

**IMMIGRATION ADVISERS COMPLAINTS AND DISCIPLINARY TRIBUNAL**

Decision No: [2019] NZIACDT 76

Reference No: IACDT 018/19

**IN THE MATTER** of a referral under s 48 of  
the Immigration Advisers  
Licensing Act 2007

**BY** **THE REGISTRAR OF  
IMMIGRATION ADVISERS**  
Registrar

**BETWEEN** **KARAMJEET SINGH**  
Complainant

**AND** **PETER GRAEME RYAN**  
Adviser

**SUBJECT TO SUPPRESSION ORDER**

---

**DECISION**  
**Dated 8 November 2019**

---

**REPRESENTATION:**

Registrar/Complainant:

T Thompson, counsel

Adviser:

V Nisbet, E Blincoe, counsel

## PRELIMINARY

[1] The primary allegation against Mr Ryan, the adviser, is that he created false jobs for his clients to obtain work or residence visas in New Zealand. Mr Ryan is accused of operating a paper company or companies in the IT industry which had no real employees and no work. He is also accused of falsely claiming a connection to a real IT company in the United Kingdom.

[2] One of those clients was Mr Karamjeet Singh, the complainant.

[3] As a result of media articles concerning an immigration “scam” run by Mr Ryan (as alleged), the Registrar of Immigration Advisers (the Registrar), the head of the Immigration Advisers Authority (the Authority), initiated an investigation of him. The Registrar referred a complaint to the Tribunal, alleging that Mr Ryan’s conduct is dishonest, and contrary to the Immigration Act 2009, the Immigration Advisers Licensing Act 2007 (the Act) and the Licensed Immigration Advisers Code of Conduct 2014 (the Code). The Tribunal recently issued a decision upholding the Registrar’s complaint and finding Mr Ryan’s conduct to be dishonest.<sup>1</sup>

[4] Mr Singh has an identical complaint against Mr Ryan. Mr Ryan continues to deny the allegations made against him, but offers no explanation, evidence or submissions.

## BACKGROUND

[5] Mr Peter Graeme Ryan (Mr Ryan) was until recently a licensed immigration adviser and had been since 9 October 2013. As a result of the Registrar’s complaint, he surrendered his licence on 27 September 2019. He is the sole director and shareholder of Capital Immigration Services NZ Ltd (Capital Immigration). This company was incorporated in June 2016. It operates out of level 4, 326 Lambton Quay, Wellington.

[6] Mr Ryan was also the sole director and majority shareholder of BC International Ltd. It was incorporated in May 2012 and removed from the Companies Register in March 2018. The registered office from March 2013 to March 2015 was 114–118 Lambton Quay, Wellington, the address of Civic Assurance House. The registered office then became 326 Lambton Quay, the office of Capital Immigration. The telephone number was also that of Capital Immigration. The website address on the Companies Register was <www.biteconsulting.co.uk>. (Mr ZZ) [redacted].

---

<sup>1</sup> *Registrar of Immigration Advisers v Ryan* [2019] IACDT 75.

[7] Mr Ryan's wife, Mrs Caroline Anne Ryan (Mrs Ryan), is also a licensed immigration adviser working as an employee at Capital Immigration. She has been licensed since April 2016.

[8] Mrs Ryan was the sole director of Bite Consulting NZ Ltd from March 2009. It had been incorporated in September 2006 and was removed from the Companies Register in November 2012. The documentation produced to the Tribunal from or referring to the New Zealand Bite company is largely in the name of "Bite [or BITE] Consulting Group".

[9] The Companies Register shows the majority shareholder of Bite Consulting NZ Ltd until it was removed was another New Zealand company with the same residential street address as Mr and Mrs Ryan. A minority shareholder at the time of removal was Mr Richard Alexander, though he had ceased to be a director in March 2009. The registered office from January 2009 to October 2010 was 326 Lambton Quay, Wellington.

[10] The register shows that the general manager in 2011 was Mr Peter Kerr (Mr Kerr). In the Tribunal's earlier decision, it found that Mr Kerr does not exist, at least so far as Bite Consulting NZ/BC International's alleged IT business is concerned. It was found that all communications from Mr Kerr were in fact from Mr Ryan.

[11] There is a company or companies in the United Kingdom known as "BITE Consulting" or "BITE Consulting Group" operating in the IT consulting industry. It was founded in 1998. The website address is <[www.biteconsulting.co.uk](http://www.biteconsulting.co.uk)>. It is understood to be registered there as BITE Contractors Ltd and BITE Consulting Ltd.

