

IMMIGRATION ADVISER LICENSING

A guide for New Zealand employers and recruiters of migrants

In order to protect the interests of consumers receiving immigration advice and to enhance New Zealand's reputation as a migrant destination, the Immigration Advisers Licensing Act was passed in 2007.

From 4 May 2009, the Act requires anyone giving New Zealand immigration advice onshore to be licensed, unless they are exempt. List of exempt people: www.iaa.govt.nz/faqs.html#arethere

From 4 May 2009, Immigration New Zealand (INZ) will not be accepting applications made by onshore unlicensed immigration advisers.

Licensing for overseas advisers is mandatory from 4 May 2010.

How will immigration adviser licensing affect employers and recruiters?

Giving information, not advice

You can continue to give certain types of immigration information to migrants after 4 May 2009 in New Zealand without needing a licence. This includes carrying out clerical work, doing translations, referring someone on to INZ, or providing publicly available information. Review this in more detail: www.iaa.govt.nz/faqs.html#whatisadvice

Example Scenario One – 'not giving advice':

- Describing to a migrant the eligibility criteria for particular immigration categories as represented on the INZ website or in a Department of Labour publication.
 - Letting the migrant decide whether to apply under a particular category.
 - Translating the information where necessary.
 - Completing the required visa or permit application form under the migrant's direction.
 - Forwarding the application to INZ.
- these are not giving immigration advice and do not require a licence.

Option 1: Giving advice – apply for a licence

Giving immigration advice is more than providing information. It means using your knowledge or experience to tailor advice on a New Zealand immigration matter specifically for another person's circumstances. The guidance, assistance, direction or representation given could involve providing options about possible entitlements the person may have, or avenues they might take.

When considering whether the person in your business responsible for advising migrants needs to apply for a licence, ask yourself: "Does this person, in giving immigration advice, add anything from their own knowledge or experience to publicly available information?" If the answer to this is "yes", then one option is to apply for an immigration adviser licence from the Immigration Advisers Authority. Note that licences are for individuals, not companies.

Example Scenario Two – 'giving advice':

Advising a migrant to apply for residence in New Zealand under a particular category, describing the advantages for applying under that category over an alternative category and assisting the migrant to tailor their application to meet the requirements of that category is providing immigration advice and you will need to apply for a licence or review your options (see Option 2 below).

Please get your licence application in well before the 4th of May 2009, to ensure the Immigration Advisers Authority can assess it in time.

Q. What does this cost?

The cost of the application fee and levy is \$1995 (incl. GST). Licences are renewed annually. You will also need to allow for costs of continuing professional development for licensed staff.

Q. What's in it for you?

Licensed immigration advisers will benefit from an ongoing professional development programme and recognition of their work as a profession.

Good advice = happy migrants = good settlement outcomes

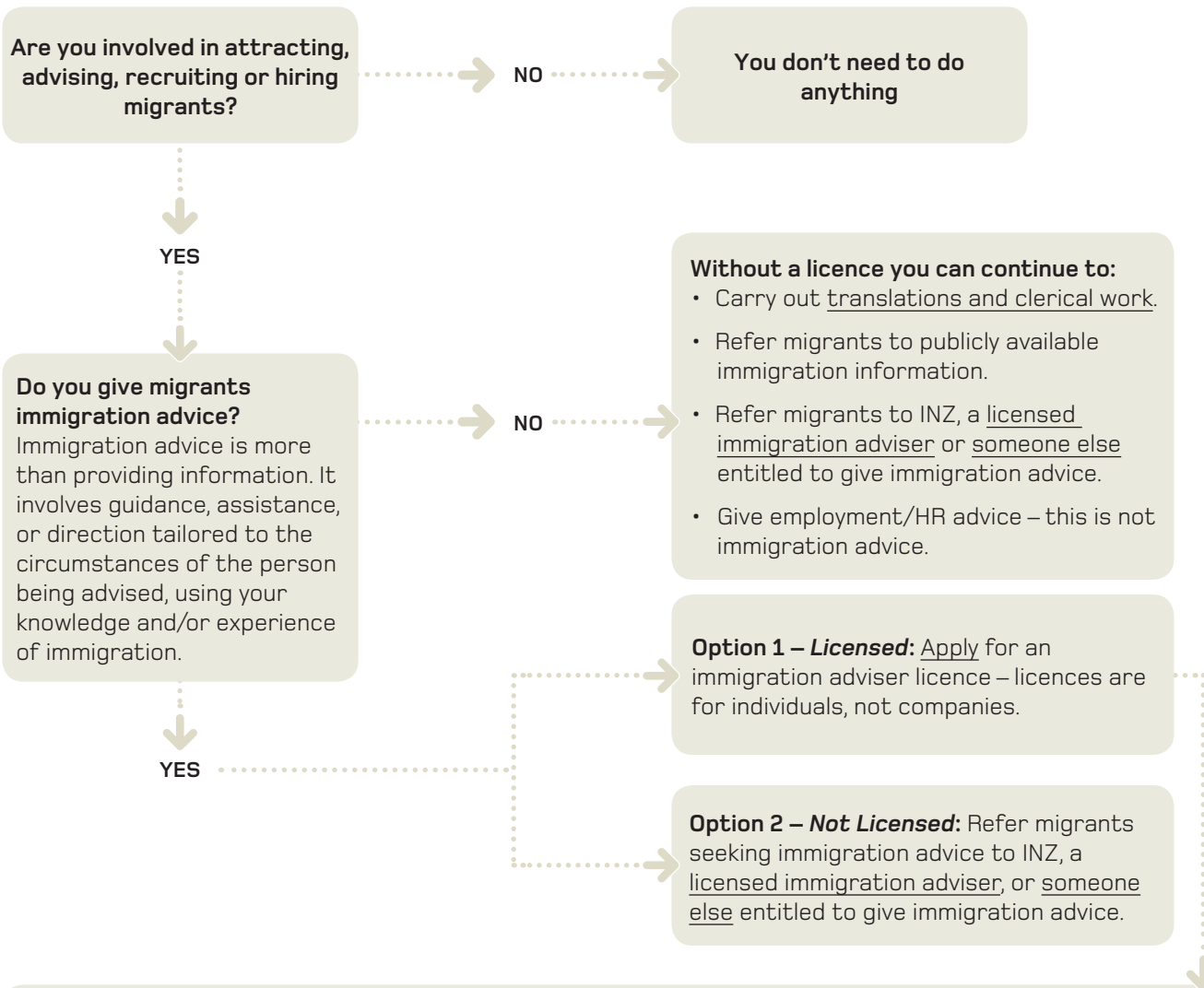
You will have certainty that you are giving the correct and best advice to prospective migrants and their applications will be made in a thorough and timely fashion. This will benefit you, the migrant and New Zealand.

Option 2: Giving advice – decide not to apply for a licence

After 4 May 2009, you need to stop giving immigration advice if you're onshore and refer all requests for immigration advice to INZ or to a licensed immigration adviser – there's a register of these on the Immigration Advisers Authority website: www.iaa.govt.nz/Register.htm – or to someone else entitled to give immigration advice: www.iaa.govt.nz/faqs.html#arethere

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You can choose between the options below. Click on the underlined links for more information:



For further information (in particular if you have specific questions about whether you're giving immigration advice) or an application pack, contact the Immigration Advisers Authority:

Website: www.iaa.govt.nz

Freephone: 0508 422 422

Email: info@iaa.govt.nz

Information from INZ for employers and recruiters that can be given to migrants to assist them will be available on the INZ website at: www.immigration.govt.nz