



**WORKFORCE (IMMIGRATION)
INTERNAL ADMINISTRATION CIRCULAR NO: 09/02**

To: All Workforce/Immigration New Zealand (INZ) staff

Date: 1 May 2009

Implementation of the Immigration Advisers Licensing Act 2007

Please read this information and ensure all staff who may be affected are aware of what is required of them.

Purpose

1. This Internal Administration Circular (IAC) advises staff of new procedures in place from 4 May 2009 as part of the implementation of the Immigration Advisers Licensing Act 2007 (the IAL Act).

Background to licensing immigration advisers

2. The IAL Act was passed on 4 May 2007 and created a new regulatory framework for the regulation of individuals providing immigration advice¹ both onshore and offshore. The Immigration Advisers Authority (the Authority), headed by a Registrar, was established within the Department of Labour to oversee the licensing of immigration advisers (www.iaa.govt.nz). Competency standards and a code of conduct setting out the ethical standards required of immigration advisers were developed. A disciplinary tribunal (the Immigration Advisers Complaints and Disciplinary Tribunal) has also been established within the Ministry of Justice.
3. From 4 May 2009, it will be mandatory for people providing immigration advice in New Zealand to have a licence unless the individual is exempt from the requirement to hold a licence under the Act (section 11). From this time, Immigration New Zealand (INZ) must refuse to accept applications from unlicensed advisers. Offshore advisers giving advice to people seeking visas or permits have to be licensed from 4 May 2010. Note that the Act focuses on licensing the individual not the company.

INZ requirements under the Immigration Advisers Licensing Act 2007

4. Further to IAC 08/05 – *Implementation of the Immigration Advisers Licensing Act 2007*, the Authority began accepting applications for immigration advisers' licences from 4 May 2008. Section 9 of the IAL Act requires INZ to refuse to accept applications or requests from unlicensed onshore immigration advisers, unless exempt, from 4 May 2009.
5. The IAL Act defines immigration application or request very broadly:

Immigration application or request means the putting forward of any application, request, claim, appeal, or other approach seeking to have the Minister, the Department, an appeals body, or a visa, immigration, or refugee status officer deal with an immigration matter.
6. Changes to forms, processes and AMS were therefore required to enable INZ to meet its legal obligations under the IAL Act.

¹ Refer to attached Questions and Answers, Question Two.

Changes to immigration forms and guides

7. Changes to INZ forms have been made to capture information about the immigration adviser. The release of these changed forms serves three purposes:
 - a. raising awareness with our clients, and their advisers, of the requirements under the IAL Act from 4 May 2009
 - b. requiring advisers to provide details on their immigration adviser status, and
 - c. raising awareness of INZ staff that, during lodgement, details on the immigration adviser acting on behalf of the immigration client are linked to the application in AMS after the mandatory immigration lodgement requirements are considered to enable AMS to record information in all mandatory lodgement requirements fields.
8. A new form, *Immigration Advisers Details (INZ 1160)*, has been created. This form will enable:
 - a. the immigration client to advise INZ when they wish to change their immigration adviser and provides the adviser's contact details and adviser status, and
 - b. immigration advisers who tender an old version application form to provide their adviser details.
9. The previous version of a form (non-IAL changes) can continue to be received by INZ until Friday 29 May 2009. The exception to this is that under Skilled Migrant Category, when an individual makes an Expression of Interest (EOI) request and is subsequently selected for an Invitation to Apply. The ITA application form is pre-populated from the information on the EOI online system and sent to the applicant or their agent. The applicant has 4 months to check and amend the form (if necessary), sign it and submit the form to INZ. Therefore if the pre-populated application form was sent to the applicant or their agent on 1 May 2009, they have until 1 September 2009 to submit that form to INZ accompanied by the completed *Immigration Adviser Details* form.
10. Frequently asked questions and answers have also been prepared to provide additional information on the implementation of the Act and its impact on INZ.

