

**IMMIGRATION ADVISERS COMPLAINTS AND DISCIPLINARY TRIBUNAL**

Decision No: [2020] NZIACDT 5

Reference No: IACDT 028/18

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

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

**BETWEEN** **NJUM**  
Complainant

**AND** **TUIGAMALA (TUI)  
LAUFOU TAAVAO VOLE**  
Adviser

**SUBJECT TO SUPPRESSION ORDER**

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**DECISION**  
Dated 29 January 2020

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**REPRESENTATION:**

Registrar: Self-represented  
Complainant: Self-represented  
Adviser: M Logan, counsel

## **PRELIMINARY**

[1] Mr Tuigamala (Tui) Laufou Taavao Vole, the adviser, acted for Ms NJUM, the complainant, in respect of partnership-based residence and other visa applications. For reasons which will become apparent, the complainant married her husband twice, first in Samoa and later in New Zealand. To Mr Vole's knowledge, the complainant failed to disclose to Immigration New Zealand the earlier marriage.

[2] A complaint made by the complainant to the Immigration Advisers Authority (the Authority) against Mr Vole was referred to the Tribunal by the Registrar of Immigration Advisers (the Registrar), the head of the Authority. The conduct of Mr Vole is alleged to be a breach of the Immigration Advisers Licensing Act 2007 (the Act) and the Licensed Immigration Advisers Code of Conduct 2014 (the Code).

[3] Mr Vole largely admits his professional misconduct.

## **BACKGROUND**

[4] Mr Vole is a director of Telestial General Consultancy Services Ltd, of Auckland.

[5] The complainant and her husband married in Samoa in 2011. The marriage was not registered because they did not take the licence to the registry office.

[6] The complainant's husband successfully registered with Immigration New Zealand in Samoa under the Samoan Quota in 2013, at a time when the complainant and her husband were living together. However, the husband registered himself as a single person. They say that a security guard at Immigration New Zealand's Apia office incorrectly informed them that the complainant was too old to register. It is further alleged that the husband did tell the agency about his wife, but the agency says it was not aware of his marriage in Samoa.

[7] In August or September 2014, the complainant, who by this time was in New Zealand on a visitor visa, approached Mr Vole for immigration advice in order to obtain residence here. She met him at his office, accompanied by her husband and others. Mr Vole was told that the complainant's husband had obtained residence under the Samoan Quota, but that Immigration New Zealand had not been notified of the marriage.

[8] Mr Vole advised the complainant not to mention any relationship or marriage in the application for residence which she would make. He suggested they get married in New Zealand and present the relationship as arising from then. She should inform Immigration New Zealand that she had met her husband shortly before his relocation to

this country, following the grant of residence. They were advised by Mr Vole that if they had broken the law by lying to Immigration New Zealand in Samoa, both of them would be deported back there.

[9] The complainant duly married her husband again in September 2014 in New Zealand.

[10] Immigration New Zealand advised Mr Vole on 25 September 2014 that an application made by him for a visitor visa for the complainant had not been accepted for processing because it was incomplete. A list of the additional documentation required when she applied again, was set out.

[11] It is understood that a work visa application made by Mr Vole on behalf of the complainant in October 2014 was declined in the same month. It was made under s 61 of the Immigration Act 2009 (Ministerial discretion to grant a visa to a person unlawfully in New Zealand).

[12] On the advice of Mr Vole, the complainant and her husband travelled to Samoa in November 2014 so that the complainant could apply for a work visa from there. Mr Vole also went to Samoa at the same time. The visa application was lodged by him in December 2014 and was granted on 19 December 2014.

[13] The complainant and her husband came back to New Zealand some months later.

[14] On 15 October 2015, the complainant and Mr Vole entered into a written client agreement for the purpose of making an application for a residence visa under the partnership category. The total fee payable was \$4,830.

*The complainant applies for residence*

[15] Mr Vole filed the complainant's application for residence with Immigration New Zealand on 19 October 2015. It was based on her New Zealand marriage.

[16] The complainant and Mr Vole entered into another agreement on 10 December 2015, for a work visa under the partnership category. Mr Vole's fee was \$2,760. It is assumed the application was made, but its fate is not known.

*Residence declined*

[17] On 22 June 2016, Immigration New Zealand declined the complainant's application for residence. It was not satisfied that the partnership was genuine and stable. Mr Vole appealed the decision to the Immigration and Protection Tribunal, on behalf of the complainant.