[12] At the time Mr Ryan first sought to become a licensed immigration adviser, he represented himself to the Authority as connected to the BITE group in the United Kingdom. The email footer in his communications with the Authority in September 2013 stated that he was a director of "BITE Consulting Group" of New Zealand (Civic Assurance House, Lambton Quay) and the United Kingdom (<[www.biteconsulting.co.uk](http://www.biteconsulting.co.uk)>). He said that the group was engaged in "IT Contracting HR Placements Employment & Outsourcing UK Europe NZ Australia South Africa India". He used the same stylized computer screen and keyboard logos as those of the United Kingdom group.

[13] In the Tribunal's earlier decision, it found that Mr Ryan had falsely claimed a link with the BITE group in the United Kingdom which has a real IT business. Neither he nor Bite Consulting NZ/BC International have any connection with the United Kingdom group.

[14] The Registrar's complaint concerned 17 predominantly Indian nationals, including Mr Singh, all of whom were offered employment by Bite Consulting NZ and/or BC International. They were offered employment while Mr Ryan represented himself as the director and/or Asia Pacific operations manager of Bite in New Zealand. He had a dual role, as he was also the immigration adviser acting for many of them, including Mr Singh.

[15] Immigration New Zealand records show that from at least late 2008, Mr Ryan worked at Bite Consulting NZ and was the named employer contact for foreign nationals who had been offered IT positions by that company. A lawyer and a number of licensed advisers were used to file the early applications with Immigration New Zealand. Once Mr Ryan became licensed, Mr Kerr (the alter ego of Mr Ryan) became the alleged employer contact at Bite Consulting NZ/BC International.

[16] The media articles exposing what was described as a "scam" are largely about the experiences of Mr Singh.

#### *Karamjeet Singh*

[17] Mr Singh came to New Zealand in 2013 on a study visa. He duly undertook his studies. According to him, a Mr Gurpreet Singh (no relation) found him a job in Wellington and introduced him to Mr Ryan. Mr Singh says it was a fake job and he continued to live in Auckland, living off savings and casual work.

[18] In a letter of offer dated 18 May 2015, Mr Kerr of "Bite Consulting Group" and "BC International Limited" of Civic Assurance House, Lambton Quay (<[www.biteconsulting.co.uk](http://www.biteconsulting.co.uk)>) offered Mr Singh the position of customer service manager to start on 1 June 2015. The telephone number was the same as that for Capital Immigration. The offer was signed by Mr Kerr.

[19] There was an individual employment agreement between "BC International Ltd, TA Bite Consulting Group" and Mr Singh. The position was customer service manager. It was signed by Mr Kerr on 18 May 2015 and by Mr Singh on 20 May 2015. It stated that Mr Singh would perform his duties from 21 Queen Street (Auckland), remote offices, the Wellington office or from the clients' offices.

[20] On 19 May 2015, Mr Ryan sent Capital Immigration's terms of engagement to Mr Singh. Capital Immigration agreed to represent Mr Singh to obtain a work visa. The fee was \$1,035. The document was signed by Mr Ryan, but the copy provided to the Tribunal was not signed by Mr Singh. In a text to "Peter" on 20 May 2015, Mr Singh said he had signed the agreement.

[21] Mr Ryan made a work visa application for Mr Singh on an unknown date (form signed by both Mr Ryan and Mr Kerr as the employer on 25 May 2015). It was for the position of customer services manager at BC International, trading as Bite Consulting.

[22] Immigration New Zealand granted Mr Singh a work visa on 9 June 2015, to expire on 9 June 2017.

[23] Mr Singh then commenced work. He produced to the Authority his "BITE" payslips from October 2015 to March 2016.

[24] On 22 January 2016, Mr Ryan signed a letter on a Bite Consulting Group letterhead (<[www.biteconsulting.co.uk](http://www.biteconsulting.co.uk)>; Civic Assurance House, Lambton Quay) addressed "To whom it may concern". Mr Ryan described himself as a director of BC International Ltd. He confirmed Mr Singh's employment.

[25] On about 19 February 2016, Mr Singh made an application for residence under the skilled migrant category. Mr Ryan was identified on the form as the immigration adviser who had provided immigration advice. He signed the form, as did Mr Singh. It stated that Mr Singh had been resident in New Zealand since July 2013. He had an offer as a customer service manager for BC International, trading as Bite Consulting Group in Lambton Quay, Wellington. The employer contact was given as Mr Kerr, the Asia Pacific operations manager. The company was said to provide computer consultancy services.