Changes in the May 2009 release

11. The May release includes the following changes:
 - system changes to enable AMS to capture immigration adviser details from the Authority's Register of Licensed Immigration Advisers (the Register)
 - operational policy changes to enable INZ to return failed lodgement (RFL) applications or requests from unlicensed onshore advisers from 4 May 2009
 - two new template letters (*Unlicensed Immigration Adviser RFL* letter and *Change in Adviser Status during Assessment* letter) and changes to the residence decline letters
 - staff toolkit changes to reflect that the contact information on the adviser should be linked at lodgement after the mandatory immigration requirements are considered
 - changes to offshore Visa Decision Record (VDR) forms to enable more detailed information on immigration advisers to be captured on AMS, and
 - regular email update of the Authority's Register to New Delhi, Manila, Apia, Nuku'alofa, Suva, and MFAT Buddy Posts to enable processing of applications from immigration advisers.

Processing applications from immigration advisers

12. From 4 May 2009, INZ must not accept applications from unlicensed advisers acting on behalf of an immigration client. AMS records when an unlicensed adviser is added as a contact. If an application is not accepted, then both the unlicensed adviser and the applicant are to receive the *Unlicensed Immigration Adviser RFL* letter for INZ to meet our obligations under section 9(3) of the IAL Act to:
 - a. notify the adviser of the reason why INZ has not accepted the immigration application or request on behalf of the immigration client, and
 - b. to advise the immigration client as to how the application or request may be relogged in an acceptable manner.
13. It is not necessary for case officers to:
 - a. manually check the licensed advisers supplied details against the Authority's Register. The Register details are supplied to INZ when any changes occur and these are automatically updated into AMS, or
 - b. verify the exemption category claimed by an immigration adviser. INZ accepts an exemption category claim at face value as enforcement of this area is the responsibility of the Registrar.
14. It is important that the relevant mandatory immigration lodgement requirements are considered before the contact information about an immigration adviser is entered into AMS. Current practice that an application can be held while certain information is supplied to complete lodgement requirements has been changed for instances where an unlicensed adviser is detected. Regardless of whether the application meets the mandatory immigration lodgement requirements, the application cannot be accepted if the adviser is confirmed as unlicensed. The *Unlicensed Immigration Adviser RFL* letter would also include any immigration matters that need to be addressed in the new application.
15. An automatic RFL incidence reporting process to the Registrar will be established after 4 May 2009. A similar process will be established to monitor the types of applications submitted by exempt individuals to assist enforcement of the IAL Act.

Processing applications tendered before and from 4 May 2009

16. Immigration applications received by (tendered to) INZ by Friday 1 May 2009 will be processed as normal. If the adviser acting on behalf of the applicant is unlicensed at 1 May 2009, and all mandatory immigration lodgement requirements are met, the application will be accepted.
17. Immigration applications received by INZ from 4 May 2009 onwards from an unlicensed onshore immigration adviser will not be accepted.
18. When a previous version of the form is submitted to INZ between 4 May up to and including 29 May 2009, and where the immigration client has used an agent/representative/consultant, the application should be held in lodgement pending clarification of whether the agent/representative/consultant has provided immigration advice. This information can be provided to INZ by completion of the *Immigration Advisers Details* form (INZ 1160).

Existing accepted applications as at 4 May 2009

19. Where an immigration application has already been accepted by INZ for assessment prior to 4 May 2009, and where the adviser is unlicensed after that date, the

Immigration client changing their adviser

20. If the immigration client wishes to change their immigration adviser, they can provide details about their new adviser by completing the *Immigration Advisers Details* form (INZ 1160). If the new immigration adviser is not licensed when they should be, the case officer should advise the applicant that:
- their new adviser may be in breach of the IAL Act, and
 - further correspondence on the application will be to the applicant unless they advise they have a licensed or exempt adviser acting on their behalf.
21. INZ has no mandate to enforce contractual arrangements between the applicant and their former immigration adviser or company.
22. If the applicant no longer wishes to be represented by the adviser, they do not need to complete the *Immigration Advisers Details* form, but they should confirm this in writing (letter, email or fax).

Changes to the Authority's Register of Licensed Immigration Advisers

23. AMS will identify when there has been a change to a licensed immigration adviser's record. A process has been established whereby case officers will be informed of any negative change that impacts on a current application that has been accepted and is awaiting a decision. For example, the licensed adviser's status on the Register changes from a full licence to suspended, cancelled, expired, surrendered, or refused.
24. The case officer would be advised to send the *Change in Adviser Status during Assessment* letter to both the adviser and the immigration client. The letter notifies the applicant that:
- their adviser's status has changed
 - this adviser status change does not affect the INZ processing of their application, and
 - any future INZ correspondence will be sent directly to the applicant.