[18] The complainant and Mr Vole entered into a further agreement on 25 July 2016 covering representation for the appeal. The fee was \$4,140.

[19] The complainant and Mr Vole entered into another agreement on 4 November 2016, for a work visa under the partnership category. Mr Vole's fee was \$1,840.

[20] An application for a work visa was made by Mr Vole on behalf of the complainant on 8 November 2016.

[21] On 24 November 2016, the Immigration and Protection Tribunal issued a decision on the complainant's appeal against the decline of a residence visa. It found that Immigration New Zealand had not undertaken a fair and proper assessment, so the application was referred back to be reconsidered.

[22] On 12 December 2016, Immigration New Zealand wrote to the complainant advising that the work visa application had been declined. It was not satisfied that she and her husband were living together in a genuine and stable relationship. Following representation from Mr Vole, Immigration New Zealand reconsidered the decline of the work visa and on about 23 December 2016 issued the complainant with a work visa while her residence application was being reconsidered.

[23] Immigration New Zealand wrote to Mr Vole on 5 July 2017, in relation to the residence visa application received on 19 October 2015, which was being reconsidered. Some discrepancies had been identified in the interviews of the complainant and her husband. These were set out in the letter and her explanation was invited.

[24] Mr Vole replied on 14 July 2017 to the letter from Immigration New Zealand setting out the interview discrepancies. A joint statutory declaration by the complainant and her husband (12 July 2017) was provided to Immigration New Zealand.

*Residence application declined again*

[25] On 15 August 2017, Immigration New Zealand wrote to Mr Vole declining the residence application for a second time. It was not satisfied the relationship was genuine

and stable. The letter set out certain discrepancies in the information given to the agency. Mr Vole again filed an appeal with the Immigration and Protection Tribunal.

[26] The complainant and Mr Vole entered into another agreement on 15 December 2017, for a work visa under the partnership category. The fee was \$2,760.

[27] On 18 December 2017, another application for a work visa under the partnership category was made by Mr Vole on behalf of the complainant. Immigration New Zealand declined it on 10 January 2018.

[28] Mr Vole wrote to Immigration New Zealand on 24 January 2018 seeking a work visa under s 61 of the Immigration Act 2009.

[29] On 5 February 2018, the Immigration and Protection Tribunal issued a decision on the complainant's appeal against the second decline of a residence visa. It found that Immigration New Zealand had not given the application proper consideration, so the application was again referred back to be reconsidered.

[30] The complainant then sought legal assistance from the Mangere Community Law Centre. Her residence application was pursued, but its fate is not known to the Tribunal.

## **COMPLAINT**

[31] The complainant made a complaint against Mr Vole to the Authority on 22 February 2018 (form dated 14 February 2018). She alleged that Mr Vole had charged her more than \$30,000 over four years for his services. He had advised her not to declare her earlier marriage to her husband. He had also told her to go back to Samoa to apply as he said he had contacts with Immigration New Zealand there.

[32] As a result of his advice, she was living in New Zealand unlawfully. She sought the refund of her fees, the payment of costs, a penalty and compensation. She also sought the cancellation or suspension of Mr Vole's licence.

[33] On an unknown date, the complainant replied to questions from the Authority's investigator. She said that Mr Vole had advised her at the first meeting to seek residence on the basis of partnership. She was told to marry her husband again in New Zealand. When she applied for a work visa, she was not to mention the marriage in Samoa. Mr Vole advised the complainant to inform Immigration New Zealand that she had met her husband three months prior to his relocation to New Zealand, after he had been granted residence. This was because a partner who had not been declared at the time of registration for the Samoan Quota could not be granted residence later.

[34] There is a joint statutory declaration (25 May 2018) by the complainant and her husband. It was presumably produced for immigration purposes, but was provided to the Authority on an unknown date. It largely concerned the genuine nature of their marriage. They declared they had no photos of their relationship in Samoa as most were stored on a phone which was stolen. Furthermore, Mr Vole told them not to mention their life together in Samoa and to discard any proof they had, such as the marriage licence and the receipt for the licence.

[35] The Authority wrote to Mr Vole on 27 July 2018 formally setting out the particulars of the complaint and inviting his explanation. In addition to the advice given by him not to disclose the Samoan marriage, the Authority sought his explanation concerning other alleged flaws in his representation of the complainant.

