

IMMIGRATION ADVISERS COMPLAINTS AND DISCIPLINARY TRIBUNAL

Decision No: [2019] NZIACDT 44

Reference No: IACDT 028/17 & 032/17

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

BY **THE REGISTRAR OF
IMMIGRATION ADVISERS**
Registrar

BETWEEN **IMMIGRATION NEW ZEALAND
(DARREN CALDER)**
Complainant

AND **WOEI JYE FRANKIE WONG**
Adviser

HEARING: 19 June 2019

SUBJECT TO SUPPRESSION ORDER

DECISION
Dated 27 June 2019

REPRESENTATION:

Registrar: T Thompson, counsel
Complainant: G La Hood, counsel
Adviser: In person

PRELIMINARY

[1] The adviser, Mr Wong, acted for a number of Malaysian clients seeking work visas. A complaint was made against him by Immigration New Zealand to the Immigration Advisers Authority (the Authority) concerning his representation of these clients.

[2] The most serious allegation against him is that he procured and then provided to Immigration New Zealand false documents on behalf of the clients. His licence as an immigration adviser was suspended by the Tribunal, but has now expired. The allegation was also the subject of a criminal prosecution in which he was acquitted. Mr Wong says the falsity was perpetrated by his clients and he did not know about it. The issue in relation to the provision of false documents is whether the Tribunal can uphold such a complaint which failed at trial in a prosecution.

[3] It is also alleged Mr Wong entered information onto a blank application form already signed by a client, before filing the application with Immigration New Zealand. Mr Wong denies doing so, contrary to an admission he made to the Authority. He declined to attend the Tribunal's hearing of the complaint to explain his contradictory evidence. The veracity of his denial needs to be assessed.

[4] There is also a less serious professional violation to be assessed.

BACKGROUND

[5] Mr Woei Jye Frankie Wong was a licensed immigration adviser. He is the sole director of HF Consultants Ltd. The Tribunal suspended his licence on 5 October 2017 and while it expired on 22 June 2018, the status of his licence remains as suspended.

[6] The processing of the complaint against Mr Wong was adjourned pending the criminal trial. Following his acquittal on the criminal charges in July 2018, Mr Wong sought restoration of the complaint process and the lifting of his licence suspension.

Mr B and Ms P

[7] (Mr B) and (Ms P) are understood to be life partners. They are Malaysian nationals.

[8] On 24 November 2005, Mr B arrived in New Zealand. He was issued a visitor permit valid for three months. He failed to obtain any further permit and remained in New Zealand unlawfully.

[9] On 16 April 2007, Ms P arrived in New Zealand. She was issued a visitor permit valid for three months. She failed to obtain any further permit and remained in New Zealand unlawfully.

[10] Mr B and Ms P worked in New Zealand unlawfully.

[11] They came to the attention of Immigration New Zealand and voluntarily left New Zealand in 2015.

[12] While back in Malaysia, Mr B and Ms P both changed their names and obtained fresh passports in the new names.

[13] Under their new names, Mr B and Ms P arrived in New Zealand together on 21 May 2016. They were issued with visitor visas valid for three months.

[14] Between 1 June 2016 and 25 July 2016, Mr B and Ms P met with Mr Wong on a number of occasions in order to seek assistance to obtain work visas. It is alleged they informed Mr Wong they had previously overstayed in New Zealand.

[15] On 13 June 2016, Mr B and Ms P paid Mr Wong NZD 750 each for work visa applications. They agreed to pay a further NZD 750 each if the applications were successful.

[16] Mr Wong advised Mr B and Ms P that they would need to provide work references from Malaysia. He allegedly told them not to obtain references from the New Zealand employer they had previously worked for while unlawfully in this country.

[17] It is alleged that Mr Wong created a template reference letter to be completed by a Malaysian employer. Mr Wong is said to have emailed it to Mr B who then forwarded it to an acquaintance in Malaysia, so it could be completed by him. That letter claimed that both Mr B and Ms P had worked for a certain construction company in Malaysia while they had in fact been in New Zealand. The signed letters were dated 25 June 2016. They are identical, except for the respective periods working for the company. Mr B is said to have worked there from 2009 to 2014 and Ms P from 2009 to 2013. It is alleged that Mr B and Ms P informed Mr Wong that the completed letters were false.

[18] On 25 July 2016, Mr Wong filed work visa applications on behalf of Mr B and Ms P, supported by the two references.

[19] Immigration New Zealand interviewed Ms P on 12 December 2016. She confirmed that the Malaysian work reference was false and that Mr Wong knew this.

[20] On 6 March 2017, Immigration New Zealand declined Ms P's visa application on the ground that she was not suitably qualified.

[21] Immigration New Zealand interviewed Mr B on 18 May 2017, accompanied by his lawyer, Mr Turner. Mr B confirmed he had told Mr Wong about his change of name and that he had previously been working in New Zealand.

