognition Act 1997.

The competency standards require initial licence applicants to hold an approved qualification or entry course, to have knowledge of New Zealand's immigration advisers licensing scheme, to have knowledge of New Zealand immigration law and immigration instructions, to be able to prepare, lodge and administer immigration applications, to be able to communicate professionally in English, and to be able to conduct business professionally, ethically and responsibly.

Australian registered migration agents who wish to apply for an immigration adviser licence for the first time go to [Licensing Toolkit - Trans-Tasman mutual recognition](#) for more information.

Licence Type

Anyone who began their study towards an approved qualification from July 2015 is required to hold a provisional licence and enter into a supervision arrangement with a fully licensed immigration adviser for two years before they may upgrade to a full licence.

Initial Provisional Licence

From 26 November 2015, an initial applicant for a provisional licence must:

- have completed an approved qualification or approved entry course within the 12 months before the date they lodge their provisional licence application
- OR
- have previously completed an approved qualification or approved entry course and have completed an approved refresher course within the 12 months before the date they lodge their provisional licence application.

The applicant must also have entered into a supervision arrangement with a supervisor who holds a full licence.

Everything you need to know about supervision arrangements is available in the Immigration Advisers Authority's [Supervision Toolkit](#)

Initial Full or Limited licence

From 26 November 2015, an initial applicant for a full or limited licence must:

- Hold an approved qualification that was commenced in or before February 2015 and completed within the 12 months prior to the limited licence application being lodged.

Approved qualifications and entry courses

The approved qualifications for a New Zealand immigration adviser licence are:

- Toi Ohomai Institute of Technology's¹ Graduate Diploma in New Zealand Immigration Advice
- Toi Ohomai Institute of Technology's Graduate Certificate in New Zealand Immigration Advice.

The approved entry courses for a New Zealand immigration adviser licence are:

- Courses 1 – 4 of Toi Ohomai Institute of Technology's Graduate Diploma in New Zealand Immigration Advice
- Courses A and B of Toi Ohomai Institute of Technology's Graduate Certificate in New Zealand Immigration Advice.

The approved refresher courses are:

- Toi Ohomai Institute of Technology's Refresher Course for New Zealand Immigration Advice (Level 7)
- Module 10 Professional Practice, plus two other modules chosen from Courses B, C, or D of Toi Ohomai Institute of Technology's Graduate Certificate in New Zealand Immigration Advice
- Toi Ohomai Institute of Technology's Graduate Diploma in New Zealand Immigration Advice
- Courses 1 – 4 of Toi Ohomai Institute of Technology's Graduate Diploma in New Zealand Immigration Advice
- Toi Ohomai Institute of Technology's Graduate Certificate in New Zealand Immigration Advice.

Initial licence application process

To obtain a licence, you need to lodge an online application at www.iaa.govt.nz. If you are not able to lodge an online application form, please [contact the Authority](#) to assist you.

Initial Licence Application

To complete the online application form you will need to provide:

¹ Toi Ohomai Institute of Technology was formerly the Bay of Plenty Polytechnic and Waiariki Bay of Plenty Polytechnic. Approved qualifications and courses issued by these organisations are also recognised.

IMMIGRATION ADVISERS AUTHORITY

- approved qualification or entry course details (see above)
- personal and contact details
- a signed [supervision agreement](#) for upload (provisional licence applicants only)
- printed and completed [Form 101A: Supervision Arrangement Application](#) for upload (provisional licence applicants only)
- answers to a fitness for licensing questionnaire
- criminal history record/police certificate(s)
- certified copy of personal identification for upload
- passport quality photograph for upload
- a declaration
- Visa or Mastercard for payment of application fee NZ\$909.78 (ordinarily resident in NZ) or NZ\$791.11 (not ordinarily resident in NZ).

Qualification details

The qualification section requires applicants to indicate which of the approved qualifications or entry courses they have completed, when they started studying and when the qualification was awarded.

Applicants will not be asked to upload a copy of their academic record as this will be verified with Toi Ohomai Institute of Technology directly.

Applicants who have a choice will be asked to indicate licence type they wish to apply for.

Personal details

The personal details section requires the applicant to provide:

- their full legal name, which will appear on the public register of licensed immigration advisers (the register)
- their preferred name (if applicable), which will be indicated on the register in brackets
- any other names they may be known by
- their date of birth.
- their home phone number (this will not appear on the register).

Contact details and addresses

The contact details section requires the applicant to provide:

- the name of their business or employer
- their business address, which is the main location where the applicant conducts their business
- their current status with the business or employer; for example, if they are a director or volunteer
- their physical address for the service of documents, if it is different from the business address
- their postal address, if it is different from the physical location of their business address

IMMIGRATION ADVISERS AUTHORITY

- their business phone number, direct dial phone number, mobile phone number, fax number and business email address where the applicant can be contacted on
- their business website
- their secondary business address details (if applicable).

Under section 77(2)(a) of the Act, the purpose of the register is to enable members of the public to know how to contact a licensed immigration adviser and to facilitate the compliance, audit and other supporting and administrative functions of the Registrar. The register must show a business and service address for the applicant.

The applicant may choose to have their postal address, business phone number, direct dial phone number, mobile number, fax number, business email address or business website shown on the public register of immigration advisers.

Under section 26 of the Immigration Advisers Licensing Act 2007, the applicant must inform the Authority if they work for any other businesses. If the applicant is working for any other businesses at the time of applying for a licence, they must provide the contact details and addresses for the other business(es).

Supervisor details

A provisional licence applicant must provide details about their proposed supervisor. Applicants can search the public register if they do not know the details of their proposed supervisor.

Applicants are required to provide the:

- name of their proposed supervisor
- immigration adviser licence number for their proposed supervisor.

Further information about developing a supervision agreement and what is an acceptable supervision arrangement is available in the Immigration Advisers Authority's [Supervision Toolkit](#)

Supervision agreement

The applicant and their proposed supervisor are required to have in place a supervision agreement for the approval of the Registrar. A copy of the signed supervision agreement must be uploaded to the application.

The Registrar has developed a model supervision agreement available on the Authority's website www.iaa.govt.nz to help you.

Form 101A: Supervision Arrangement Application

The applicant must complete a [Supervision Arrangement Application](#) form to have their proposed supervisor and supervision arrangements approved by the Registrar.

Fitness for licensing

An applicant completing an initial application must complete a fitness for licensing questionnaire and provide any documentation required.

See [Licensing Toolkit – Fitness for licensing](#) for more information.

Identification

IMMIGRATION ADVISERS AUTHORITY

The applicant is required to attach one certified copy of their:

- current driver licence
- birth certificate or
- current passport page that shows their photograph and personal details.

A person who is authorised to witness a statutory declaration must certify this document.

An applicant must provide one passport-sized and passport quality photograph, taken within the last six months.

This photograph will be used on the adviser's wallet card and licence certificate. It will also be shown on the register.

Criminal record history/police certificates

Applicants are required to provide criminal record histories or police certificates, obtained within the last six months, from each country that they have lived in for a total of 12 months or more in the last 10 years. These countries must be listed in the application form.

New Zealand Criminal Record History

- a. [A New Zealand Criminal Conviction History](#) can be obtained on application to the Ministry of Justice.
- b. You must upload an original copy of your New Zealand Criminal Conviction History with your application.

Overseas Criminal Record History or Police Certificates

- a. If you need to obtain Criminal Conviction Histories or Police Certificates from any countries other than New Zealand, you may need to pay a fee for these.
- b. If a country from which you require a criminal record history or police certificate will only deliver the certificate directly to the Authority, you must not apply for a licence until the Authority has received it. We recommend you allow three months for the criminal record history or police certificate to be delivered to the Authority.
- c. Please advise the Authority by email to info@iaa.govt.nz that your criminal record history or police certificate will be delivered to us. The Authority will then send it to you to upload when the criminal record history or police certificate has been received.

When requesting your criminal record history or police certificate you must supply all of the names you have listed in the Personal Details section of this application form.

If the applicant cannot get a police certificate because they are not available or are difficult to obtain, they will need to provide a statutory declaration in English or in their own language and English.

This statutory declaration needs to detail the applicant's attempts to obtain a criminal record history or police certificate and whether they have been convicted or charged with any offences in each country that they have lived in for 12 months or more over the last 10 years. The applicant needs to include information confirming their good character. This statutory declaration will need to be uploaded to the application.

Declaration

By ticking the declaration checkboxes in the online form, the applicant is declaring that:

- they meet the standards set out in the Immigration Advisers Competency Standards; and

IMMIGRATION ADVISERS AUTHORITY

- the information they have provided in the application form, its attachments and accompanying supporting documents is complete, correct and up to date in every detail to the best of their knowledge; and
- any representations they have made in the application form, its attachments and accompanying supporting documents are true and correct to the best of their knowledge; and
- they are not aware of any other matter relevant to the assessment of their competency that they should bring to the attention of the Registrar of Immigration Advisers; and
- they understand that, unless they are licensed or exempt, they may not provide New Zealand Immigration advice; and
- they understand that if the Registrar of Immigration Advisers determines that they are eligible for a licence, they will not be granted a licence until they have paid the prescribed amount of immigration adviser's levy (if any) and met any other applicable conditions; and
- they understand that they must give written notice to the Registrar of Immigration Advisers of any relevant change to the information provided with their application for a licence, or that results in them becoming prohibited from licensing under section 15 of the Immigration Advisers Licensing Act 2007, or has any effect on the matters specified in sections 16 and 17 of the Act relating to their fitness for licensing, and that notice of any change of circumstances must be provided to the Registrar within 10 working days after the change; and
- they understand that it is an offence under the Immigration Advisers Licensing Act 2007 to supply false or misleading information with the application, and they believe the statements in the declaration are true in every particular; and
- they have read and understand their obligations under the Licensed Immigration Advisers Code of Conduct.