[36] On 24 August 2018, Mr Logan, counsel for Mr Vole, replied to the Authority's letter of 27 July 2018, answering each allegation in turn.

*Explanation from Mr Vole to the Authority*

[37] It was accepted that the complainant's work visa application filed on 18 December 2017 was missing a valid police certificate. This was done in anticipation of the certificate being obtained by the complainant. Her visa was due to expire on 7 January 2018. Mr Vole had explained to the complainant the importance of obtaining the certificate urgently. He was asked by her to file the application.

[38] In respect of the earlier visitor visa application filed on 23 September 2014, the complainant did not keep her appointments with Mr Vole and was tardy in providing requested documents. He did not keep records of his conversations with the complainant, but denied acting negligently or breaching cl 1 of the Code.

[39] Mr Vole told the Authority that, contrary to the complainant's allegation, he did orally notify her of her unlawful status in New Zealand and that the best option was a s 61 request. This was explained in a face-to-face meeting with her.

[40] It was acknowledged by Mr Vole that he did not make file notes of his advice to the complainant. He now had a better understanding of cl 26(b) and (c) of the Code. He appreciated that oral discussions of important matters left the opportunity for misunderstanding. It was submitted by Mr Logan that the breaches of cl 26(b) and (c), while not trivial, were at the lower end of the spectrum.

[41] Mr Vole accepted that he did not declare the complainant's "apparent" marriage in Samoa in 2011 to Immigration New Zealand. The couple were not able to present evidence of the marriage being registered. In addition to the husband's failure to register the complainant as his wife when he applied for residence, she had also declared herself single in a visitor visa application. He advised them that these earlier failures to declare the marriage amounted to a significant obstacle and would most likely result in the refusal of any partnership-based visa application.

[42] According to counsel's letter to the Authority, Mr Vole therefore suggested they get married in New Zealand. Their relationship was genuine, not a sham. His advice was focused on assisting the couple to move forward without getting into trouble with Immigration New Zealand. Mr Vole acknowledged he provided inappropriate advice and that he assisted in concealing relevant information from Immigration New Zealand. He admitted failing to evaluate his obligations under the Code. It was accepted that he had breached cls 29(d) and 31(a) of the Code. He now had a better understanding of these requirements.

[43] In conclusion, it was acknowledged by Mr Vole that he had fallen short in several areas. He had made a serious error of judgement in relation to the advice concerning the earlier marriage in Samoa. He was focussed on doing his best for his client. Mr Vole had now sought legal advice, not only in regard to the allegations but also more generally on how to conduct his practice. He was prepared to undergo further training.

[44] Mr Logan added that Mr Vole had practiced as an adviser since 2008 and the consulting business was his livelihood. He was 60 years of age and would find it very difficult to obtain work in another field. His wife worked in the business.

[45] On 31 August 2018, the Registrar referred the complaint to the Tribunal. It is alleged that Mr Vole satisfies a ground of complaint under the Act and has breached the Code, in the following respects:

- (1) filed applications with Immigration New Zealand which failed to meet the lodgement requirements, thereby being negligent;
- (2) alternatively, filed applications with Immigration New Zealand which failed to meet the lodgement requirements, in breach of cl 1;
- (3) advised the complainant to conceal her 2011 marriage from Immigration New Zealand and file an application based on the 2014 marriage, thereby being dishonest or misleading;

- (4) alternatively, advised the complainant to conceal her 2011 marriage from Immigration New Zealand and file an application based on the 2014 marriage, in breach of cls 1, 3(c), 29(d) and 31(a);
- (5) supplied a false certificate to Immigration New Zealand, thereby being dishonest or misleading;
- (6) alternatively, supplied a false certificate to Immigration New Zealand, in breach of cls 1 and 31(a);
- (7) failed to provide to the complainant written confirmation of material discussions with her, in breach of cl 26(c); and
- (8) failed to provide to the complainant timely updates of her immigration situation, in breach of cl 26(b).

## **JURISDICTION AND PROCEDURE**

[46] 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.

[47] The Tribunal hears those complaints which the Registrar decides to refer to the Tribunal.<sup>1</sup>

[48] 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>2</sup> It has been established to deal relatively summarily with complaints referred to it.<sup>3</sup>

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<sup>1</sup> Immigration Advisers Licensing Act 2007, s 45(2) & (3).