Requesting information from advisers

25. INZ staff have questioned whether an adviser responding to a request for further information about their client is "providing immigration advice". The Immigration Advisers Authority has provided policy guidance as to what is considered immigration advice (see www.iaa.govt.nz/becoming-adviser/policy-guideline.html for the full policy guideline). In addition, the area is addressed in the attached Questions and Answers (Question 13).

Receiving queries from an adviser or their company

26. If a person makes an enquiry about an applicant or application (either in writing or on the telephone), current verification steps to identify that a caller has the right to access information on an application should be followed. Therefore once you have established this right, information can be provided to the caller/writer as is current practice. This process ensures that we meet our obligations under the Privacy Act 1992. Note that this approach applies to applications accepted both pre and post 4 May 2009.

27. Ideally requests about an application should come from the immigration client's nominated adviser. There may be instances, however, when the adviser may be away from their office and a colleague contacts INZ about a particular aspect of the adviser's application. So long as that colleague is licensed or exempt, information may be provided to them. This is because INZ recognises that:
- the contractual arrangement is normally between the company and the immigration client
 - the immigration client has authorised the company to act on their behalf, and
 - the company assigns a licensed immigration adviser/exempt individual to that client.
28. If the query relates to an immigration matter, then the company's adviser needs to be licensed or exempt. A generic request to the Immigration Call Centre as to whether an application has been received or not is considered a clerical query, not an immigration matter.

Interactions with advisers and other agents

29. To assist and improve the provision of immigration advice to our clients, INZ will continue to provide information to all individuals about changes to our immigration policies or processes (immigration advisers and other agents). This includes formal or informal meetings on areas that we need to bring to their attention, or to get feedback on areas that need further clarification.
30. Section 9 of the IAL Act requires INZ to refuse applications or requests from unlicensed advisers. Therefore INZ will not knowingly interact with an unlicensed immigration adviser acting on behalf of an immigration client on business matters. INZ will progress the matter with the immigration client directly where applicable. This approach supports the intent of the Act to protect vulnerable migrants.
31. There are two types of requests where we will interact directly with an unlicensed adviser acting on behalf of their client. These are requests made to INZ under the Official Information Act 1982 or Privacy Act 1993 and are processed in the current manner. These requests are not an "immigration application or request" in terms of the IAL Act, rather they are information requests made under these other Acts.
32. Where an unlicensed adviser is making any request as an individual, then they should be treated in the same professional manner that staff treat other individuals who approach INZ with a request about an immigration matter.
33. If you receive a query as to whether a person needs to become licensed, please refer them to the Authority (0508 IAA IAA (0508 422 422) or info@iaa.govt.nz). Only the Registrar can determine if an individual will be exempt under the Act.

Making a complaint

34. You as an individual Departmental employee cannot make a direct complaint to the Registrar of the Immigration Advisers Authority.
35. The IAL Act enables complaints against licensed immigration advisers to be made by Workforce (Immigration New Zealand) to the Registrar of the Immigration Advisers Authority. These complaints should relate to professional conduct and competency. The existing process identified in the Internal Administration Circular No: 08/11, *Complaints Process to Professional Bodies* should be used to ensure the legal integrity of the Department's work and to manage the legal risk, as part of the Legal Services Service Commitments.

36. While all professional bodies are not specifically stated within the protocol, it is intended to cover **all** professional bodies. This includes complaints to the Immigration Advisers Authority about immigration advisers.

Manager, Strategic Programmes
Service Design

Question and Answers: Implementation of the Immigration Advisers Licensing Act 2007

The Immigration Advisers Licensing Act 2007

1. What does the Immigration Advisers Licensing Act 2007 (the Act) do?

The Act aims to protect consumers and enhance the reputation of New Zealand as a migration destination. The Act creates a new regulatory framework for the regulation of individuals providing immigration advice both onshore and offshore.

The Immigration Advisers Authority (the Authority), headed by a Registrar, was established within the Department of Labour in 2007 to oversee the licensing of immigration advisers (www.iaa.govt.nz). Competency standards and a code of conduct setting out the standards required of immigration advisers have been developed. A disciplinary tribunal (the Immigration Advisers Complaints and Disciplinary Tribunal) has also been established within the Ministry of Justice.

The Authority began accepting licence applications on 4 May 2008.