[26] The residence application was accompanied by an Employer Supplementary Form signed by Mr Kerr on 18 May 2015. It was stated that BC International had been set up in the United Kingdom in 1998 and New Zealand in 2006. The United Kingdom website address was given.

[27] On 22 February 2016, Immigration New Zealand wrote to Mr Singh (care of Mr Ryan) advising that his residence application had been accepted for processing. Some general information was set out in the letter.

[28] On 13 April 2016, the immigration officer sent an email to "Peter" at BC International requesting information concerning Mr Singh's employment. This included the company's organisation chart and the last two months of payslips.

[29] Mr Kerr replied on 16 April 2016. He gave the BITE United Kingdom address as the relevant website address. It was claimed Bite in New Zealand was part of the United Kingdom company of that name. Mr Singh's duties were set out. Mr Kerr said he would send the payslips and organisation chart.

[30] On 9 May 2016, Mr Kerr sent an email to the immigration officer forwarding a formal organisation chart and (*verbatim*) “last years Financials”. He advised they were still completing the March 2016 financial statements. No financial statements have been sent to the Tribunal.

[31] The organisation chart (dated April 2016) showed that the chair of BITE Consulting was Mr ZZ (said to have a law degree). Underneath him was the Asia Pacific operations manager, Mr Kerr. There were three direct reports to Mr Kerr, including Mr Singh, the permanent customer service manager. Various unidentified contractors and support staff in turn reported to Mr Singh and one other manager.

[32] The officer sent an email to “Peter” (address not known) on 9 June 2016 requesting the company’s financial statements, together with other financial records such as bank account statements and wage records for the previous two years.

[33] On 1 July 2016, Mr Ryan sent an email to the officer advising that he had been instructed to withdraw the application.

[34] Mr Singh made a second residence application through Mr Ryan on about 8 March 2017. It was based on his work as a manager of a restaurant owned by Gurpreet Singh’s wife.

[35] On 16 March 2017, Immigration New Zealand wrote to Mr Ryan and Mr Singh confirming receipt of the new application for a residence visa, which was accepted for processing. Some general information was set out in the letter.

[36] It is understood that Immigration New Zealand declined the second residence application on 26 May 2017. By this time, Mr Singh had a new immigration adviser. He then lodged a further work visa application, which was declined on 28 August 2017. A discretionary request for a visa was then made, which was declined on 31 October 2017.

[37] Mr Singh departed New Zealand on 9 December 2018 and returned to India.

#### *Site visit*

[38] On 23 May 2016, prior to the withdrawal by Mr Ryan of Mr Singh’s first residence visa application, Immigration New Zealand conducted a site visit at the address of BC International Ltd at Civic Assurance House, 114 Lambton Quay, Wellington. It was in relation to the residence application of another Indian national offered employment by Bite Consulting NZ/BC International (identified in the Tribunal’s earlier decision as Mr Y).

[39] No office for Bite Consulting NZ/BC International could be found at that address. Mr Ryan was therefore contacted by telephone as the employer and directed the officers to 326 Lambton Quay, Capital Immigration's address. A handwritten note on Immigration New Zealand's report (which is in the form of printed questions and handwritten answers) recorded that the company had moved to 326 Lambton Quay six months previously. Mr Ryan signed that handwritten interview record.

[40] Mr Ryan was interviewed at 326 Lambton Quay concerning Mr Y's application. He said BC International provided professional services in IT. There were three permanent employees, whom he identified as Mr Singh, Mr Y and one other. Mr Singh was the customer services manager.

[41] Mr Ryan was asked why there was such a high turnover in the company and replied that they get the best people at the lowest pay.

[42] Mr Y was said to work remotely receiving incoming calls from clients. At the time, he was away on holiday. Mr Ryan was asked to provide the full financial statements for the previous two years, together with bank account, wage and various other records.

[43] Mr Ryan provided a calling card which recorded that he was a director and a partner of Bite Consulting Group. Both the New Zealand and United Kingdom web addresses were also recorded on the card (<www.biteconsulting.co.nz> and <www.biteconsulting.co.uk>). The Wellington telephone number was that of Capital Immigration. The street address on the card was that of Civic Assurance House.

[44] Following this site visit, there were no more immigration applications filed with Immigration New Zealand based on employment offers from Bite Consulting NZ/BC International.

