

**BEFORE THE IMMIGRATION ADVISERS  
COMPLAINTS AND DISCIPLINARY TRIBUNAL**

Decision No: [2012] NZIACDT 23

Reference No: IACDT 025/10

**IN THE MATTER**

of a referral under s 48 of the Immigration  
Advisers Licensing Act 2007

**BY**

**Immigration Advisers Authority**  
Authority

**BETWEEN**

**Josephine Ravina Nair**  
Complainant

**AND**

**Hema Ben Parekh**  
Adviser

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**DECISION**  
DISCIPLINARY SANCTIONS

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**REPRESENTATION:**

**Complainant**

In person

**Adviser**

In person

**Date Issued:** 24 May 2012

## DECISION

### The Decision on the Complaint

- [1] In a decision dated 28 March 2012, the Tribunal upheld the complaint in this matter.
- [2] The facts and background are set out in the earlier decision upholding this complaint. The key findings were:
  - [2.1] Ms Parekh assisted Ms Nair with applying for a residence permit.
  - [2.2] The issue in respect of which the complaint was upheld was inadequate communication. Ms Parekh did not respond adequately when Immigration New Zealand informed her that Ms Nair's position of employment did not meet the criteria for her to get a residence permit, and sought further information.
  - [2.3] Ms Parekh did not take adequate steps to contact Ms Nair. At the time, Ms Nair was in fact attempting to contact Ms Parekh, and her office systems were not adequate to ensure the message reached her.
  - [2.4] Ms Parekh has responsibly accepted there were shortcomings on her part.
  - [2.5] Ms Parekh also explained that she has taken remedial steps, and the Tribunal accepted those steps are both substantial and appropriate to ensure clients receive notifications.
  - [2.6] Ms Parekh has given Ms Nair a full refund of all fees and expenses to address the effects on Ms Nair.
  - [2.7] The Tribunal found Ms Parekh has responded as a concerned professional addressing the direct effect on her client, and has changed office systems to ensure the error will not occur again.
- [3] Disciplinary sanctions under section 51 of the Act may be imposed by the Tribunal. However, section 50(b) also allows the Tribunal to take no further action. Ms Nair indicated to the Tribunal in the circumstances, she did not seek any further action.

### Decision – No Further Action

- [4] I am satisfied the circumstances that led to the complaint were the product of inadequate systems in Ms Parekh's practice; they amounted to an error of judgment. It was an issue that sits at the low end of the scale. Further, Ms Parekh has actively taken steps to redress the consequences for her client, and changed the systems in her office to ensure there is no repetition of the error.
- [5] Having regard to those two factors, I am satisfied this case is one where having upheld the complaint, no further action should be taken.

**DATED** at WELLINGTON this 24<sup>th</sup> day of May 2012

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**G D Pearson**  
Chair