2. What is immigration advice?

Immigration advice is:

- 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.

Immigration advice is not:

- Providing information that is publicly available or that is prepared or made available by the Department of Labour, or
- Directing a person to the Minister or the Department of Labour or an immigration officer, a visa officer, a refugee status officer, or a list of licensed immigration advisers, or
- Carrying out clerical work, translation or interpreting services, or settlement services.

3. I have received queries from individuals about becoming licensed. Where can I find more information about the Act, the Immigration Advisers Authority, and how an adviser can become licensed?

If you receive a query as to whether a person needs to become licensed, please refer them to the Authority (0508 IAA IAA (0508 422 422) or info@iaa.govt.nz).

For your own information, the Immigration Advisers Authority website, www.iaa.govt.nz, contains information about the Act, how an adviser can become licensed, and upcoming events.

4. Who will be exempt from licensing?

Exemptions under the Act do not come into effect until 4 May 2009. Section 11 of the Act lists the persons who are exempt from licensing. This includes the following:

- People who provide immigration advice in an informal or family context only and not systematically or for a fee
- Offshore advisers on student visas or permits only
- New Zealand Members of Parliament, or members of their staff who provide immigration advice as part of their employment agreement
- Foreign diplomat or consular staff
- New Zealand lawyers
- Community law centre volunteers or workers

- Citizens Advice Bureau volunteers or workers
- New Zealand public service employee who provides immigration advice within the scope of their employment agreement (**This exemption is the one that applies to INZ so that all frontline immigration staff do not have to become licensed**), and
- People exempted by Regulations.

The schedule of exemptions will be updated and maintained as part of the Authority's Register on their website: www.iaa.govt.nz.

5. Are all immigration clients required to use an immigration adviser?

No. An immigration client can fill in the application form themselves. If they choose to use the services of an adviser, then they should state this on their application form.

6. Do all advisers have to become licensed from 4 May 2009?

No. From 4 May 2009, all immigration advisers working in New Zealand must be licensed, unless exempt. INZ must refuse applications from unlicensed onshore advisers from this time. From 4 May 2010, all immigration advisers, whether working onshore or offshore, must be licensed unless exempt.

7. Do education providers, employers and recruiters need to hold a licence?

Refer any queries regarding whether an individual requires a licence to the Registrar of the Authority. The Authority in conjunction with INZ has developed sector guidance for education providers and employers and recruiters of migrants (see www.iaa.govt.nz/ere/index.html for these documents).

For your information, individuals hold an immigration adviser's licence - institutions or organisations themselves cannot hold a licence (and therefore institutions or organisations cannot be exempt). Individuals working or volunteering at education providers do not require a licence if the immigration information they are providing is not considered to be immigration advice.

The Act sets out an exemption for persons giving immigration advice in regards to student visas or permits **offshore** only. People assisting international students with immigration matters in New Zealand should be required to abide by the same standards and rules as any other industry, when giving immigration advice. Persons giving immigration advice onshore – whether within an education provider or as an "education agent" – must therefore hold a licence to continue to do so. "Education agents" both onshore and offshore are also bound by the Ministry of Education's *Code of Practice for the Pastoral Care of International Students*, but this does not override the immigration adviser licensing scheme.

The requirement to hold an immigration adviser's licence extends to individuals in both public and private education providers. People employed by the public service are exempt, but this exemption uses the statutory definition of the "public service" (Schedule 1 of the State Sector Act 1988). This list primarily includes ministries and departments. It does not cover the broader category of persons that might be defined as "state servants", such as nurses, teachers and school careers advisers.

8. Do persons who act on behalf of the Department have to hold a licence?

No. Immigration New Zealand (INZ) has memoranda of understanding with a range of education providers to deliver some of the immigration services that INZ might otherwise provide to international students. This includes processing parts of some applications, and advising on next steps, and is usually done electronically and securely. In this sense, that education provider is acting under "contract" or an "agent relationship" with INZ, as part of the Department. They are, in a sense, the Department. Employees acting under this contractual arrangement would therefore

not be providing "immigration advice", because section 7 of the Act defines information prepared or made available by the Department as out of scope.

A parallel example is INZ's contractual relationships with private call centres offshore. Again, these companies "stand in the shoes" of the Department, so section 7 applies.