#### *Media articles*

[45] On 21 September 2018, *Stuff* published online an article, "The Big Scam: How our immigration system is being rorted".<sup>2</sup>

[46] According to the article, Mr Singh arrived in New Zealand in 2014 on a student visa, his dream being to secure residence and to own his own bistro. Instead, he paid \$35,000 for a job that did not exist, in order to obtain a work visa. The money was paid to Mr Gurpreet Singh (no relation) who owned a string of Auckland restaurants. The article stated that another way to obtain a visa was to secure a real job at the minimum

---

<sup>2</sup> Fonseca and Kilgallon Stuff News (New Zealand) at <www.stuff.co.nz>.

salary required by Immigration New Zealand of \$48,000 annually, but then to pay some of it back.

[47] Mr Gurpreet Singh found Mr Singh a full-time job in Wellington paying a salary of \$42,000 annually which at the time was above the minimum threshold. In addition to the \$35,000 fee for the job, Mr Singh had to pay for a work visa costing \$10,000. Mr Singh then met Mr Peter Ryan in Wellington. According to the article, Mr Ryan was an immigration consultant at Capital Immigration and a director and majority shareholder of BC International, which traded as Bite Consulting Group. Mr Ryan was the immigration adviser who handled most of the visa applications.

[48] Mr Singh duly secured a visa to work for BC International as a customer service manager, but "Bite" did not pay him because the company did not do anything. Instead, each time Mr Singh was paid he had to return the money and because it had been taxed, he had to repay the tax as well. The job was not real and Mr Singh was living in Auckland surviving off his savings and a cash-in-hand job at a factory.

[49] As all the bank transfers showed an Auckland location, not Wellington where Mr Singh was supposed to be, Mr Ryan sent an email to Mr Singh and Mr Gurpreet Singh stating, "What's going on all the bank statements have Auckland on them along with activities in Auckland!!!!!!!!!!".

[50] When Mr Singh telephoned Mr Ryan to check on his residence application, Mr Ryan told him Immigration New Zealand had asked for 10 years' worth of salary and financial records from Bite, so Mr Ryan asked Mr Singh to withdraw his application. Mr Ryan advised him that Mr Gurpreet Singh would find a different way of securing his residence. The article noted that the web address of "Bite Consulting" in the United Kingdom was a separate company from that in New Zealand.

[51] The article stated that when Mr Ryan was called by the reporter to discuss Mr Singh, he replied that he did not want to comment. He said he had heard all sorts of rumours and understood that someone was making quite serious and arguably false allegations. He claimed not to have been involved in the email sent to Mr Singh about the Auckland transfers. He refuted being involved in immigration fraud.

[52] It was reported that Mr Gurpreet Singh obtained a job for Mr Singh as a restaurant manager in one of his own restaurants, but Mr Singh had to make large cash payments back to his employer. According to Mr Singh, he was declined residence on 25 May 2017. He expressed a fear he would have to leave New Zealand. A final attempt to renew his work visa had been declined. He wanted his money back.



[53] A photograph of Mr Ryan accompanied the article, as did photographs of Mr Singh.

[54] A second article appeared on the *Stuff* website on 2 October 2018, titled “The Big Scam: 17 granted residency through alleged ‘paper’ company”.<sup>3</sup>

[55] The article repeated the accusation from Mr Singh that he obtained a visa from a paper company in Wellington owned by his immigration adviser, but for which he never did any work. BC International, trading as Bite Consulting, had paid him a wage but he was expected to return the money. He therefore worked under the table in Auckland.

[56] According to the article, Immigration New Zealand had said that 17 predominantly Indian nationals were given permanent residence through BC International between May 2012 and May 2018. Furthermore, Mr Singh was one of 20 people who successfully received work visas from the company. The company’s director and majority shareholder was Mr Peter Ryan, a licensed immigration adviser. The founding shareholder of the company, Mr Richard Alexander, had said that the company was a “P O box” while he owned it and he had handed it over to Mr Ryan for no fee as it had not traded. Mr Ryan denied any part in the fraud.

*Registrar initiates an investigation and Mr Singh files a complaint*

[57] An investigation was commenced by the Registrar in about October 2018.

[58] On 16 October 2018, the Authority wrote to Mr Ryan referring to the media articles and requiring the files of Mr Singh and other named clients.

[59] Mr Singh then filed his own complaint against Mr Ryan with the Authority on 23 October 2018. Mr Singh stated that he had been referred to Mr Ryan by Mr Gurpreet Singh, but prior to that the latter had organised a job offer from Mr Ryan’s company or companies, “Bite Consulting Group” and “BC International”. He was successful in obtaining a visa. He had not realised Mr Ryan could not act as both the employer and the immigration adviser. His career and future had been ruined and he wanted a refund.