WARNING: The giving of false information in the application form is an offence under section 66 of the Immigration Advisers Licensing Act 2007 with penalties of imprisonment of up to two years and/or a fine of up to \$10,000 and will result in the application for a licence being refused.

Place of residence

Applicants are required to indicate if they have been lawfully present in New Zealand for more than 183 days in the past 12 months. A person is ordinarily resident in New Zealand if they have spent more than 183 days in New Zealand in the immediately preceding 12 months and is not unlawfully in New Zealand.

Fee and levy

The applicant must pay the licence application fee when applying for the licence. The immigration adviser's levy is payable only if the Registrar approves the application.

The Authority only accepts payments in New Zealand dollars. Payments can be made online using Visa or Mastercard.

IMMIGRATION ADVISERS AUTHORITY

For applicants who are ordinarily resident in New Zealand the initial application fee is NZ\$909.78 and the immigration adviser's levy is NZ\$1129.55.

A person is ordinarily resident in New Zealand if they have spent more than 183 days in New Zealand in the immediately preceding 12-month period and is not unlawfully in New Zealand.

For applicants who are not ordinarily resident in New Zealand the initial application fee is NZ\$791.11 and the immigration adviser's levy is NZ\$982.22.

Applicants completing an online application will immediately be able to download an invoice and receipt.

Certifying supporting documentation

Where required to make a statutory declaration, it must be made in front of a person authorised to witness a statutory declaration. A person who is authorised to witness a statutory declaration must also certify documents that are required to be certified.

The following persons may witness a statutory declaration made in New Zealand:

- An enrolled barrister and solicitor of the High Court of New Zealand.
- A Justice of the Peace.
- A notary public.
- A Registrar or Deputy Registrar of the District Court, High Court, Court of Appeal or Supreme Court.

The following persons are authorised to witness a statutory declaration made outside of New Zealand:

- In a Commonwealth country other than New Zealand; a Judge, Commissioner of Oaths, a notary public, a Justice of the Peace, or any person authorised by the law of that country to administer an oath there for the purpose of a judicial proceeding, a Commonwealth representative, or a solicitor of the High Court of New Zealand.
- In a country other than a Commonwealth — a Commonwealth representative, a Judge, a notary public, or a solicitor of the High Court of New Zealand.

Assessment of licence applications

Applications submitted online are then allocated to a Technical Advisor.

If required the Technical Advisor undertakes a fitness assessment (see [Licensing Toolkit – Fitness for licensing](#) for more information). The Technical Advisor makes a recommendation to the Registrar who will decide if an applicant is fit to hold a licence.

Once an applicant has been declared fit to hold a licence, the Technical Advisor will assess each application against the Immigration Advisers Competency Standards. You can read the competency standards in full on the Authority's website www.iaa.govt.nz.

The Technical Advisor will contact the applicant if they require further information. They may also interview an applicant to obtain further information or clarification during the assessment process.

Once the Technical Advisor has finished assessing the application, they will make a recommendation to the Registrar. The Registrar will decide whether the application meets licensing requirements and if the applicant should be granted or refused a licence.

Grant of licence

The Registrar will approve an application if they are satisfied that the applicant:

- is not prohibited from licensing
- is fit to be licensed as an immigration adviser
- meets the minimum standards of competence
- has properly completed an application in accordance with the Act.

If the application is approved, the Authority will inform the applicant and will request the immigration adviser's levy from the applicant.

The levy may be paid online at www.iaa.govt.nz by logging in, and must be paid within 20 working days. Applicants will immediately be able to download an invoice and receipt.

Once the levy has been paid a licence will be granted. A licence pack containing a wallet card and licence certificate will be sent to the applicant once a licence is granted. The register will be updated with the applicant's details.

All licences are valid for 12 months from the date the Registrar grants it.

If a licence application is refused, the applicant will be informed by letter. The applicant has a right to appeal the refusal of a licence to the New Zealand District Court.

Trans-Tasman mutual recognition

This policy sets out how the Trans-Tasman Mutual Recognition Act 1997 (TTMRA) allows Australian registered migration agents (RMAs) to become New Zealand licensed immigration advisers (advisers).

What is the TTMRA?

The TTMRA provides for the mutual recognition of equivalent registered occupations between Australia and New Zealand.

Under the TTMRA, an RMA who is registered with the Australian Office of the Migration Agents Registration Authority (OMARA) can apply to become a licensed immigration adviser in New Zealand. This allows RMAs to apply for a New Zealand licence on the basis of their Australian registration, without completing New Zealand's entry qualification.

TTMRA applications

From 26 November 2015, all RMAs applying for a New Zealand immigration licence for the first time must apply for a provisional licence and hold a provisional licence for two years before they can apply for a full licence. A provisional licence holder must work under the direct supervision of a person who holds a full New Zealand immigration adviser licence.

To apply for a New Zealand licence under the TTMRA, you need to lodge an online application at www.iaa.govt.nz. If you are not able to lodge an online application form, please [contact the Authority](#) for assistance.

Initial TTMRA application process

An applicant must complete all sections of the initial TTMRA application and provide:

- their personal and contact details
- their Australian RMA registration number
- a certified copy of their OMARA Registration Certificate for upload
- details about whether any special conditions were issued on their OMARA licence (if required)
- a signed [supervision agreement](#) for upload
- printed and completed [Form 101A: Supervision Arrangement Application](#) for upload
- certified copy of personal identification for upload
- passport quality photograph for upload
- [Trans-Tasman Mutual Recognition Act 10097 Section 19 Notice](#) (printed), completed, signed and dated in the presence of a person authorised to take statutory declarations in the country in which you reside, for upload.
- Visa or Mastercard for payment of application fee NZ\$909.78 (ordinarily resident in NZ) or NZ\$791.11 (not ordinarily resident in NZ).

IMMIGRATION ADVISERS AUTHORITY

Please note that same person must certify the Section 19 Notice, identification and OMARA licence certificate.

Australian RMA registration number

Applicants are required to provide their Australian RMA registration number.

OMARA registration certificate

Applicants are required to upload a certified copy of their OMARA registration certificate and indicate (if applicable) whether they have any special conditions issued on their OMARA licence.

Applicants should renew their registration with OMARA prior to applying under the TTMRA because the Immigration Advisers Authority (the Authority) needs to see that the applicant's certificate is current.

Supervisor details

Applicants are required to provide details about their proposed supervisor.

See the [Supervision Toolkit](#) for more information.

Supervision agreement

Applicants are required to provide a signed supervision agreement to the Authority.

See the [Supervision Toolkit](#) for more information.

Form 101A: Supervision Arrangement Application

Applicants must complete and upload a Supervision Arrangement Application form to have their proposed supervisor and supervision arrangements approved by the Registrar.

See the [Supervision Toolkit](#) for more information.

Identification

The applicant is required to attach one certified copy of their:

- current driver licence
- birth certificate or
- current passport page that shows their photograph and personal details.

A person who is authorised to witness a statutory declaration must certify this document.

An applicant must upload one passport-sized and passport quality photograph, taken within the last six months.

This photograph will be used on the adviser's wallet card and licence certificate. It will also be shown on the register.

Declaration

Applicants must print the [Trans-Tasman Mutual Recognition Act 10097 Section 19 Notice](#) and then complete, sign and date it in the presence of a person authorised to take statutory declarations in the country in which you reside, for upload to their application form.

The applicant must declare that:

- the information they have provided in the application form, its attachments and accompanying supporting documents is complete, correct and up to date in every detail to the best of their knowledge; and

IMMIGRATION ADVISERS AUTHORITY

- they are currently a RMA with the Australian Office of the Migration Agents Registration Authority; and
- their attached registration certificate is a certified copy of their OMARA registration certificate; and
- they do not hold a practising certificate as a barrister and/or solicitor of the High Court of New Zealand; and
- their registration as a migration agent has not been cancelled nor is it currently suspended in Australia as a result of any disciplinary action; and
- they have not been personally prohibited from operating as a migration agent or licensed immigration adviser nor are they subject to any special conditions as a result of criminal, civil or disciplinary proceedings relating to their registration as a migration agent or licensed immigration adviser; and
- they are not subject to any disciplinary proceedings in Australia or New Zealand relating to their registration as a migration agent or licensed immigration adviser
- they are not the subject of any preliminary investigations or action that might lead to disciplinary proceedings in New Zealand or Australia relating to their registration as a migration agent or licensed immigration adviser
- they understand that if their application or documents submitted to support their application are found to be forged, false or altered, their registration will be refused or cancelled and the appropriate authorities notified
- they give authorisation to the Registrar to make inquiries of and to exchange information with the Australian Office of the Migration Agents Registration Authority or any other relevant authorities in Australia or New Zealand regarding their activity as a registered migration agent or licensed immigration adviser
- they make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

An applicant must be able to declare that the statements in the declaration are true and correct. If an applicant cannot declare all statements of the Section 19 Notice are true and correct, they may not apply for a New Zealand immigration adviser licence until such time as the statements become correct.

As part of the application process, the Authority will contact OMARA to determine whether the applicant has any complaints, investigations or disciplinary proceedings pending against them or whether they are subject to any special conditions. If the applicant is found to have made a false statement in the Section 19 notice the Authority may refuse to grant registration under Section 22 of the TTMRA.