<sup>2</sup> Section 49(3) & (4).

<sup>3</sup> *Sparks v Immigration Advisers Complaints and Disciplinary Tribunal* [2017] NZHC 376 at [93].



[49] 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>4</sup>

[50] The sanctions that may be imposed by the Tribunal are set out in the Act.<sup>5</sup> The focus of professional disciplinary proceedings is not punishment but the protection of the public.<sup>6</sup>

[51] 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>7</sup>

[52] The Tribunal has received from the Registrar the statement of complaint (dated 31 August 2018), with paginated supporting documents.

[53] There is a statement of reply (dated 12 April 2019) from Mr Vole.

[54] The complainant provided an answer to Mr Vole's statement of reply (dated 16 May 2019).

## ASSESSMENT

[55] The Registrar relies on the following provisions of the Code:

### General

1. A licensed immigration adviser must be honest, professional, diligent and respectful and conduct themselves with due care and in a timely manner.

### 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.

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<sup>4</sup> Section 50.

<sup>5</sup> Section 51(1).

<sup>6</sup> *Z v Dental Complaints Assessment Committee* [2008] NZSC 55, [2009] 1 NZLR 1 at [97], [128] & [151] (citation omitted).

<sup>7</sup> *Z v Dental Complaints Assessment Committee*, above n 6, at [97], [101]–[102] & [112].

**File management**

26. A licensed immigration adviser must:

...

- b. confirm in writing to the client when applications have been lodged, and make on-going timely updates
- c. confirm in writing to the client the details of all material discussions with the client

...

**Advisers**

29. A licensed immigration adviser must not misrepresent or promote in a false, fraudulent or deceptive manner:

...

- d. the client

...

**Applications**

31. A licensed immigration adviser must:

- a. not deliberately or negligently provide false or misleading documentation to, or deliberately or negligently conceal relevant information from, the decision maker in regard to any immigration matter they are representing, and

...

(1) *Filed applications with Immigration New Zealand which failed to meet the lodgement requirements, thereby being negligent*

(2) *Alternatively, filed applications with Immigration New Zealand which failed to meet the lodgement requirements, in breach of cl 1*

[56] A visitor visa application made by Mr Vole on behalf of the complainant was rejected on 25 September 2014 because it was incomplete. It was returned to her, along with the fee.

[57] A work visa application made by Mr Vole on behalf of the complainant was returned on 10 January 2018, along with the fee and all documents, because it was incomplete. A valid police certificate was missing.

[58] Mr Vole says he told the complainant to obtain the missing documents, as well as the repercussions of not doing so, but she instructed him to go ahead anyway. She also failed to keep appointments and was tardy in providing documents.

[59] The complainant says Mr Vole had the habit of informing them at the last minute of the documents needed, when she should have been given sufficient time to attend to this. She says he was responsible for checking the validity of documents, such as police certificates and medical reports.

[60] It is Mr Vole's responsibility to file complete and therefore valid applications. An application which is missing critical lodgement documents will inevitably be returned or will fail. It is a pointless exercise filing such applications, even if a deadline is imminent. Mr Vole will know this, but the complainant will not.

[61] Mr Vole says he gave the complainant appropriate oral advice concerning the required documents. However, he has no record of that, which is itself a breach of the Code (see later). It is not likely the complainant instructed an application to be filed if she was aware it would fail. She might have lost the fee. It was Mr Vole's obligation to notify the complainant well before any deadline of what documents were needed and then to remind her of that as any deadline approached. He can provide no record of doing this.

[62] Mr Vole lacked diligence and due care in filing applications without the necessary documents. This is a breach of cl 1 of the Code. The second head of complaint is upheld.

(3) *Advised the complainant to conceal her 2011 marriage from Immigration New Zealand and file an application based on the 2014 marriage, thereby being dishonest or misleading*

(4) *Alternatively, advised the complainant to conceal her 2011 marriage from Immigration New Zealand and file an application based on the 2014 marriage, in breach of cls 1, 3(c), 29(d) and 31(a)*

[63] The complainant alleges that at their first meeting in about August 2014, Mr Vole advised her not to disclose to Immigration New Zealand the 2011 marriage to her husband. This was because she had not been registered as the wife of her husband when he registered for the Samoan Quota, the basis of his residence in New Zealand. Instead, she says, Mr Vole advised her to marry him in New Zealand and then base her residence application on the later marriage.