[60] Mr Singh produced an invoice (25 May 2015) from Capital Immigration showing a fee of \$1,035 for the work visa and an invoice (8 December 2015) for \$3,500 for the residence visa. He also produced receipts (8 December 2015 and 4 December 2016) showing \$3,500 paid for the residence visa.

---

<sup>3</sup> Fonseca and Kilgallon [Stuff News](http://www.stuff.co.nz) (New Zealand) at <www.stuff.co.nz>.

[61] It is useful to set out the evidence obtained by the Authority in respect of the Registrar's complaint. It is directly relevant to Mr Singh's identical complaint.

*Mr Boatman's evidence to investigator*

[62] The Authority's investigator telephoned BITE Consulting in the United Kingdom on 9 and 10 January 2019, obtaining the telephone number from the English website. She asked to speak to Mr Keith Boatman, described as the founding director. A person told the investigator that BITE Consulting was then known as BITE Contractors.

[63] The investigator was not initially able to make contact with Mr Boatman, but the person who answered the call, who had been working in the company for 20 years, told her that BITE Consulting did not operate outside of the United Kingdom.

[64] The investigator then sent an email to Mr Boatman on 11 January 2019 asking whether there was any relationship between the United Kingdom and New Zealand companies. She noted that the stylized logos of the two companies were very similar.

[65] Mr Boatman replied to the investigator on 12 January 2019. He said he was aware that a company had been using their name, but legal action was expensive. BITE Consulting Group was in liquidation. It had only ever operated in the United Kingdom, though he had recruited people from New Zealand. He had worked in association with a company in Lambton Quay, Commonwealth Services and its directors, Mr Snelling and Mr Ward. Mr Boatman advised that he was running two companies, BITE Contractors Ltd and BITE Consulting Ltd, in IT contracting, training and job search services.

[66] Mr Boatman told the investigator that he had previously visited Wellington and possibly had met Mr Ryan. Even if he had, he had not given Mr Ryan authority to use his website. They had never had any formal or informal relationship with Mr Kerr or BC International Ltd.

[67] On 9 May 2019, Mr Boatman repeated in an email to the investigator that no one had been authorised to use his website. He had undertaken inbound recruiting to the United Kingdom, but never inbound to New Zealand. He noted the potential damage to his reputation among New Zealand nationals seeking work experience in the United Kingdom.

*Mr Singh's evidence to investigator*

[68] On 3 January 2019, Mr Singh sent an email to the Authority's investigator attaching a statement in the form of answers to the investigator's questions.<sup>4</sup>

[69] Mr Singh informed the investigator that Mr Gurpreet Singh suggested he contact Mr Ryan in order to obtain a job to extend his visa, with a view to obtaining residence. Mr Singh met Mr Ryan at his office at 326 Lambton Quay on about 15 April 2016. Mr Ryan said that "Bite consulting" did not physically exist except on paper. He was told by Mr Ryan not to disclose this to anyone. Mr Singh had not met anyone from Bite Consulting NZ.

[70] According to Mr Singh, BC International did not exist physically except as a paper company. However, it had "good books (financials)". He paid \$35,000 to Mr Ryan, of which \$7,000 was paid as commission by Mr Ryan to Mr Gurpreet Singh. The deal was that he had to repay his salary plus tax into Mr Ryan's account for about 1.4 years. So for nine months, he paid \$490 monthly and \$90 on top for tax, then for five months, he paid \$590.

[71] Mr Singh advised that he had never met or heard from Mr Peter Kerr. He was not sure whether he was real or fake, but his signature appeared on the job offer letter.

[72] In his answers, Mr Singh said that when an immigration officer asked Mr Ryan to complete a questionnaire on Mr Singh's employment, Mr Ryan emailed to him all the payslips in bulk. Furthermore, Mr Ryan's response to the officer's request to access information about the employees of BC International was (*verbatim*), "many fishes will be caught by immigration best and safe way is withdraw the application and close the magic box". He said he had paid Mr Ryan a total of \$47,200.

[73] Mr Singh sent a further email to the Authority's investigator on 21 February 2019.<sup>5</sup> This was also in the form of answers to the investigator's questions. He confirmed that he had first come to New Zealand as a student in May 2013. He had met Mr Ryan on about 15 April 2016 in Wellington, when Immigration New Zealand had asked for information regarding his residence application. Mr Singh said he was not sure about Mr Kerr. He had always thought his employer was Ryan. He had never met anybody from Bite.