WARNING: The giving of false information in the application form is an offence under section 66 of the Immigration Advisers Licensing Act 2007 with penalties of imprisonment of up to two years and/or a fine of up to \$10,000 and will result in the application for a licence being refused.

Place of residence

Applicants are required to indicate if they have been lawfully present in New Zealand for more than 183 days in the past 12 months. A person is ordinarily resident in New Zealand if

IMMIGRATION ADVISERS AUTHORITY

they have spent more than 183 days in New Zealand in the immediately preceding 12 months and is not unlawfully in New Zealand.

Fee and levy

The applicant must pay the licence application fee when applying for the licence. The immigration adviser's levy is payable only if the Registrar approves the application.

The Authority only accepts payments in New Zealand dollars. Payments can be made online using Visa or Mastercard.

For applicants who are ordinarily resident in New Zealand the initial application fee is NZ\$909.78 and the immigration adviser's levy is NZ\$1129.55.

A person is ordinarily resident in New Zealand if they have spent more than 183 days in New Zealand in the immediately preceding 12-month period and is not unlawfully in New Zealand.

For applicants who are not ordinarily resident in New Zealand the initial application fee is NZ\$791.11 and the immigration adviser's levy is NZ\$982.22.

Applicants completing an online application will immediately be able to download an invoice and receipt.

Certifying supporting documentation

Where required to make a statutory declaration, it must be made in front of a person authorised to witness a statutory declaration. A person who is authorised to witness a statutory declaration must also certify documents that are required to be certified.

Please note that same person must certify the Section 19 Notice, identification and OMARA licence certificate.

The following persons may witness a statutory declaration made in New Zealand:

- An enrolled barrister and solicitor of the High Court of New Zealand.
- A Justice of the Peace.
- A notary public.
- A Registrar or Deputy Registrar of the District Court, High Court, Court of Appeal or Supreme Court.

The following persons are authorised to witness a statutory declaration made outside New Zealand:

- In Australia or another Commonwealth country other than New Zealand— a Judge, a Commissioner of Oaths, a notary public, a Justice of the Peace, or any person authorised by the law of that country to administer an oath there for the purpose of judicial proceeding; a Commonwealth representative; or solicitor of the High Court of New Zealand.
- In a country other than a Commonwealth country— a Commonwealth representative, a Judge, a notary public, or a solicitor of the High Court of New Zealand.

Assessment of application

The Authority will not test an applicant on their understanding of New Zealand immigration matters before granting them a licence. However, the Authority does expect the applicant to be familiar with the:

- Immigration Act 2009
- Immigration Advisers Licensing Act 2007
- Immigration Advisers Competency Standards
- Licensed Immigration Advisers Code of Conduct.

The Registrar of Immigration Advisers (the Registrar) will determine the application within one month of receiving a complete application.

The Registrar may postpone or refuse registration if:

- any of the information the applicant provides is false or misleading
- circumstances have changed
- the applicant has failed to provide all the required information
- the prescribed fees have not been paid.

Grant of licence

If the application is approved, the Authority will inform the applicant and will request the immigration adviser's levy from the applicant.

The levy may be paid online at www.iaa.govt.nz by logging in, and must be paid within 20 working days. Applicants will immediately be able to download an invoice and receipt.

Once the levy has been paid a licence will be granted. A licence pack containing a wallet card and licence certificate will be sent to the applicant once a licence is granted. The register will be updated with the applicant's details.

All licences are valid for 12 months from the date the Registrar grants it.

If the Registrar refuses or postpones an application, the applicant has the right of appeal to the Trans-Tasman Occupations Tribunal established by the Ministry of Justice to hear appeals under the TTMRA.

Once licensed all advisers must comply with the Licensed Immigration Advisers Code of Conduct and the Immigration Adviser Competency Standards.

Lawyers

Lawyers with an Australian practising certificate can apply under the TTMRA. However, lawyers who hold a current New Zealand practising certificate, and their employees who provide immigration advice within the scope of their employment agreement, are not allowed to be New Zealand licensed immigration advisers.

TTMRA renewal

See [Licensing Toolkit – Renewal](#) for more information.

Renewal

This policy sets out how to apply to renew a full, limited or provisional New Zealand immigration adviser licence, including one granted under the TTMRA.

Maintaining a current licence

It is the responsibility of licensed immigration advisers (advisers) to make sure that their licence is valid. The Registrar of Immigration Advisers (the Registrar) has no discretion to accept renewal applications received after the expiry of an adviser's current licence.

A licence renewal application must be submitted on or before the date on which the licence expires.

If any adviser fails to maintain a current licence, the Registrar will record the expiry of the licence on the public register of immigration advisers (the register) and the adviser will no longer be able to give immigration advice.

Both fast-track and inspection renewal applications can now be lodged online at www.iaa.govt.nz. If you are not able to lodge an online application form, please [contact the Authority](#) for assistance.

The Authority will email a renewal reminder around two months before an adviser's licence expiry date.

Once you have received your renewal reminder, your online application will be available for you to complete.

If you have submitted a complete licence renewal application, but the Authority has not assessed it before the date on which the licence would otherwise expire, the licence continues in force until the assessment is complete.

Online renewal forms will only be available two months before the adviser's licence is due to expire. The Authority will not accept any renewal applications received more than two months before the expiry of the current licence. This means the information provided with the renewal is current at the time of assessment.

Changing supervisor

A provisional licence holder who wishes to renew their provisional licence must ensure that their supervision arrangement is current at the time they apply to renew their licence.

The provisional licence holder must confirm that their existing supervision arrangement is still in place when completing the renewal declaration form.

At any time, a provisional licence holder must:

- inform the Registrar of Immigration Advisers when any notice is given that the supervision agreement is to be terminated
- not give immigration advice for any period of time in which they do not have in place a supervision agreement approved by the Registrar of Immigration Advisers

- provide any new supervision agreement to the Registrar of Immigration Advisers for approval.

If a provisional licence holder does not have an approved supervision agreement in place at the time they are due to renew their licence, they may not lodge a renewal application.

Application streams

There are two renewal application streams for all licensed advisers: fast-track and inspections

The fast-track stream provides a streamlined renewal process for most advisers. The inspections stream allows for assessment of a client file and onsite visits.

Fast-track renewal process

All advisers are eligible to go through a fast-track renewal if they hold a full, limited or provisional licence unless the Authority has required the adviser to be inspected.

Fast-Track Renewal Application

The fast-track renewal application form requires the adviser to provide:

- their personal and contact details
- passport quality photograph for upload (at least every three years)
- answers to a fitness for licensing questionnaire
- a renewal declaration
- Visa or Mastercard for payment of application fee NZ\$909.78 (ordinarily resident in NZ) or NZ\$791.11 (not ordinarily resident in NZ) and the immigration adviser's levy of NZ\$1129.55 (ordinarily resident in New Zealand) or NZ\$982.22 (not ordinarily resident in New Zealand).

Personal details

The personal details section requires the adviser to confirm:

- their full legal name, which will appear on the register of licensed immigration advisers (the register)
- their preferred name, if applicable, which will be indicated on the register in brackets
- their home phone number.

Contact details

The contact details section requires the adviser to confirm or update:

- the name of their business or employer
- their business address, which is the main location where the adviser conducts their business
- their current status with the business or employer; for example, if they are a director or volunteer
- their physical address for the service of documents, if it is different from their business address

IMMIGRATION ADVISERS AUTHORITY

- their postal address, if it is different from the physical location of their business address
- the business phone number, direct dial phone number, mobile phone number, fax number and business email address that the adviser can be contacted on
- their business website
- their secondary business address details (if applicable).

Under section 77(2) of the Act, the purpose of the register is to enable members of the public to know how to contact a licensed immigration adviser and to facilitate the compliance, audit and other supporting and administrative functions of the Registrar. The register must show a business and service address for the adviser. The adviser can update their details by selecting the appropriate edit button.

The adviser may choose to have their postal address, business phone number, direct dial phone number, mobile number, fax number, business email address or business website shown on the register.

Under section 26 of the Immigration Advisers Licensing Act 2007, the adviser must inform the Authority if they work for any other businesses. If the adviser is working for any other businesses at the time of renewing their licence, they must provide the contact details and addresses for the other business(es) in their renewal application.

As advisers complete the online form, any changes to their personal details and contact details will be added to the register as soon as they agree to the declaration that the details they have entered are true and correct.

Identification

An adviser must upload one passport-sized and passport quality photograph, taken within the last six months, at least every third renewal. Advisers will have the option of updating their photograph at every renewal.

This photograph will be used on the adviser's wallet card and licence certificate. It will also be shown on the register.

Licence type

An adviser's New Zealand immigration adviser licence number, status, expiry date, licence type and licence history will automatically be displayed on the online fast-track renewal application. The supervision details will also be displayed for provisional licence holders. Please contact the Authority if any details are incorrect.

Fitness for Licensing Questionnaire

All advisers completing a fast-track renewal application must complete a fitness for licensing questionnaire and upload any documentation required.

An adviser who has had a complaint made against them, and the Tribunal has not made a decision on the complaint before the adviser's renewal, must declare the complaint in the fitness section and the application will undergo a fitness assessment.

See [Licensing Toolkit – Fitness for licensing](#) for more information.