[64] The complainant duly followed Mr Vole's advice, but her residence application was unsuccessful because the 2014 marriage was not regarded as genuine and stable. There were discrepancies in their interviews with Immigration New Zealand, not entirely due to the omission regarding the earlier marriage. I can only speculate, but behind Immigration New Zealand's concerns may be the significant difference in age between the two of them, with the complainant being much older than her husband. Despite the age difference and interview discrepancies, it is not my role to investigate whether the marriage is genuine. I will accept it as genuine.

[65] Mr Vole acknowledges that he advised the complainant to get married in New Zealand and base her residence application on that marriage. He accepts he was a party to concealing the earlier marriage from Immigration New Zealand.

[66] Mr Vole explains that he advised the complainant to conceal the 2011 marriage as it was the best way for her to get residence. It was not just the failure to declare the marriage in the husband's Samoan Quota registration which was an obstacle to her residence, but also that she had told Immigration New Zealand she was single in her visitor visa application.

[67] The complainant's predicament when she first went to see Mr Vole explains his advice but does not justify it. Mr Vole was a principal, and not merely a minor, party in deceiving Immigration New Zealand. While he was not responsible for the initial deceit, it was his idea to continue concealing the 2011 marriage, and to base a residence application on a second marriage. He coached them regarding what to say to Immigration New Zealand as to when they met.

[68] I find Mr Vole's conduct, like that of his client, was dishonest. There was an intention to deceive Immigration New Zealand.

[69] A professional and honest adviser would advise a client to 'front-foot' any adverse information. The earlier marriage should have been disclosed to Immigration New Zealand and its omission explained. A statutory declaration concerning the alleged advice from the security guard could have been produced. It was not inevitable that the application would be declined on the ground of the earlier non-disclosure on two occasions.

[70] Mr Vole's misconduct is serious. Honesty goes to the very heart of being professional. Indeed, the integrity of the New Zealand immigration regime and public confidence in it relies on the accuracy of the information provided to Immigration New Zealand. It is not just the honesty of visa applicants that Immigration New Zealand relies

on. The agency also depends on the competence and honesty of advisers who have an important role in upholding the integrity of the immigration system.<sup>8</sup>

[71] Dishonesty is a statutory ground of complaint.<sup>9</sup> The third head of complaint is upheld.

(5) *Supplied a false certificate to Immigration New Zealand, thereby being dishonest or misleading*

(6) *Alternatively, supplied a false certificate to Immigration New Zealand, in breach of cls 1 and 31(a)*

[72] In support of one of the complainant's visa applications, Mr Vole sent a copy of a Samoan police certificate to Immigration New Zealand attached to an email on 11 January 2018 (*verbatim*):

Police find client's certified copy of her police certificate and I will send you the original as soon as it becomes available.

[73] The attached police certificate is dated 10 January 2018. It bears the following stamp signed by Mr Vole as a Justice of the Peace and dated 11 January 2018:

Certified original sighted and that [illegible] photocopy of that original.

[74] Mr Vole did not then have the original document. He admits to certifying the copy prior to sighting the original document. He says it was his intention to assist the complainant. Mr Vole was confident the original document would arrive, which it did. The police certificate is genuine.

[75] Mr Vole admits breaching cl 31(a) of the Code.

[76] Mr Vole's misconduct, in his capacity of an immigration adviser, was not falsely certifying a copy without having sighted the original, but presenting the false certificate to Immigration New Zealand. This is another incident of dishonesty on his part.

[77] There is no suggestion that the document is not genuine and I accept that his motivation was expediting the complainant's application, but Immigration New Zealand is entitled to rely on the veracity and accuracy of all documents presented by an adviser. He should have waited a few more days for the original to arrive. A professional person would not have knowingly presented a false certificate to Immigration New Zealand.

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<sup>8</sup> *Sparks v Immigration Advisers Complaints and Disciplinary Tribunal*, above n 3, at [51] & [53].

<sup>9</sup> Immigration Advisers Licensing Act 2007, s 44(2)(d).