---

<sup>4</sup> Supporting documents in Mr Singh's complaint at 51–56.

<sup>5</sup> Supporting documents in Mr Singh's complaint at 57–63.

*Immigration New Zealand's evidence to investigator*

[74] One of the immigration officers who conducted the site visit on 23 May 2016 concerning Mr Y, sent an email to the Authority's investigator on 18 January 2019 answering, very briefly, some questions from the investigator. He said Mr Ryan was both the employer and the immigration adviser. There was no reference in the discussion to Mr Kerr. He doubted the operation of the business.

[75] The other immigration officer who conducted the site visit sent an email to the Authority's investigator on 22 January 2019. He advised that they found the employer's address at 114 Lambton Quay vacant, so the other officer called the employer's telephone number given with the application. Mr Ryan answered the call and directed them to 326 Lambton Quay. He explained that the office had moved six months previously, which the officers found odd as the visa application made one month earlier had given the address as 114 Lambton Quay.

[76] According to the officer, Mr Ryan then conducted the interview as the employer. At the time of the interview, the officer had not realised that he was the immigration adviser who had filed the application. Mr Ryan did not mention that he was the adviser. Nor did he mention Mr Kerr at any time. The visa applicant was not present in the office, as Mr Ryan said he lived in Auckland and worked remotely. There were no employees in the office. As a result of the visit, the officer was not satisfied the employment was genuine and sustainable.

[77] Immigration New Zealand produced a schedule to the investigator on about 17 April 2019. It showed most (but not all) of the immigration applications made by those referred to in the Registrar's complaint, as well as the applications of others offered employment by Bite Consulting NZ/BC International. Certain information about each application was given.

*Department of Corrections' evidence to investigator*

[78] As Mr Ryan had advised Immigration New Zealand that two of the visa clients had worked on prison software for Bite Consulting NZ/BC International's client, the Ministry of Justice and Corrections, the Authority's investigator made enquiries of the Department of Corrections.

[79] The Department advised the Authority's investigator on 10 May 2019 that it was not aware of any formal procurement set up with BITE Consulting Group. The Corrections officer had consulted with the Procurement Contract team, the Electronic Security team and various external contractors.

*Explanation from Mr Ryan*

[80] On being contacted by the Authority's investigator, Mr Ryan sent an email to him on 30 April 2019. He said he had known Mr Peter Kerr for more than 20 years. Mr Ryan gave some personal information concerning Mr Kerr. Mr Ryan advised that Mr Kerr had never been an employee, only a management consultant.

[81] The Registrar wrote to Mr Ryan on 20 May 2019 formally advising him of the details of the Registrar's complaint and requesting an explanation. The Registrar formally advised him of the details of Mr Singh's complaint on 17 June 2019.

[82] Mr Ryan's lead counsel, Mr Nisbet, provided submissions to the Authority on 29 July 2019. It was contended that the complaints had no foundation and had been unfairly created by the news media and by Mr Singh, who was disgruntled by the process. The Authority had relied on false information provided by him. The articles contained unproven facts and opinions.

[83] It was accepted that Mr Singh had obtained work after securing a visa as a customer service manager for BC International. However, he had fallen in love with a woman in Auckland and travelled there, so he did not fulfil his job obligation in Wellington. Mr Ryan agreed to assist him to apply for a new work visa if he obtained employment in Auckland and approval was duly granted for employment with another company. Mr Ryan was then instructed by Mr Singh to apply for residence with the new employer. The only fees received by Mr Ryan were for his professional services as an immigration adviser. Mr Singh's description of how he was paid was false.

[84] It was Mr Singh who had compromised his employment and made his choice, so the outcome for him was of his own making. Immigration New Zealand had asked for salary and financial records but not for 10 years. Mr Singh was then advised not to continue with his application because of the incidents relating to his employment. He agreed to discontinue his residence application.

[85] Mr Ryan was a sole practitioner from October 2013 and did not incorporate Capital Immigration as a limited liability company until June 2016. Since working as an immigration adviser, he had done his utmost to pursue the best business practices. He knew full well his obligations under the Act and the Code.

[86] According to Mr Nisbet, Mr Ryan had been frustrated by the unavailability of discoverable documents. They would have assisted him and his lawyer to comply with the request for an explanation.