[22] Ms P was interviewed again by Immigration New Zealand on 27 May 2017. She advised that the template work reference letter was typed by Mr Wong who sent it to Mr B to arrange for it to be completed for herself and Mr B. As she was in New Zealand at the time the reference letter said she was working in Malaysia, she and Mr Wong both knew it was false.

[23] Mr B's application for a work visa was subsequently withdrawn.

Mr L

[24] On 23 November 2014, (Mr L), a Malaysian national, arrived in New Zealand. He was issued a visitor visa valid for three months.

[25] In about February 2015, Mr L first met Mr Wong. He assisted Mr L to obtain an extension of his visitor visa. The new expiry date was 22 August 2015.

[26] Mr L then sought Mr Wong's assistance to apply for a work visa. Mr Wong asked him to obtain a work experience reference letter from Malaysia.

[27] Mr L contacted a friend in Malaysia who was the director of a construction company. Mr Wong allegedly spoke to that friend by telephone and advised him what had to be included in the reference letter.

[28] The completed letter was sent directly to Mr Wong. It was dated 1 August 2015 and stated that Mr L worked in the company from 2008 to 2014. Mr L allegedly told Mr Wong that the letter was false, as he had only been a subcontractor for three months and not an employee for six years.

[29] On 21 August 2015, Mr Wong filed Mr L's work visa application supported by the false work reference. Immigration New Zealand approved the work visa, with an expiry date of 2 September 2016.

[30] In due course, Mr L met with Mr Wong to obtain an extension of his work visa. Mr Wong advised him he would require payslips from the Malaysian employer. Mr Wong allegedly telephoned Mr L's friend to arrange this and explained "how to deal with the payslips".¹ The friend emailed the false payslips to Mr Wong.

[31] On 23 August 2016, Mr L signed the work visa application form in the presence of Mr Wong. At the same time, he signed the payment section of the form permitting Immigration New Zealand to deduct its fee from his visa card. It is alleged that, at the request of Mr Wong, Mr L had signed the form in blank.

[32] On 24 August 2016, Mr Wong filed the work visa application containing the false reference letter and payslips with Immigration New Zealand. The application form had allegedly been completed by Mr Wong after Mr L signed it.

[33] The work visa application was declined by Immigration New Zealand on 6 March 2017 because Mr L was not suitably qualified or experienced for the job.

[34] Immigration New Zealand interviewed Mr L on 29 June 2017. He told the agency that he had paid Mr Wong NZD 750 for the application in August 2016 and was required to pay another NZD 750 if he got the visa.

[35] According to Mr L, it was Mr Wong who advised him that payslips had to be obtained from Malaysia. He gave Mr Wong the telephone number of someone in Malaysia to contact to obtain them. Mr Wong telephoned that person and asked for them. They were emailed directly to Mr Wong. As for the reference letter, Mr Wong told the author what to put in the letter. The letter and payslips (covering the period from July 2012 to February 2014) were false, as Mr L was only a subcontractor for two or three months and never received payslips. Mr L alleged Mr Wong knew this.

[36] Mr L further told Immigration New Zealand that at Mr Wong's request, he signed the visa application on 23 August 2016 in blank. Nothing had been filled in when he signed it. Mr L added that Mr Wong said to him that because he could not write in English, Mr Wong could assist him to complete the form.

Investigation of Mr Wong

[37] In about March 2017, Immigration New Zealand commenced an investigation of Mr Wong. In due course, he was charged with providing false or misleading information

¹ Transcript of Immigration New Zealand interview 29 June 2017 at 10 (see Registrar's supporting documents at 328).

to Immigration New Zealand, pursuant to s 342(1)(b) of the Immigration Act 2009. As noted above, Mr Wong was acquitted at the trial in July 2018.

COMPLAINT

[38] A complaint against Mr Wong was lodged with the Authority by Immigration New Zealand on 13 December 2016. It alleged dishonest or misleading behaviour and breaches of the Licensed Immigration Advisers Code of Conduct 2014 (the Code).

[39] There followed correspondence between the Authority and Mr Wong, including an inspection of certain client files.

[40] The Registrar of Immigration Advisers (the Registrar), the head of the Authority, formally notified Mr Wong of the complaint by letter dated 24 August 2017. A summary was set out in the letter and he was sent the documents provided by Immigration New Zealand and additional information which had been gathered by the Registrar.

[41] Mr Wong responded to the Authority on 5 September 2017. He advised that he was eager to offer his explanation but could not discuss the facts of the charge of providing misleading information due to the criminal proceedings. Mr Wong did, however, comment on the allegation that Mr L had signed an application form in blank. The information provided by Mr Wong will be discussed later. In relation to the allegation that he had not provided the full client files to the Authority, he explained that he had provided some documentation, but due to the seizure of his files by Immigration New Zealand, he was not in possession of the full files.