9. What is the 'INZ immigration activity record document' that immigration advisers need to supply to the Authority?

To help demonstrate the competency of a potential adviser to provide immigration advice, the Registrar of the Authority requires the applicant to supply a summary of their immigration activity history. The adviser can make a request to our mailbox, IAA-Agent-Activity@dol.govt.nz, for a summary of their immigration application history over the previous two years. The content of this summary relates to the number of applications returned failed lodgement, withdrawn, approved and declined over the previous two years and the types of applications.

Applications tendered

10. My branch received an application from a known immigration consultant on 1 May 2009. He is not a licensed adviser. Should I return failed lodgement the application?

No. The application was tendered before 4 May 2009 and therefore must be processed under the operational policy requirements that applied before 4 May 2009.

11. I am processing an application from an agent who has become a licensed immigration adviser after the date the application was lodged. What should I do with the current application?

Process the application as normal as the application has been accepted by INZ for processing prior to the adviser becoming licensed.

12. I am processing an application from a licensed adviser but their address on the application does not match that on the Register. Do I link the adviser as being unlicensed?

No. The application should be linked to the licensed adviser. It could be that the licensed has recently changed their address but has not advised the Registrar of this information.

If an unlicensed individual tries to misuse a licensed adviser's details, INZ will send the acknowledgment/*Unlicensed Immigration Adviser* RFL letter to the licensed adviser's address stated on the Register. If the actual licensed adviser receives this letter but the client is not theirs, then the licensed adviser will need to advise both INZ and the Authority. The Registrar would then decide what action may be necessary against the unlicensed adviser. INZ would then contact the immigration client directly seeking clarification of their adviser and we will continue to process the application.

13. I am processing an application. The agent's/adviser's assistant has called asking about the current status of the application.

(1) Can I provide application status information to the assistant?

There has been no change to existing verification steps to identify that a caller has the right to access information on the application. Therefore once you have established this right, the assistant could be provided with this information as currently. Note that this approach applies to applications accepted both pre and post 4 May 2009.

(2) Why isn't the assistant considered to be representing the client as in the definition of immigration advice in Section 7 of the Immigration Advisers Licensing Act 2007?

Legal definitions in any legislation should be read in full and not taken out of context. The definition of immigration advice is as follows:

Immigration advice is:

- 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.

Immigration advice is not:

- Providing information that is publicly available or that is prepared or made available by the Department of Labour, or
- Directing a person to the Minister or the Department of Labour or an immigration officer, a visa officer, a refugee status officer, or a list of licensed immigration advisers, or
- Carrying out clerical work, translation or interpreting services, or settlement services.

Clerical work means 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:

- a) The recording, organising, storing, or retrieving of information
- b) Computing or data entry
- c) Recording information on any application, request, or claim on behalf and under the direction of another person.

The Immigration Advisers Authority has provided policy guidance as to what is considered immigration advice as follows (see www.iaa.govt.nz/becoming-adviser/policy-guideline.html for the full policy guideline):

Whether "immigration advice" is being provided in a particular situation will depend on the facts and surrounding circumstances in which the advice is given. It is not possible to provide definitive statements covering the range of potential scenarios in which "immigration advice" might be given, however, some general principles can be distilled from the definition in section 7 of the Act, and the exclusions that form part of that definition. Some examples of scenarios in which immigration advice may or may not be given are provided below: Note: the examples are for demonstration purposes only and do not represent legal advice.

As a general guideline, the following circumstances are likely to be present when "immigration advice" is being given:

- the advice involves assistance or direction or representation that is tailored to the particular circumstances of the individual being advised;
- the advice is in the nature of guidance based on the adviser's knowledge of or experience in immigration;
- the guidance involves offering an opinion or suggestions about possible entitlements the individual has, or avenues the individual might take.

The line between providing publicly available information/performing clerical work and providing "immigration advice" is crossed when the adviser adds something from his or her knowledge or experience in immigration to assist, direct or guide the person being advised to choose between options or uses his or her experience in or knowledge of immigration to represent that person. Coordinating the response back to INZ can be conducted by an assistant if only clerical work is involved.

14. I am processing an application that was accepted before 4 May 2009 but the adviser is unlicensed. I need to clarify some information in the application.

(1) Can I contact the unlicensed adviser for this information?