[87] Mr Nisbet advised that Bite Consulting NZ Ltd was struck off in 2012, before “I” (presumably Mr Ryan) was involved in any immigration work. Mr Ryan could not comment on what “Bite Consulting” was used for before he took it over. The company created normal jobs. Some people were employed for long periods and some for short periods. It was not correct to suggest that Bite Consulting NZ/BC International had a contract with the Department of Corrections, as it was a subcontract.

[88] Nor was it true that 17 people received permanent residence through BC International, though a number of people could have received work visas through that company.

[89] Furthermore, Mr Peter Kerr was a real person who Mr Ryan had known for 30 years. Mr Kerr and Mr Ryan were not the same person and it was ludicrous to suggest that they were.

[90] Mr Nisbet produced a reference letter for Bite Consulting NZ from Renner Company Ltd, dated 17 June 2019. Renner owned and operated a business centre at level 4, 326 Lambton Quay. It confirmed that Commonwealth Services Group had previously leased an office, effectively becoming Bite Consulting NZ in about October 2008. Mr Ryan and Mr Richard Alexander then leased an office as Bite Consulting NZ Ltd in 2009, before moving to Vivian Street and then back to level 4, 326 Lambton Quay. Mr Peter Kerr regularly attended the office.

[91] Mr Nisbet also produced a letter from Mr Noel Sulzberger, chartered accountant, dated 29 July 2019. It was addressed to Mr Ryan. Mr Sulzberger said he was approached by Mr Ryan in March 2014 to provide accounting and taxation services. The business entity at the time was BC International Ltd, which undertook personnel selection, recruitment and HR management. It had a relationship with the United Kingdom based Bite Consulting Group. Prior to BC International Ltd having that relationship with the United Kingdom Group, Bite Consulting NZ Ltd had that relationship. BC International had business relationships with many hundreds of businesses and government departments.

[92] Mr Sulzberger’s initial action was to compile the annual financial statements for the years ended 31 March 2013 and 2014. BC International Ltd remained trading through the 2015, 2016 and 2017 financial years. The company’s business activities diminished as Mr Ryan focussed on providing immigration consulting services. BC International Ltd ceased trading during the 2016/2017 financial year.

[93] According to Mr Sulzberger, with the growth in the immigration consulting business, Mr Ryan separated the immigration business from the other business

activities, so on 9 June 2016 Capital Immigration Services NZ Ltd was incorporated for the immigration business. Mr Sulzberger continued to provide services to Capital Immigration, compiling the financial statements for 2017, 2018 and 2019.

*Complaint referred to Tribunal*

[94] The Registrar filed a statement of complaint with the Tribunal on 5 September 2019. He has referred to the Tribunal the following possible breaches by Mr Ryan of the Act and the Code:

- (1) displaying dishonest or misleading behaviour by providing false or misleading information to Immigration New Zealand and the Authority; and
- (2) breaching cl 3(c) by providing false or misleading information to Immigration New Zealand and the Authority contrary to New Zealand immigration legislation, including the Immigration Act 2009.

## **JURISDICTION AND PROCEDURE**

[95] The grounds for a complaint to the Registrar made against an immigration adviser or former immigration adviser are set out in s 44(2) of the Act:

- (a) negligence;
- (b) incompetence;
- (c) incapacity;
- (d) dishonest or misleading behaviour; and
- (e) a breach of the code of conduct.

[96] The Tribunal hears those complaints which the Registrar decides to refer to the Tribunal.<sup>6</sup>

[97] The Tribunal must hear complaints on the papers, but may in its discretion request further information or any person to appear before the Tribunal.<sup>7</sup> It has been established to deal relatively summarily with complaints referred to it.<sup>8</sup>

---

<sup>6</sup> Immigration Advisers Licensing Act 2007, s 45(2) & (3).

<sup>7</sup> Section 49(3) & (4).

<sup>8</sup> *Sparks v Immigration Advisers Complaints and Disciplinary Tribunal* [2017] NZHC 376 at [93].

[98] After hearing a complaint, the Tribunal may dismiss it, uphold it but take no further action or uphold it and impose one or more sanctions.<sup>9</sup>

[99] The sanctions that may be imposed by the Tribunal are set out in the Act.<sup>10</sup> The focus of professional disciplinary proceedings is not punishment but the protection of the public.<sup>11</sup>

[100] It is the civil standard of proof, the balance of probabilities, that is applicable in professional disciplinary proceedings. However, the quality of the evidence required to meet that standard may differ in cogency, depending on the gravity of the charges.<sup>12</sup>

[101] The Tribunal has received a statement of complaint, dated 5 September 2019, from the Registrar, together with supporting documents.