Declaration and payment

By ticking the declaration checkboxes, the applicant is declaring that:

- they meet the standards set out in the Immigration Advisers Competency Standards; and

IMMIGRATION ADVISERS AUTHORITY

- the information they have provided in the application form, its attachments and accompanying supporting documents is complete, correct and up to date in every detail to the best of their knowledge; and
- any representations they have made in the application form, its attachments and accompanying supporting documents are true and correct to the best of their knowledge; and
- they are not aware of any other matter relevant to the assessment of their competency that they should bring to the attention of the Registrar of Immigration Advisers; and
- they understand that, unless they are licensed or exempt, they may not provide New Zealand Immigration advice; and
- they understand that if the Registrar of Immigration Advisers determines that they are eligible for a licence, they will not be granted a licence until they have paid the prescribed amount of immigration adviser's levy (if any) and met any other applicable conditions; and
- they understand that they must give written notice to the Registrar of Immigration Advisers of any relevant change to the information provided with their application for a licence, or that results in them becoming prohibited from licensing under section 15 of the Immigration Advisers Licensing Act 2007, or has any effect on the matters specified in sections 16 and 17 of the Act relating to their fitness for licensing, and that notice of any change of circumstances must be provided to the Registrar within 10 working days after the change; and
- they understand that it is an offence under the Immigration Advisers Licensing Act 2007 to supply false or misleading information with the application, and they believe the statements in the declaration are true in every particular; and
- they have read and understand their obligations under the Licensed Immigration Advisers Code of Conduct
- they have a [supervision agreement](#) in place that is approved by the Registrar of Immigration Advisers (provisional licence holders only)

WARNING: The giving of false information in the application form is an offence under section 66 of the Immigration Advisers Licensing Act 2007 with penalties of imprisonment of up to two years and/or a fine of up to \$10,000 and will result in the application for a licence being refused.

Fee and levy

The adviser must pay the licence renewal fee when applying to renew their licence. The immigration adviser's levy is payable only if the application is successful.

The Authority only accepts payments in New Zealand dollars. Payments can be made online using Visa or Mastercard.

For advisers who are ordinarily resident in New Zealand the licence renewal fee is NZ\$909.78 and the immigration adviser's levy is NZ\$1129.55.

A person is ordinarily resident in New Zealand if they have spent more than 183 days in New Zealand in the immediately preceding 12 months and is not unlawfully in New Zealand.

IMMIGRATION ADVISERS AUTHORITY

For advisers who are not ordinarily resident in New Zealand the licence renewal fee is NZ\$791.11 and the immigration adviser's levy is NZ\$982.22

Where an adviser's online fast-track renewal form is to be approved immediately, the adviser will be required to pay both the fee and the levy together.

Where the adviser's online fast-track form requires assessment only the fee will be payable on submitting the application. If the application is successful, the Authority will contact the adviser to request the levy.

Advisers will immediately be able to download an invoice and receipt.

Assessment of fast-track renewal applications

If there are any concerns about whether an adviser is meeting any of the competency standards, or indications that there are issues of non-compliance with the Code, the Registrar may investigate those issues in full. Any fitness issues identified in the fitness for licensing questionnaire will be assessed in full.

Inspections renewal process

Any person authorised by the Registrar may, for the purpose of administering the licensing regime, carry out an inspection under sections 56 and 57 of the Immigration Advisers Licensing Act 2007. Section 20 allows inspections to be used as a method of determining an adviser's competency.

Purpose of inspections

The inspection powers are used to support the administration of the licensing regime. Inspections provide the Authority with an educative tool to identify deficiencies in an adviser's practices and help improve the adviser's ability to meet competency standards and comply with the Code.

Adviser eligibility for an inspection

All advisers are eligible for an inspection and may be inspected at their next licence renewal.

Inspections process

The Authority will send notice of inspection along with the renewal reminder email that is sent out two months before an adviser's licence is due to expire.

This email will set out the details of a client file for inspection that has been chosen by the Authority from all applications lodged by the adviser to Immigration New Zealand in the previous year.

Advisers who have been selected for an inspection will have to provide the client file requested by the Authority. As this client file is requested under section 57 of the Act, the applicant and the client do not have to complete a client authorisation and declaration.

Inspection Renewal Application

The online inspections renewal form requires the adviser to provide:

- their personal and contact details
- a copy of their signed supervision agreement for upload (provisional licence holders only)

IMMIGRATION ADVISERS AUTHORITY

- completed Form 301A: Supervision Arrangement Application – Renewal for upload (provisional licence holders only)
- other matters relating to competency (if required)
- a fitness for licensing questionnaire
- passport quality photo (only every three years)
- bank statements for their client account for the last three months and the related client account ledger for upload, if you take money in advance
- the client file requested by the Authority for upload
- their continuing professional development records (unless already entered and uploaded to IAA Online)
- a declaration
- Visa or Mastercard for payment of application fee NZ\$909.78 (ordinarily resident in NZ) or NZ\$791.11 (not ordinarily resident in NZ).

Form 301A: Supervision Arrangement Application (Renewal)

If a provisional licence holder has been selected for an inspection renewal, they must also submit Form 301A: Supervision Arrangement Application (Renewal) along with their application. The provisional licence holder is required to provide:

- details about themselves
- a supervision agreement
- supervision minutes
- the provisional licence holder's assessment of the supervision arrangement
- the provisional licence holder's acknowledgement and declaration.

The supervisor is required to provide:

- details about themselves
- the supervisor's assessment of the supervision arrangement
- the supervisor's acknowledgement and declaration.

Provisional licence holder

The provisional licence holder must provide their full legal name, immigration adviser licence number and indicate whether their proposed supervisor is the same person as their current supervisor.

Supervision agreement

The provisional licence holder and supervisor are required to have in place a supervision agreement for the approval of the Registrar. A copy of the signed supervision agreement must be provided to the Authority.

The Registrar has developed a model supervision agreement which is available on the Authority's website www.iaa.govt.nz to help you.

Supervision minutes

The provisional licence holder and the supervisor are required to keep a record of the meetings that have occurred during the course of the supervision. A record of the minutes

IMMIGRATION ADVISERS AUTHORITY

kept must be provided when the provisional licence holder applies to renew their licence and their supervision arrangement.

If the provisional licence holder is entering into a new supervision arrangement, they are required to provide a record of the minutes that were kept while they were being supervised by their former supervisor.

For further information about supervision agreements and keeping supervision minutes, see the Authority's [Supervision Toolkit](#)

Assessment of supervision arrangement

The provisional licence holder must provide details of:

- how their supervisor monitored their documentation and formal correspondence
- how often they met with their supervisor
- if their supervisor was away, what arrangements were in place to ensure direct supervision carried on during the supervisor's absence.

Applicant acknowledgement and declaration

The applicant must acknowledge and declare that:

- they understand that they must not give immigration advice for any period of time in which they do not have in place a supervision agreement approved by the Registrar
- they agree to act in accordance with the supervision agreement as approved by the Registrar for the term of their supervision
- they authorise the Registrar to contact their supervisor for the period immediately preceding the renewal application for the purpose of assessing their performance during that period
- they authorise the Registrar to contact the client who is the subject of the client file that has been provided for the purpose of assessing the adequacy of the supervision arrangement
- all the details they have provided in the form are true and correct.

Proposed supervisor details

The proposed supervisor must provide the following details:

- their full legal name
- their New Zealand immigration adviser licence number
- the business or organisation the supervisor works for
- their contact phone number
- their email address.

Supervisor requirements

The proposed supervisor must indicate whether they hold a full immigration adviser's licence and if they provide direct supervision to any other provisional licence holders.

Assessment of supervision arrangement

The proposed supervisor must provide details of:

- how they monitored the provisional licence holder's documentation and formal correspondence
- how often they met with the provisional licence holder
- if they were away, what arrangements were in place to ensure direct supervision of the provisional licence holder carried on during the supervisor's absence.

Supervisor acknowledgement and declaration

The proposed supervisor must acknowledge and declare that:

- they understand that the applicant must not give immigration advice for any period of time in which they do not have in place a supervision agreement approved by the Registrar
- they agree to act in accordance with the supervision agreement as approved by the Registrar for the term of the supervision
- all the details they have provided in the form are true and correct.

Other matters relating to competency

Advisers who were requested to provide evidence of a change in business practice for their next renewal will be required to:

- explain how they have changed their business practice
- provide evidence that shows how these changes have been implemented

Fitness for licensing questionnaire

All advisers completing an inspections renewal application are required to complete a fitness for licensing questionnaire.

See [Licensing Toolkit – Fitness for licensing](#) for more information.

Identification

At least every three years, the adviser must provide one passport-sized and passport quality photograph, taken within the last six months.

Photographs must be verified as a true likeness of them by a person who has known them for at least 12 months and is not related, part of a family group or living at the same address as them.

This photograph will be used on the adviser's wallet card and certificate. It will also be shown on the register.

Client funds

Any adviser who takes money in advance must provide bank statements for their client for the last three months and the related client account ledger.

Bank statements and the client account ledger must be in consecutive date order with no gaps for the three month period covered

The client account ledger may take the form of an accounting system, an electronic ledger or a hard copy ledger.

It is helpful for a client account ledger to include:

IMMIGRATION ADVISERS AUTHORITY

- the date of the transaction
- the type of the transaction
- the amount of the transaction
- the client name
- the purpose of the transaction
- the related invoice number.

Client file

Applicants are required to upload the client file requested by the Authority.

A client file is a file that records the adviser's work on behalf of a client in relation to a particular immigration matter. It should trace the adviser's work on the client's behalf, from the first contact with the client through to the resolution of the immigration matter. It should reflect an end-to-end process. The client file should be a copy of the information and documentation the adviser has kept.