Yes. Where an immigration application has already been accepted by INZ as at 4 May 2009, and where the onshore adviser remains unlicensed after that date, the application can continue to be processed. Should the case officer require any further information, the unlicensed adviser would need to be careful that they are not providing immigration advice as they would then be in breach of the Immigration Advisers Licensing Act 2007.

INZ would continue to process the application with the unlicensed adviser as the contact point.

(2) The unlicensed adviser is on holiday, can anyone else in the company respond to my ppi request?

As noted in question 13(2) above, it will depend on the situation. If the provision of immigration advice is required, then the individual needs to be either a licensed immigration adviser or someone who is exempt (such as a lawyer). Coordinating the response back to INZ can be conducted by an assistant if only clerical work is involved.

(3) An Expression of Interest (EOI) request was accepted before 4 May 2009 with an unlicensed adviser. Can the unlicensed adviser act on behalf of the client in the subsequent Skilled Migrant Category (SMC) application, if tendered on or after 4 May 2009?

No. The EOI request and the SMC application are two separate applications/requests. Therefore the adviser must be licensed or exempt to act on behalf of the client for their SMC application, if this is lodged from 4 May 2009.

15. I am a licensed adviser representing numerous clients around the country. Can information, such as passports, be sent to my staff at their branch offices rather than to me?

Where an adviser is authorised to act on behalf of the immigration client, our Application Management System is designed for one adviser's contact address. Correspondence is generated off this address. You would therefore need to contact the case officer at the Branch to see whether they can accommodate your request to manually send information to a separate address.

16. I have received an application from a licensed adviser. Should I prioritise this application?

No. Applications from licensed advisers are to be treated the same as any other application.

17. Do I treat an application from a provisional licence holder any differently from applications from other licensed advisers?

No. Provisional licence holders are the same as any other licensed individuals. They are provisional because they have not demonstrated experience in the New Zealand immigration advice area and therefore are under the supervision of a full licence holder.

18. I am on counter duty and a client has tendered an application. Their permit is about to expire and they have used an unlicensed adviser. Can they just cross out the adviser information sections in the application form, sign the changes and resubmit the form?

No. INZ is required to demonstrate that we have met the requirements under Section 9 of the IAL Act to refuse an application from an unlicensed adviser. An application needs to be raised in AMS and the unlicensed adviser details linked to that application so that we have a record of the RFL decision.

The applicant needs to be provided with the RFL letter which states the reason for the RFL and how the application could be advanced in an acceptable manner. This letter also needs to be sent to the unlicensed adviser.

The application form cannot be changed as this is evidence that an unlicensed adviser was detected. The Registrar can therefore access this information when considering the breach of the Immigration Advisers Licensing Act.

The applicant would need to tender a new form to INZ.

19. I am lodging a residence application that is incomplete (not a full birth certificate) and the immigration adviser contact is unlicensed. Can I use discretion under residence policy R2.50 to hold the application until the birth certificate is supplied?

No. The immigration client needs to be made aware their adviser is unlicensed. The application should be RFL. The letter sent to the immigration client and the adviser will alert them to the reasons for the RFL (unlicensed adviser and not meeting immigration lodgement requirements).

20. The adviser has ticked he is a licensed adviser and has approval in principle from the Registrar that he is a licensed adviser but he is not listed on the Register. Do I link him as a licensed adviser to the immigration application?

No, you cannot link him as a licensed adviser as he is not on the Register and therefore AMS will not have a contact record for him as a licensed adviser. Until his name appears on the Register, then he is not licensed.

In the Authority's adviser licensing process, when the Registrar is satisfied that the adviser meets the requirements of the IAL Act to be licensed, the adviser is sent an approval in principle letter. This letter states that the adviser is not licensed until he has paid the immigration adviser's levy to the Authority. Once this levy has been received (within 20 days), the adviser is then fully licensed and their name would appear on the Register. At that stage, INZ would receive a copy of the Register and the AMS adviser contact record for that adviser would be created.

The application should be RFL (unless he is an offshore adviser).

21. I have problems getting additional information from an adviser acting on behalf of an applicant. Do I have to deal directly with the adviser?

Where the applicant has indicated that the adviser is acting on their behalf and the address for correspondence is that of the adviser's, INZ will address all correspondence to the nominated adviser.

INZ staff have recently been reminded of this Departmental policy and the importance of directing correspondence to the adviser, and that it is a rare occasion where the applicant may be approached directly.