

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

Decision No: [2014] NZIACDT 36

Reference No: IACDT 044/12

IN THE MATTER

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

BY

The Registrar of Immigration Advisers

Registrar

BETWEEN

ENT

Complainant

AND

EX

Adviser

DECISION

REPRESENTATION:

Registrar: In person

Complainant: In person

Adviser: In person

Date Issued: 21 March 2014

DECISION

- [1] The Registrar filed a Statement of Complaint. It identified the complaint was referred to the Tribunal in respect of concerns that the adviser engaged in dishonest or misleading behaviour, and breached the Code of Conduct.
- [2] The Statement of Complaint explained that after further review the Registrar has reached the view that the evidence could not support the complaint. In particular:
- [2.1] The first ground of complaint was the adviser misled the complainant suggesting he had good immigration prospects, when that was not true. The Registrar's investigation has disclosed the adviser provided advice of the poor chances of success.
- [2.2] The second ground of complaint was a failure to refund fees. The Registrar's investigation has disclosed there was no obligation to refund fees. That was not required under the terms of service or due to the adviser not completing any work.
- [3] The complainant did not lodge a Statement of Reply. That is the appropriate process where the complainant accepts the contents of a Statement of Complaint.
- [4] The Tribunal is satisfied the Registrar's position regarding the evidence is correct and dismisses the complaint pursuant to section 50(a).

DATED at WELLINGTON this 21st day of March 2014

G D Pearson
Chair