The Registrar would expect to see the following on a complete client file:

- Documented evidence of assessment of the client's immigration eligibility.
- The written agreement entered into with the client and any supporting information.
- A copy of the internal complaints procedure provided to the client.
- Invoices for services.
- All correspondence with the client, INZ and/or third parties. This includes all emails, letters and file notes of verbal communication.
- The signed application form tendered to INZ and cover letter that accompanied the application

OR

if the client file relates to a request for special directions, a refugee/protection claim or an appeal, a complete copy of the request lodged or claim or appeal filed.

- Exact copies of all supporting documentation provided in support of the immigration matter.
- Evidence of the decision (e.g. letter, visa label).

The file should be in English. If there is any documentation or correspondence in another language, the adviser must provide translated copies.

Continuing professional development

Advisers must complete at least 20 hours of acceptable professional development activities, including any mandatory activities, during each 12 month licensing period.

Where advisers have previously entered their CPD plan and record online, this will be prepopulated in the inspection form.

Alternatively, advisers may enter their CPD plan and record and upload documents that verify their attendance directly into the inspection renewal form, or upload their own records.

IMMIGRATION ADVISERS AUTHORITY

If you wish to upload your own records to an inspection renewal application, please write "Own records uploaded" in the required text fields and upload your own records in the upload evidence / additional information box.

Licensed immigration advisers seeking to renew their licence **between 26 November 2015 and 25 November 2016** must, at a minimum, have completed for their last licensing period:

- At least 20 hours of professional development activities relevant to the Immigration Adviser Competency Standards and/or the Licensed Immigration Advisers Code of Conduct that must include active learning and may include self-directed learning.

These requirements mirror those in the Immigration Advisers Competency Standards 2013.

All CPD requirements, including transitional arrangements, are set out in the Authority's *CPD Toolkit* at www.iaa.govt.nz.

Declaration and payment

By ticking the online inspection renewal application declaration checkboxes, the applicant is declaring that:

- they meet the standards set out in the Immigration Advisers Competency Standards; and
- the information they have provided in the application form, its attachments and accompanying supporting documents is complete, correct and up to date in every detail to the best of their knowledge; and
- any representations they have made in the application form, its attachments and accompanying supporting documents are true and correct to the best of their knowledge; and
- they are not aware of any other matter relevant to the assessment of their competency that they should bring to the attention of the Registrar of Immigration Advisers; and
- they understand that, unless they are licensed or exempt, they may not provide New Zealand Immigration advice; and
- they understand that if the Registrar of Immigration Advisers determines that they are eligible for a licence, they will not be granted a licence until they have paid the prescribed amount of immigration adviser's levy (if any) and met any other applicable conditions; and
- they understand that they must give written notice to the Registrar of Immigration Advisers of any relevant change to the information provided with their application for a licence, or that results in them becoming prohibited from licensing under section 15 of the Immigration Advisers Licensing Act 2007, or has any effect on the matters specified in sections 16 and 17 of the Act relating to their fitness for licensing, and that notice of any change of circumstances must be provided to the Registrar within 10 working days after the change; and
- they understand that it is an offence under the Immigration Advisers Licensing Act 2007 to supply false or misleading information with the application, and they believe the statements in the declaration are true in every particular; and
- they have read and understand their obligations under the Licensed Immigration Advisers Code of Conduct

- they have a supervision agreement in place that is approved by the Registrar of Immigration Advisers (provisional licence holders only).

Fee and levy

The adviser must pay the licence renewal fee when applying to renew their licence. The immigration adviser’s levy is payable only if the application is successful.

For advisers who are ordinarily resident in New Zealand the licence renewal fee is NZ\$909.78 and the immigration adviser’s levy is NZ\$1129.55.

A person is ordinarily resident in New Zealand if they have spent more than 183 days in New Zealand in the immediately preceding 12 months and is not unlawfully in New Zealand.

For advisers who are not ordinarily resident in New Zealand the licence renewal fee is NZ\$791.11 and the immigration adviser’s levy is NZ\$982.22

The Authority only accepts payments in New Zealand dollars. An Adviser can pay their levy online by Visa or Mastercard. Advisers will immediately be able to download an invoice and receipt.

Assessment of inspection renewal applications

Submitted applications are allocated to a Technical Advisor for assessment.

If required the Technical Advisor undertakes a fitness assessment (see *Licensing Toolkit – Fitness for licensing* for more information). The Technical Advisor makes a recommendation to the Registrar who will decide whether an adviser is fit to hold a licence.

Once an adviser has been declared fit to hold a licence, the Technical Advisor will assess each application against the Immigration Advisers Competency Standards. You can read the competency standards in full on the Authority’s website www.iaa.govt.nz.

The Technical Advisor will contact the adviser if they require further information. They may also interview an adviser to obtain further information or clarification during the assessment process.

The Technical Advisor will not begin to assess the application until they have all the relevant documentation and information.

Performance indicators for client files

The Authority considers the following performance indicators against the client file submitted when assessing the competency standards for an inspection renewal.

If the evidence provided in an application raises concerns about whether an adviser is meeting the competency standards or indicates non-compliance with the Code, the Authority will consider these when assessing the application. The Authority may put these concerns to the adviser or seek additional information. The information below is a guide only.

Competency	Performance Indicator	Assessment expectations
3.2	Demonstrate knowledge of and the ability to apply immigration and operational instructions made under the	Does the adviser have a good understanding of the relevant, current immigration law and immigration and operational instructions? Is the adviser familiar with the tools available, such as the INZ Operational Manual, to help apply their

IMMIGRATION ADVISERS AUTHORITY

	Immigration Act 2009.	knowledge?
3.3	Demonstrate knowledge of and the ability to provide tailored advice on avenues for seeking assistance including the Immigration New Zealand, Immigration Advisers Authority, and Immigration and Protection Tribunal websites and the Immigration New Zealand contact centre.	Given a complex real-life scenario, can the adviser identify an appropriate avenue for seeking assistance for the client?
3.4	Demonstrate knowledge of and the ability to provide tailored advice on the full range of immigration matters relating to applications, appeals, requests, claims and other representations.	Given a complex real-life scenario, can the adviser identify an appropriate immigration option for the client?
4.1	Demonstrate the ability to assess a client's immigration situation.	Does the client file demonstrate: <ul style="list-style-type: none"> • understanding of eligibility criteria for the relevant immigration matter • gathering of appropriate information to assess the client's eligibility • that the adviser conducts a preliminary assessment and identifies potential barriers to eligibility • identification and evaluation of possible options for the client • provision of appropriate advice and information to the client and reasons for the advice • that the adviser understands the requirements relating to medical evidence and character waivers.
4.2	Demonstrate the ability to provide services in an ethical, timely, conscientious, complete	Does the client file demonstrate the adviser's ability to: <ul style="list-style-type: none"> • plan the application process

**IMMIGRATION
ADVISERS AUTHORITY**

	<p>and accurate manner.</p>	<ul style="list-style-type: none"> • clearly communicate with the client the requirements for their immigration matter • co-ordinate and prepare applications • lodge applications with all the required supporting documents • take reasonable steps to inform clients to submit accurate and genuine documentation and the consequences of not doing so • satisfy all lodgement requirements • apply immigration knowledge as appropriate and in a manner that protects the client’s immigration status and entitlement <p>advise clients appropriately with a view to providing full information to immigration New Zealand</p>
<p>4.3</p>	<p>Represent clients through the immigration process</p>	<p>Does the client file demonstrate the adviser’s ability to:</p> <ul style="list-style-type: none"> • follow up on applications • liaise with Immigration New Zealand as required • keep clients informed in a consistent manner • recognise and work within time limits • understand and respond appropriately to issues as they arise including responding promptly to correspondence from Immigration New Zealand, the client and third parties • complete the process following decision-making including the timely return of the clients documents • ensure decisions are communicated to clients with the details and implications of outcomes explained, particularly appeal and review rights

IMMIGRATION ADVISERS AUTHORITY

		<ul style="list-style-type: none"> • check a visa label for accuracy • if applicable, advise clients in a timely manner of the procedures for complaints and the avenues for redress including rights to appeal • take necessary follow-up action
6.1	Demonstrate 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.	<p>Does the client file demonstrate the adviser's ability to:</p> <ul style="list-style-type: none"> • provide honest advice • preserve client confidentiality • provide an internal complaint process • if applicable, handle conflicts with clients and other parties in a constructive and professional manner • if applicable, recognise financial or non-financial interests in goods or services recommended or supplied to clients • if applicable, disclose financial or non-financial interests in goods or services recommended or supplied to clients • if applicable, disclose conflicts of interest to other parties as appropriate <p>abide by the code</p>
6.3	Demonstrate the ability to manage a business in accordance with New Zealand law and the licensed immigration advisers code conduct including the management of client services, business accounts and finances and where appropriate seek the assistance of other professionals.	<p>Does the client file demonstrate the advisers ability to:</p> <ul style="list-style-type: none"> • manage client services • manage business accounts and finances according to New Zealand law and the Code requirements • apply immigration knowledge as appropriate and in a manner that protects clients immigration status and entitlement • seek the assistance of other

IMMIGRATION ADVISERS AUTHORITY

		professionals when necessary.
6.5	Demonstrate the ability to develop and maintain ethical and professional relationships with Immigration New Zealand and other relevant organisations.	Does the client file demonstrate the adviser's ability to develop a good professional relationship with INZ and other organisations, demonstrated by correspondence like letters or emails?
6.6	Demonstrate the ability to develop and maintain ethical and professional relationships with clients.	Does the client file demonstrate the adviser's ability to develop a good professional relationship with their client, demonstrated by correspondence like letters or emails?
6.7	Demonstrate the ability to develop and apply a clear and understandable written agreement.	Does the written agreement show evidence of: <ul style="list-style-type: none"> • A full description of the services to be provided by the adviser • Fees to be charged and a clear payment schedule which shows how and when the client will be invoiced • A refund policy.
6.8	Demonstrate understanding of the importance of quality assurance techniques to the provision of immigration advice.	Does the adviser use any of the following techniques: checklists, peer reviews, case reviews, supervisor reviews, team briefings?

