

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

Decision No: [2012] NZIACDT 28

Reference No: IACDT 020/11

IN THE MATTER

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

BY

Immigration Advisers Authority
Authority

BETWEEN

TG
Complainant

AND

Alungamonu (Laki) Tangilanu (Monu)
Adviser

ORDER
LIMITATION ON PUBLICATION

Representation:

Adviser

In person

Complainant

In person

Date Issued: 15 June 2012

ORDER

- [1] The Authority has requested that the Tribunal make an order restricting publication, by suppressing the Complainant's name and identifying information.
- [2] The application was made as the Complainant does not have a current visa, and is accordingly in New Zealand unlawfully. She has assisted the Authority with its investigation, and processing this complaint but is concerned about drawing attention to her status.
- [3] The Act is intended to protect vulnerable migrants, including those who are in New Zealand unlawfully. In some cases such people have remained in New Zealand after the expiry of a visa due to error on the part of a licensed adviser, in others they required the services of a licensed adviser to deal with their unlawful status.
- [4] It would have a chilling effect on this group of migrants when considering making a complaint to the Authority if they risked publicity in doing so. The Act is intended to protect migrants, including this particularly vulnerable group, who face a particular risk of exploitation by the unscrupulous.
- [5] It would impede the operation of the Act if lodging a complaint with the Authority publicised and drew attention to status of migrants in this category.
- [6] The main concern is perception. In New Zealand there is an effective regime for addressing humanitarian issues for people who are in New Zealand unlawfully. However many people in this category will have no experience or understanding of that, dealing with the Authority should not increase their sense of vulnerability and risk.
- [7] In the present case the Complainant has taken steps to seek a visa under the appropriate statutory process.
- [8] I am satisfied the public interest, and the interests of justice in relation to the Complainant's circumstances require a permanent order that the Tribunal's decisions and any information relating to this complaint are not to be disclosed or published in a manner that identifies the Complainant.
- [9] This order has no impact on publication of Ms Tangilanu's identity. The Tribunal has already determined there are no grounds for restricting publication in relation to her.
- [10] The Tribunal orders:
 - [10.1] The name and identity of the complainant in this matter is not to be disclosed or published.
 - [10.2] The decisions of this Tribunal, may be published, after deletion of the name, and any information that will identify the complainant,
 - [10.3] This order is permanent, provided leave is reserved for any party to apply for a further order, or to vary the present order, from time to time.

DATED at WELLINGTON this 15th day of June 2012

G D Pearson
Chair