

VISA PAK ISSUE 457 — 17 DECEMBER 2020

INTERPRETATION OF VERIFICATION AND IMMIGRATION ADVISER INVOLVEMENT

The following, which arose from a complaint to the Office of the Ombudsman, explains the phrase “general verification functions where input from an immigration adviser is not necessary, and may in fact undermine the purpose of verification” from paragraph 19 of [IAC 16/02 - Best Practice – Immigration Advisers](#)

The relevant paragraph states:

19. INZ may contact clients directly in some situations, such as when:

- *An immigration adviser is unlicensed and not exempt.*
- *An applicant makes unsolicited contact directly with INZ.*
- *An immigration adviser who is not listed on the application form or INZ 1160 attempts to act on behalf of the client.*
- *An immigration adviser fails to respond to INZ’s communication within a given timeframe.*
- *Undertaking general verification functions where input from an immigration adviser is not necessary, and may in fact undermine the purpose of verification; such as:*
 - *Phoning a client to verify that they are at a certain location, such as their place of employment.*
 - *Phoning a client to verify English language ability.*
 - *Conducting site visits.*

Please be aware that undertaking a ‘general verification function’ in itself is not sufficient reason to contact a client directly and exclude the client’s immigration adviser.

Generally, INZ should not exclude an immigration adviser from a verification activity, unless the immigration adviser’s involvement could jeopardise our ability to gather accurate and reliable information. This is normally only the case where an activity’s effectiveness relies on its unexpected nature, and where involving an adviser presents a risk that an immigration adviser may forewarn their client.

Site visits, for example, are highly reliant on the fact they are unexpected, so the non-involvement of immigration advisers would be justified. By contrast, interviews (including phone interviews) should be arranged with the interviewees in advance, and therefore INZ should make contact with the client(s) through their immigration adviser.