Once the Technical Advisor has finished assessing the application, they will make a recommendation to the Registrar. The Registrar will decide whether the application meets licensing requirements and if the applicant should be granted or refused a licence.

Inspections outcomes

Depending on the quality of the information provided and if there is evidence of issues with meeting the competency standards or breaches of the Code, the Technical Advisor will recommend to the Registrar that:

1. the adviser be issued with an improvement letter
2. a complaint be made to the Tribunal
3. the adviser's renewal application for a licence be refused
4. a full licence is cascaded to a provisional licence

5. no further action be taken against the adviser.

Improvement letter

An improvement letter will be issued if minor issues arise during the renewal process that relate to an adviser not meeting competency standards or breaching the Code.

This letter will set out the issues and will outline what steps the adviser is expected to take to address these issues.

The adviser will be expected to demonstrate how they have addressed these issues at their next renewal.

If the adviser is unable to demonstrate that they have improved on the issues outlined by their next renewal the Authority may refuse the adviser's application for renewal of their licence, cascade them from a full to a provisional licence or make a complaint to the Tribunal.

On-site inspection

The Authority can also undertake an on-site inspection. The adviser will be informed that the Authority intends to carry out an on-site inspection.

Own-motion complaint

An own-motion complaint will be recommended by the Technical Advisor if they are satisfied that the adviser has breached the Code of Conduct and that the breach has been re-occurring or serious.

The decision to lodge an own-motion complaint against an adviser will be made by the Registrar.

Refusal

See [Licensing Toolkit – Grant of licence](#) below for more information.

No further action

If the Registrar is satisfied that the adviser has no deficiencies in regards to competency standards or compliance with the Code then no further action will be taken and the application will be approved.

TTMRA renewals

All RMAs who have become New Zealand licensed immigration advisers under the TTMRA may apply to renew their New Zealand licence before their current licence expires.

From 26 November 2015, all advisers granted a New Zealand immigration licence under the TTMRA will be required to complete either a fast-track or inspection renewal application as per the requirements in this Toolkit.

Grant of licence

The Registrar will approve an application if they are satisfied that the applicant:

- is not prohibited from licensing

IMMIGRATION ADVISERS AUTHORITY

- is fit to be licensed as an immigration adviser
- meets the minimum standards of competence
- has properly completed an application in accordance with the Act.

If the application is approved, the Authority will inform the applicant and will request the immigration adviser's levy from the applicant.

The levy may be paid online at www.iaa.govt.nz by logging in, and must be paid within 20 working days. Applicants will immediately be able to download an invoice and receipt.

Once the levy has been paid a licence will be granted. A licence pack containing a wallet card and licence certificate will be sent to the applicant once a licence is granted. The register will be updated with the applicant's details.

All licences are valid for 12 months from the date the Registrar grants it.

If a licence application is refused, the applicant will be informed by letter. The applicant has a right to appeal the refusal of a licence to the New Zealand District Court.

Reapply for a licence

This policy sets out how previously licensed applicants can reapply for a provisional, limited or full New Zealand immigration adviser licence.

Refresher training

Held a licence within the last 12 months?

If the applicant has held a licence **within the 12 months before** the date they lodge their licence application they will be able to reapply for a licence without completing refresher training.

Held a licence more than 12 months ago?

If the applicant has held a licence **more than 12 months before** the date they lodge their licence application, they must have completed an approved refresher course within the 12 months before the date they lodge their licence application.

Approved refresher courses are:

- Toi Ohomai Institute of Technology's² Refresher Course for New Zealand Immigration Advice (Level 7)
- Module 10 Professional Practice, plus two other modules chosen from Courses B, C, or D of Toi Ohomai Institute of Technology's Graduate Certificate in New Zealand Immigration Advice
- Toi Ohomai Institute of Technology's Graduate Diploma in New Zealand Immigration Advice
- Courses 1 – 4 of Toi Ohomai Institute of Technology's Graduate Diploma in New Zealand Immigration Advice
- Toi Ohomai Institute of Technology's Graduate Certificate in New Zealand Immigration Advice.

Please note that if you were previously licensed through the TTMRA and it is more than 12 months since you held a licence, you are **not** required to complete refresher training. You will need to complete a paper initial TTMRA application form. Please [contact the Authority](#) to request this.

² Toi Ohomai Institute of Technology was formerly the Bay of Plenty Polytechnic and Waiariki Bay of Plenty Polytechnic. Approved qualifications and courses issued by these organisations are also recognised.

To reapply for an immigration adviser licence you must apply online, unless you were previously licensed through the TTMRA and it is more than 12 months since you held a licence.

To reapply online you need to login using the Realme account details previously linked to your immigration adviser profile. If IAA Online was not available when you were previously licensed, or if you are having any other difficulties accessing IAA Online, please [contact the Authority](#) for assistance.

Reapply Application

If you were eligible for a fast-track renewal application and you let your licence expire rather than renewing it, your reapply application will be similar to a fast-track renewal application.

To complete this online application form you will need to provide:

- refresher course completed (only if more than 12 months since last licensed)
- personal and contact details
- a copy of your signed supervision agreement and completed [Form 101A: Supervision Arrangement Application](#) for upload (provisional licence applicants with a new supervisor only)
- response to a fitness for licensing questionnaire
- passport quality photograph for upload
- certified copy of personal identification for upload
- a declaration
- Visa or Mastercard for payment of application fee NZ\$909.78 (ordinarily resident in NZ) or NZ\$791.11 (not ordinarily resident in NZ).

If you were required to be inspected and you let your licence expire rather than renewing it, your reapply application will be similar to an inspection renewal application.

To complete this online application form you will need to provide:

- refresher course completed (only if more than 12 months since last licensed)
- personal and contact details
- a copy of your signed supervision agreement for upload (provisional licence applicants only)
- completed [Form 301A: Supervision Arrangement Application – Renewal](#) (provisional licence applicants only)
- response to a fitness for licensing questionnaire
- a response to other matters relating to competency if applicable

IMMIGRATION ADVISERS AUTHORITY

- bank statements for your client account for the last three months and the related client account ledger for upload, if you previously took money in advance
- the client file as requested by the Authority for upload
- certified copy of personal identification for upload
- passport quality photograph for upload
- a declaration
- Visa or Mastercard for payment of application fee NZ\$909.78 (ordinarily resident in NZ) or NZ\$791.11 (not ordinarily resident in NZ).

Qualification details

Applicants must have completed an approved refresher course if they are reapplying for a provisional, limited or full licence and it is more than 12 months since they previously held that licence.

Applicants will be required to indicate:

- if they have completed an approved refresher course and the courses completed
- the date they completed an approved refresher course.

Licence details

Applicants will be required to indicate whether they are reapplying for a provisional, limited or full licence.

Licence limits

Applicants reapplying for a limited licence are shown the immigration matters or areas they were previously providing advice on before their limited licence expired or was surrendered.

Supervisor details

Applicants reapplying for a provisional licence are required to provide details about their proposed supervisor.

See the [Supervision Toolkit](#) for more information.

Supervision agreement

Applicants reapplying for a provisional licence are required to provide a signed supervision agreement to the Authority.

See the [Supervision Toolkit](#) for more information.

Supervision Arrangement Application

Applicants reapplying for a provisional licence must complete Form 101A: Supervision Arrangement Application form to have their proposed supervisor and supervision arrangements approved by the Registrar.

See [Licensing Toolkit – Initial licence application process](#) for more information.

Applicants may also be asked for their past supervision records for inspection and to complete Form 301A: Supervision Arrangement Application (renewal).

See [Licensing Toolkit – Inspections renewal process](#) for more information.

Other matters relating to competency

IMMIGRATION ADVISERS AUTHORITY

Advisers reapplying for a provisional, limited or full licence who were requested to provide evidence of a change in business practice at their last renewal will be required to:

- explain how they have changed their business practice
- provide evidence that shows how these changes have been implemented.

Fitness for licensing questionnaire

See [Licensing Toolkit – Fitness for licensing](#) for more information.

Identification

An applicant must upload one passport-sized and passport quality photograph, taken within the last six months.

This photograph will be used on the adviser's wallet card and licence certificate. It will also be shown on the register.

Client funds

Applicants who previously took money in advance may be asked to provide bank statements for their client for the last three months and the related client account ledger.

Bank statements and the client account ledger must be in consecutive date order with no gaps for the three month period covered

The client account ledger may take the form of an accounting system, an electronic ledger or a hard copy ledger.

It is helpful for a client account ledger to include:

- the date of the transaction
- the type of the transaction
- the amount of the transaction
- the client name
- the purpose of the transaction
- the related invoice number.

Client file

Applicants may be required to upload a client file requested by the Authority.

A client file is a file that records the adviser's work on behalf of a client in relation to a particular immigration matter. It should trace the adviser's work on the client's behalf, from the first contact with the client through to the resolution of the immigration matter. It should reflect an end-to-end process. The client file should be a copy of the information and documentation the adviser has kept.