[102] Mr Ryan was invited by the Tribunal on 9 September 2019 to file a statement of reply to the Registrar's statement of complaint, if he disagreed with any part of it. As no statement of reply was received, he was reminded on 30 October 2019. On the same day, Ms Blincoe, on behalf of Mr Ryan, advised the Tribunal that he denied the allegations in both the Registrar's complaint and Mr Singh's complaint, but did not wish to provide any further response.

[103] The complaint will be heard on the papers. No party has requested an oral hearing.

## ASSESSMENT

[104] The Registrar relies on cl 3(c) of the Code:

### Legislative requirements

3. A licensed immigration adviser must:

...

- c. whether in New Zealand or offshore, act in accordance with New Zealand immigration legislation, including the Immigration Act 2009, the Immigration Advisers Licensing Act 2007 and any applicable regulations.

---

<sup>9</sup> Section 50.

<sup>10</sup> Section 51(1).

<sup>11</sup> *Z v Dental Complaints Assessment Committee* [2008] NZSC 55, [2009] 1 NZLR 1 at [97], [128] & [151] (citation omitted).

<sup>12</sup> *Z*, above n 11, at [97], [101]–[102] & [112].



- (1) *Displaying dishonest or misleading behaviour by providing false or misleading information to Immigration New Zealand and the Authority*
- (2) *Breaching cl 3(c) by providing false or misleading information to Immigration New Zealand and the Authority contrary to New Zealand immigration legislation, including the Immigration Act 2009*

[105] The precise heads of complaint in Mr Singh's complaint against Mr Ryan, as formulated by the Registrar, are identical to those in the Registrar's own complaint against Mr Ryan. I dismiss Mr Ryan's bald denial of both complaints as not credible. As Mr Ryan has chosen not to defend either complaint and has presented no explanation or evidence, I will adopt the findings made in my previous decision, for the same reasons set out there.<sup>13</sup>

[106] Mr Ryan is found to have provided false information to Immigration New Zealand in that Mr Singh's offer of employment with Bite Consulting NZ/BC International was fake, those companies had no real IT work, Mr Peter Kerr does not exist (at least not in that business) and the New Zealand companies have no connection to the real United Kingdom BITE companies.

[107] Mr Ryan also provided false information to the Authority. He falsely advised the Authority that Mr Kerr was engaged with Bite Consulting NZ/BC International, that Mr Ryan and Mr Kerr are not one and the same person, that Mr Singh had worked for BC International but left the job because he fell in love and decamped to Auckland, that Mr Singh agreed to discontinue his residence application for that reason, that Mr Ryan only received professional fees and that his companies provided normal jobs.

[108] Mr Ryan has knowingly provided false information and documents to Immigration New Zealand in respect of Mr Singh, contrary to the Immigration Act 2009.<sup>14</sup> He has also knowingly provided false information and documents to the Authority in respect of Mr Singh, a ground of complaint under the Act.

## **OUTCOME**

[109] The complaint against Mr Ryan is upheld. His behaviour has been dishonest. He has breached cl 3(c) of the Code.

---

<sup>13</sup> *Registrar of Immigration Advisers v Ryan* [2019] NZIACDT 75, particularly at [176] & [184].

<sup>14</sup> Immigration Act 2009, s 342(1).

## SUBMISSIONS ON SANCTIONS

[110] As the complaint has been upheld, the Tribunal may impose sanctions pursuant to s 51 of the Act.

[111] A timetable is set out below. Any request for repayment of fees or the payment of costs or expenses or for compensation must be accompanied by a schedule particularising the amounts and basis of the claim.

### *Timetable*

[112] The timetable for submissions will be as follows:

- (1) The Registrar and Mr Ryan are to make submissions by **2 December 2019**.
- (2) The Registrar and Mr Ryan may reply to the submissions of any other party by **16 December 2019**.

## ORDER FOR SUPPRESSION

[113] The Tribunal has the power to order that any part of the evidence or the name of any witness not be published.<sup>15</sup>

[114] Mr Karamjeet Singh is publicly identified in the *Stuff* articles. However, there is no public interest in knowing the names of Mr Ryan's other clients. Nor is there any public interest in knowing the name of (Mr ZZ). He is not named in the *Stuff* articles.

[115] The Tribunal orders that no information identifying Mr Ryan's clients (apart from Mr Singh) or Mr ZZ, is to be published other than to Immigration New Zealand.

---

D J Plunkett  
Chair

---

<sup>15</sup> Immigration Advisers Licensing Act 2007, s 50A.