[78] While I will uphold this head of complaint since Mr Vole's conduct was deliberate, it is not as egregious as it might seem. In the first place, the document is genuine. Moreover, the way it was presented to Immigration New Zealand supports Mr Vole's claimed motivation. He told Immigration New Zealand he would send the original as soon as it became available. This tends to show that he regarded the copy certificate as genuine and that his motivation was assisting his client by speeding up the process. Indeed, that information may well have been the clue which identified for Immigration New Zealand the potential problem with the certificate. This incident is at the lower end of the dishonesty spectrum.

[79] Mr Vole has been dishonest and unprofessional. He has breached cls 1 and 31(a) of the Code. The sixth head of complaint is upheld.

(7) *Failed to provide to the complainant written confirmation of material discussions with her, in breach of cl 26(c)*

[80] The Registrar alleges that Mr Vole's file contained minimal records of written communications between Mr Vole and the complainant.

[81] Mr Vole had meetings with the complainant in August or September 2014 and on 1 February 2018 and no doubt on many other occasions. He represented her over almost four years, through numerous visa applications and even periods of being unlawfully in New Zealand.

[82] There is a minimal record of any written advice. Mr Vole accepts this. All material oral advice, of which there must have been a great deal, should have been confirmed in writing. This was a systemic violation of Mr Vole's professional obligation. It is important to provide written confirmation of oral advice to the client to avoid the misunderstandings that commonly arise when information on an unfamiliar topic is given verbally. It also proves the advice was given. Mr Vole says he now understands this.

[83] Mr Vole has breached cl 26(c) of the Code. The seventh head of complaint is upheld.

(8) *Failed to provide to the complainant timely updates of her immigration situation, in breach of cl 26(b)*

[84] It is submitted that cl 26(b) is ambiguous as to whether updates made to the client regarding immigration applications, as against their lodgement, have to be in writing. I understand the argument, but I find that interpretation to be a rather literal reading of the

clause. The intention is clear when the whole of cl 26 is taken into account. The clause is about file management. In other words, it is about the written record. Updates to a client must be in writing.

[85] Again, there is an absence of written advice to the complainant regarding the filing, progress and outcome of her many visa applications. Mr Vole says he did this orally. That is not good enough. The Code requires written confirmation of “on-going timely updates”.

[86] In the case of the complainant, this was critical as she had a number of periods of being unlawfully in New Zealand. It was important she had clarity as to her immigration status. Mr Vole says he notified her orally that she was unlawfully in New Zealand, but she says she did not know. Of course, there would be no dispute as to what he told her if he had confirmed it in writing. This is the answer to the submission that no harm was done because she got oral advice. She denies getting such advice, but even if she did get it, she must have overlooked or misunderstood it, perhaps because it was not in writing.

[87] Mr Vole has not identified any written advice concerning unlawfulness or the progress or outcome of visa applications. He has breached cl 26(b) of the Code. The eighth head of complaint is upheld.

## **OUTCOME**

[88] Mr Vole has been dishonest in two respects. First, he was a party to concealing a marriage from Immigration New Zealand and misrepresenting a relationship as much shorter than it actually was. Second, he presented a false document to Immigration New Zealand, in that the original of a certified true copy had not actually been sighted by the certifier (Mr Vole himself). He has also been unprofessional and breached a number of other professional obligations, as detailed above.

[89] The second, third, sixth, seventh and eighth heads of complaint are upheld. In addition to being dishonest, a statutory ground of complaint, Mr Vole has breached cls 1, 26(b), 26(c) and 31(a) of the Code.

## **SUBMISSIONS ON SANCTIONS**

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

[91] A timetable is set out below. In light of the finding of dishonesty, the Tribunal will consider depriving Mr Vole of his licence for a period and preventing the renewal of his licence. The parties are invited to address this. Any requests 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. Any request for retraining must specify the course recommended.

*Timetable*

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

- (1) The Registrar, the complainant and Mr Vole are to make submissions by **21 February 2020**.
- (2) The Registrar, the complainant and Mr Vole may reply to submissions of any other party by **6 March 2020**.

**ORDER FOR SUPPRESSION**

[93] The Tribunal has the power to order that any part of the evidence or the name of any witness not be published.<sup>10</sup>

[94] There is no public interest in knowing the name of Mr Vole's client.

[95] The Tribunal orders that no information identifying the complainant is to be published other than to Immigration New Zealand.

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D J Plunkett  
Chair

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<sup>10</sup> Immigration Advisers Licensing Act 2007, s 50A.