The Registrar would expect to see the following on a complete client file:

- Documented evidence of assessment of the client's immigration eligibility.
- The written agreement entered into with the client and any supporting information.
- A copy of the internal complaints procedure provided to the client.
- Invoices for services.
- All correspondence with the client, INZ and/or third parties. This includes all emails, letters and file notes of verbal communication.

IMMIGRATION ADVISERS AUTHORITY

- The signed application form tendered to INZ and cover letter that accompanied the application
- OR
- if the client file relates to a request for special directions, a refugee/protection claim or an appeal, a complete copy of the request lodged or claim or appeal filed.
- Exact copies of all supporting documentation provided in support of the immigration matter.
 - Evidence of the decision (e.g. letter, visa label).

The file should be in English. If there is any documentation or correspondence in another language, the adviser must provide translated copies.

Declaration and payment

By ticking the declaration checkboxes, the applicant is declaring that:

- they meet the standards set out in the Immigration Advisers Competency Standards; and
- the information they have provided in the application form, its attachments and accompanying supporting documents is complete, correct and up to date in every detail to the best of their knowledge; and
- any representations they have made in the application form, its attachments and accompanying supporting documents are true and correct to the best of their knowledge; and
- they are not aware of any other matter relevant to the assessment of their competency that they should bring to the attention of the Registrar of Immigration Advisers; and
- they understand that, unless they are licensed or exempt, they may not provide New Zealand Immigration advice; and
- they understand that if the Registrar of Immigration Advisers determines that they are eligible for a licence, they will not be granted a licence until they have paid the prescribed amount of immigration adviser's levy (if any) and met any other applicable conditions; and
- they understand that they must give written notice to the Registrar of Immigration Advisers of any relevant change to the information provided with their application for a licence, or that results in them becoming prohibited from licensing under section 15 of the Immigration Advisers Licensing Act 2007, or has any effect on the matters specified in sections 16 and 17 of the Act relating to their fitness for licensing, and that notice of any change of circumstances must be provided to the Registrar within 10 working days after the change; and
- they understand that it is an offence under the Immigration Advisers Licensing Act 2007 to supply false or misleading information with the application, and they believe the statements in the declaration are true in every particular; and
- they have read and understand their obligations under the Licensed Immigration Advisers Code of Conduct.

Fee and levy

IMMIGRATION ADVISERS AUTHORITY

The applicant must pay the licence application fee when reapplying for a licence. The immigration adviser's levy is payable only if the application is successful.

The Authority only accepts payments in New Zealand dollars. An Adviser can pay their fee online by Visa or Mastercard.

For advisers who are ordinarily resident in New Zealand the licence application fee is NZ\$909.78 and the immigration adviser's levy is NZ\$1129.55.

A person is ordinarily resident in New Zealand if they have spent more than 183 days in New Zealand in the immediately preceding 12 months and is not unlawfully in New Zealand.

For advisers who are not ordinarily resident in New Zealand the licence renewal fee is NZ\$791.11 and the immigration adviser's levy is NZ\$982.22.

Applicants completing an online application will immediately be able to download an invoice and receipt.

Assessment of licence applications

Applications submitted online are then allocated to a Technical Advisor.

If required the Technical Advisor undertakes a fitness assessment (see [Licensing Toolkit – Fitness for licensing](#) for more information). The Technical Advisor makes a recommendation to the Registrar who will decide if an applicant is fit to hold a licence.

Once an applicant has been declared fit to hold a licence, the Technical Advisor will assess each application against the Immigration Advisers Competency Standards. You can read the competency standards in full on the Authority's website www.iaa.govt.nz.

The Technical Advisor will contact the applicant if they require further information. They may also interview an applicant to obtain further information or clarification during the assessment process.

Once the Technical Advisor has finished assessing the application, they will make a recommendation to the Registrar. The Registrar will decide whether the application meets licensing requirements and if the applicant should be granted or refused a licence.

Grant of licence

The Registrar will approve an application if they are satisfied that the applicant:

- is not prohibited from licensing
- is fit to be licensed as an immigration adviser
- meets the minimum standards of competence
- has properly completed an application in accordance with the Act.

If the application is approved, the Authority will inform the applicant and will request the immigration adviser's levy from the applicant.

The levy may be paid online at www.iaa.govt.nz by logging in, and must be paid within 20 working days. Applicants will immediately be able to download an invoice and receipt.

Once the levy has been paid a licence will be granted and the register will be updated with the applicant's details. A licence pack containing a wallet card and licence certificate will be sent to the applicant once a licence is granted.

All licences are valid for 12 months from the date the Registrar grants it.

IMMIGRATION ADVISERS AUTHORITY

If a licence application is refused, the applicant will be informed by letter. The applicant has a right to appeal the refusal of a licence to the New Zealand District Court.

Upgrade

This policy sets out the requirements to upgrade a limited or provisional immigration adviser licence.

Upgrade requirements

A limited or provisional licence holder may apply to upgrade their licence at any time.

A limited licence holder may apply to upgrade to a full licence, or a provisional licence holder may apply to upgrade to a full or limited licence, if:

- they hold an approved qualification that was commenced in or before February 2015 and completed within the 12 months prior to the upgrade application being lodged, or
- they hold an approved qualification and they have held a provisional licence for two years.

A licence upgrade takes effect from either the date of expiry of the previous licence or the date on which the upgrade is granted, whichever occurs first.

Upgrade application process

Please note that the Upgrade form is currently not available online. The adviser must submit [Form 201: Upgrade Application](#) together with the required fee and supporting documentation.

The Authority must receive the licence application either:

- by mail delivered by a recognised postal service
- by prepaid courier or
- over the counter at the office of the Authority, during normal business hours.

The Authority will return upgrade applications not received by one of the above means.

If the Authority has lodged an upgrade application, but has not assessed it before the date on which the licence would otherwise expire, the licence continues in force until the assessment of the application is complete.

The requirements to apply for an upgrade of a New Zealand immigration adviser licence are set out in Form 201: Upgrade Application.

Form 201: Upgrade Application

Advisers are required to provide:

- personal details
- the type of licence the adviser holds
- evidence of completion of Toi Ohomai Institute of Technology's³ Graduate Certificate in New Zealand Immigration Advice or Graduate Diploma in New Zealand Immigration Advice

³ Toi Ohomai Institute of Technology was formerly the Bay of Plenty Polytechnic and Waiariki Bay of Plenty Polytechnic. Approved qualifications issued by these organisations are also recognised.

IMMIGRATION ADVISERS AUTHORITY

- the type of licence the adviser wishes to upgrade to
- contact details and addresses
- details relating to fitness for licensing
- details about continuing professional development activities the adviser has completed
- if applicable, details about the adviser's operation of their client account
- if applicable, other matters relating to competency
- a verified passport-sized photograph
- the application fee
- statutory declaration
- upgrade application checklist.

Personal details

The personal details section requires the adviser to give:

- their full legal name, which will appear on the public register of licensed immigration advisers (the register)
- their preferred name, if applicable, which will be indicated on the register in brackets
- their date of birth.

The place of residence section requires the applicant to state if they have been in New Zealand lawfully for more than 183 days in the last 12 months.

Type of licence the adviser holds

Advisers are required provide their New Zealand immigration adviser licence number and the New Zealand immigration adviser licence type they hold.

Qualification

A limited licence holder may apply to upgrade to a full licence, or a provisional licence holder may apply to upgrade to a full or limited licence, if:

- they hold an approved qualification that was commenced in or before February 2015 and completed within the 12 months prior to the upgrade application being lodged, or
- they hold an approved qualification and they have held a provisional licence for two years.

Type of licence adviser is applying to upgrade to

Advisers who are applying to upgrade their licence must tick whether they are upgrading to a limited or full licence.

Advisers applying to upgrade to a limited licence can choose up to three immigration matters to provide advice on.

Contact details and addresses

The contact details section requires the adviser to provide:

- the name of their business or employer

IMMIGRATION ADVISERS AUTHORITY

- their current status with the business or employer; for example, if they are a director or volunteer
- their business address, which is the main location where the applicant conducts their business
- their physical address for the service of documents, if it is different from the business address
- their postal address, if it is different from the physical location of their business address
- the business phone number, direct dial phone number, mobile phone number, fax number and business email address that the applicant can be contacted on
- their business website.

Under section 77(2)(a) of the Act, the purpose of the register is to enable members of the public to know how to contact a licensed immigration adviser and to facilitate the compliance, audit and other supporting and administrative functions of the Registrar. The register must show a business and service address for the adviser.

The adviser may choose to have their postal address, business phone number, direct dial phone number, mobile number, fax number, business email address or business website shown on the register.

Under section 26 of the Immigration Advisers Licensing Act 2007, the adviser must inform the Authority if they work for any other businesses. If the adviser is working for any other businesses at the time of upgrading their licence, they must provide the contact details and addresses for the other business(es) with their upgrade application.

Fitness for licensing

See [Licensing Toolkit – Fitness for licensing](#) for more information.

Continuing professional development

Under competency standard 7, advisers who are upgrading their licence must have evidence of at least 20 hours of acceptable continuing professional development (CPD) activities undertaken in the past 12 months.

For further information on Continuing Professional Development, see the Authority's [CPD Toolkit](#) at www.iaa.govt.nz.

Client funds

The adviser must declare whether they take money in advance.

Advisers who take money in advance must provide:

- bank statements for their client account for the last three months and
- the related client account ledger.

Other matters relating to competency

The Authority may request an adviser to provide evidence of a change in practice at the adviser's next renewal where the adviser has failed to demonstrate adherence to a particular aspect of the competency standards or the Code and where the failing is not significant enough to warrant refusal of the application or a complaint.

IMMIGRATION ADVISERS AUTHORITY

If the adviser has had a request made by the Authority to change their practice at renewal they must declare this request in section 10 of Form 201 and state how they have satisfied the request made by the Authority.

Photograph

The adviser must provide one passport-sized and passport-quality photograph, taken within the last six months.

A person who has known the adviser for more than 12 months and is not a family member or living at the same address must verify the photograph as a true likeness of the adviser.

This photograph will be used on the adviser's wallet card and certificate. It will also be shown on the register.

Fee and levy

The adviser must pay the upgrade application fee when applying for the licence.

For advisers who are ordinarily resident in New Zealand the upgrade application fee is NZ\$546.89 and the immigration adviser's levy is NZ\$1129.55.

A person is ordinarily resident in New Zealand if they have spent more than 183 days in New Zealand in the immediately preceding 12 months and is not unlawfully in New Zealand.

For advisers who are ordinarily resident in New Zealand the upgrade application fee is NZ\$475.56 and the immigration adviser's levy is NZ\$982.22.

The immigration adviser's levy is payable only if the Registrar approves the application. If the application is successful, the Authority will contact the adviser to request the levy. The Authority will reduce the levy charged in proportion to the unexpired portion of the current licence to ensure that there is no double payment.

The Authority only accepts payments in New Zealand dollars. An adviser can pay their fee and levy by bank draft in New Zealand dollars, EFTPOS, New Zealand issued cheque and Visa or MasterCard.

Statutory declaration

The statutory declaration section requires the adviser to declare that the information they have provided is correct. The declaration must be made in front of a person authorised to witness a statutory declaration.

The following persons may witness a statutory declaration made in New Zealand:

- An enrolled barrister and solicitor of the High Court of New Zealand.
- A Justice of the Peace.
- A notary public.
- A Registrar or Deputy Registrar of the District Court, High Court, Court of Appeal or Supreme Court.

The following persons are authorised to witness a statutory declaration made outside of New Zealand:

- In a Commonwealth country other than New Zealand; a Judge, Commissioner of Oaths, a notary public, a Justice of the Peace, or any person authorised by the law of that country to administer an oath there for the purpose of a judicial proceeding, a Commonwealth representative, or a solicitor of the High Court of New Zealand.

- In a country other than a Commonwealth — a Commonwealth representative, a Judge, a notary public, or a solicitor of the High Court of New Zealand.

Assessment of upgrade applications

Once the Authority has received an application form it will be checked to see if it is complete.

The Authority will not lodge an application where an adviser has not used the correct form. The Authority will not lodge applications that do not contain all the required information.

Once the Authority lodges the application, it will acknowledge the application and provide a receipt for the fee.

The lodged application is then allocated to a Technical Advisor.

If required the Technical Advisor undertakes a fitness assessment (see *Licensing Toolkit – Fitness for licensing* for more information). The Technical Advisor makes a recommendation to the Registrar who will decide whether an adviser is fit to hold a licence.

Once an adviser has been declared fit to hold a licence, the Technical Advisor will assess each application against the Immigration Advisers Competency Standards. You can read the competency standards in full on the Authority's website www.iaa.govt.nz.

The Technical Advisor will contact the adviser if they require further information. They may also interview an adviser to obtain further information or clarification during the assessment process.

The Technical Advisor will not begin to assess the application until they have all the relevant documentation and information.

Once the Technical Advisor has finished assessing the application, they will make a recommendation to the Registrar. The Registrar will decide whether the application meets licensing requirements and if the applicant should be granted or refused a licence.

Grant of licence

The Registrar will approve an application if they are satisfied that the applicant:

- is not prohibited from licensing
- is fit to be licensed as an immigration adviser
- meets the minimum standards of competence
- has properly completed an application in accordance with the Act.

If the application is approved, the Authority will inform the applicant and will request the immigration adviser's levy from the applicant.

The levy may be paid online at www.iaa.govt.nz by logging in, and must be paid within 20 working days. Applicants will immediately be able to download an invoice and receipt.

Once the levy has been paid a licence will be granted. A licence pack containing a wallet card and licence certificate will be sent to the applicant once a licence is granted. The register will be updated with the applicant's details.

Upgraded licences are valid for 12 months from the date the Registrar grants it or the expiry of the previous licence, whichever occurs first.

If a licence application is refused, the applicant will be informed by letter. The applicant has a right to appeal the refusal of a licence to the New Zealand District Court.

If a licence application is refused, the applicant will be informed by letter. The applicant has a right to appeal the refusal of a licence to the New Zealand District Court.

Register of licensed immigration advisers

This policy sets out the functions of the register of licensed immigration advisers (the register).

Legislative purposes

Section 77 of the Immigration Advisers Licensing Act 2007 (the Act) requires the Registrar of Immigration Advisers (the Registrar) to keep and maintain a register of licensed immigration advisers.

The Registrar keeps and maintains the register on the Immigration Advisers Authority's website www.iaa.govt.nz/register. The register is also available in hard copy on request.

The register is a searchable database that, among other things, lists all licensed immigration advisers and their business contact details.

The purpose of the register is to enable consumers to know:

- how to contact a licensed immigration adviser
- whether or not a person is licensed as an immigration adviser
- whether or not a person's licence has been cancelled or suspended, or whether a person's application for a licence has been refused.

Contents of the register

The Act requires the register to include:

- the full name of every licensed immigration adviser
- their business address and service address
- details of their employer if applicable
- their licence number
- the date of each registration of their licence; for example, the yearly renewal
- the type of licence that they have; whether it is a full, limited or provisional licence
- any terms or conditions associated with the licence
- if applicable the date on which any cancellation, surrender or suspension of licence took place
- the name and details of anyone who has been refused a licence.

The register is updated every time a new immigration licence application is successful and if there is a change of details of an adviser; for example, the contact information, an upgrade of a licence or the expiry of a licence.

Cancelled, suspended, voluntarily surrendered and expired licences

This policy sets out the requirements regarding cancelled, suspended, voluntarily surrendered and expired licences.

Cancelled licences

Section 27(1) of the Immigration Advisers Licensing Act 2007 (the Act) requires the Registrar of Immigration Advisers (the Registrar) to cancel the licence of an immigration adviser if he or she is satisfied that the person:

- is a lawyer
- is a category 2 exemptee
- is an undischarged bankrupt
- is prohibited or disqualified under sections 382, 383 or 385 of the Companies Act 1993 from managing a company
- has been convicted of an offence under the Immigration Act
- has been removed or deported from New Zealand under the Immigration Act
- is unlawfully in New Zealand
- is either currently holding the office or, within the last 12 months held the office of, either the Minister or Associate Minister of Immigration in the New Zealand government
- is either currently employed as, or was employed within the last 12 months as, an immigration officer, visa officer, or refugee status officer or refugee and protection officer as defined in the Immigration Act
- has made a false or fraudulent representation or declaration, either orally or in writing, during the application process under which they were granted a licence
- has provided an application fee for either an initial licence or a renewal, that has been dishonoured
- has provided a payment for the immigration adviser's levy that has been dishonoured
- has died.

Section 27(2) of the Act also provides that a licence can be cancelled if the Immigration Advisers Complaints and Disciplinary Tribunal (the Tribunal) determines that this sanction will be imposed in accordance with section 51(1)(d) of the Act.

Section 30 of the Act sets out the date the cancellation of a licence takes effect:

- A licence cancelled other than under section 51 takes effect on the date specified by the Registrar.
- A licence cancelled under section 51 takes effect on the date notified in the decision of the Tribunal.

Section 32 of the Act also requires the Registrar to record the cancellation of a licence on the register of licensed immigration advisers.

Suspended licences

Section 29 of the Act provides that a licence can be suspended if the Immigration Advisers Complaints and Disciplinary Tribunal (the Tribunal) determines one or both of the following:

- That this sanction will be imposed in accordance with section 51(1)(c) of the Act.
- That it is necessary or desirable to suspend the licence under section 53, having regard to the interests of the public, pending the outcome of a complaint. Section 29(2) of the Act specifies that a person whose licence has been suspended may not apply for a further licence during the period or duration of the suspension.

Section 30 of the Act sets out that the date of the suspension of a licence takes effect on the date notified in the decision of the Tribunal.

Section 32 of the Act also requires the Registrar to record the suspension of a licence on the register of licensed immigration advisers.

Voluntary surrender of a licence

Section 31 of the Act confirms that a licensed immigration adviser may, at any time, choose to surrender their licence to the Registrar by giving notice of this in writing.

Advisers who wish to surrender their licence must ensure they are clear in the way they word the notification of the surrender to avoid any ambiguity. The Authority cannot reverse the surrender of a licence if the adviser changes their mind.

A surrender takes effect on the date given in the notice, or if no date is given, on the day the notice is received by the Registrar.

When a licence is voluntarily surrendered, the Registrar may, as he or she thinks fit, refund all or part of the levy paid by an immigration adviser in respect of the licence.

Section 32 of the Act also requires the Registrar to record the surrender of a licence on the register of licensed immigration advisers.

Expiry of licence

Section 33 of the Act requires the Registrar to record the expiry of a licence on the register of licensed immigration advisers, as soon as practicable after the date that the licence expires, if no application for the renewal of a licence is made on or before that date.