Complaint filed in the Tribunal

[42] In the meantime, on 30 August 2017, the Registrar had applied to the Tribunal for the suspension of Mr Wong's licence.

[43] The Tribunal (Mr Pearson) issued a notice of intention to suspend the licence on 1 September 2017. Mr Wong responded on 14 September 2017.

[44] On 5 October 2017, the Tribunal issued a notice suspending Mr Wong's licence until the complaint had been determined. It acknowledged that Mr Wong denied the complaint and asserted the evidence against him was not strong, particularly since the witnesses had a strong motive to blame him for their own misconduct.

[45] The Tribunal recorded in the notice that there was a strong *prima facie* case against Mr Wong. One of his clients had admitted providing false documentation and alleged that Mr Wong was a party to it. The seriousness of the complaint was considered to be at the very highest level.

[46] A formal statement of complaint (dated 16 October 2017) was then filed by the Registrar in the Tribunal. It alleges dishonest or misleading behaviour and breaches of the Code by Mr Wong as follows:

- (1) submitting applications to Immigration New Zealand which contained fraudulent documents, knowing that the documents were false or misleading in a material respect;
- (2) entering further information on an application form after it had been signed by the applicant, in breach of cl 3(c); and
- (3) failing to provide a full copy of his client files for inspection when requested to do so by the Authority, in breach of cl 26(e).

[47] Mr Wong filed a statement of reply on 6 November 2017 denying all the accusations against him. He stated that the witnesses in each complaint had overstayed in New Zealand and supplied false and misleading information to Immigration New Zealand. Each of them had a very good motive to shift the blame onto him. He accepted the decision to suspend his licence, but asked for the opportunity to provide information in relation to the allegation of dishonest or misleading behaviour before a final decision was issued. He would not provide his defence to the criminal charges as it could prejudice his criminal trial.

[48] Following his acquittal, the Tribunal reactivated the complaint and invited Mr Wong to file a statement of reply.

[49] Mr Wong filed a further statement of reply dated 3 August 2018, with supporting documents. He denies the complaint, noting the not guilty verdict on all five charges. Mr Wong contends that all three complaints are baseless, given his acquittal. His suspended licence should therefore be returned to him.

[50] According to Mr Wong, the first head of complaint is not valid given the verdict. In respect of the second head of complaint, he states Mr L gave contradictory evidence in court. Mr Wong maintains that Mr L signed a completed application form. As for the third head of complaint, he says Ms P and another client, (Mr Z), collected the hardcopy files in March 2017 when their applications were not successful. It was only during the

trial that he managed to get hardcopies. Electronic copies of the applications were “still on my electronic filing”.²

[51] The Tribunal (now Mr Plunkett) issued Minutes on 27 February 2019, 15 March 2019 and 16 April 2019 concerning the Tribunal’s process and expressed a provisional view that the first and second heads of complaint would fail following Mr Wong’s acquittal.

[52] In a memorandum dated 6 March 2019, Ms Thompson, counsel for the Registrar, advised that the Registrar had no authority to pursue or not to pursue any head of complaint. There was no submission from Immigration New Zealand on this issue.

[53] In the Tribunal’s Minute No. 3, dealing with the second head of complaint, Mr Wong was invited to provide an explanation or evidence regarding his apparent admission in a letter to the Authority on 5 September 2017 that Mr L had signed a blank application form. He was also requested to produce certain pages from the criminal trial bundle of evidence.

[54] A further statement of reply (dated 1 May 2019) was filed by Mr Wong on 2 May 2019. In response to the request to provide pages from the criminal bundle, he mistakenly produced pages from the trial transcript.

[55] Given the inconsistency between Mr Wong’s letter of 5 September 2017 and his explanation of 1 May 2019, the Tribunal decided to hold a hearing confined to the second head of complaint, pursuant to s 49(4) of the Immigration Advisers Licensing Act 2007 (the Act). A notice of hearing was sent to the parties on 14 May 2019. At the same time, Mr Wong was asked by email to provide the requested criminal trial documents, as he had mistakenly provided the trial transcript.

[56] A reminder of the hearing and the request for documents was sent to Mr Wong and the other parties on 10 June 2019.

[57] The Tribunal’s case manager made a number of unsuccessful attempts to contact Mr Wong by telephone and email. He was copied in on an email from the Tribunal to Mr La Hood on 18 June 2019 as to the procedure at the hearing and was again reminded of the request to provide documents from the criminal trial bundle.

[58] In response to the email of 18 June 2019, Mr Wong informed the Tribunal by email that afternoon that he was “unable” to attend the hearing. He advised that he was fully committed to another career path and to his presence in Malaysia. He said he did not have an electronic copy of the trial bundle. As he had fully exhausted his ability to

² Statement of reply (3 August 2018).

present evidence, the Tribunal was invited to make a decision on the evidence presented to date.

JURISDICTION

[59] 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.

[60] The Tribunal hears those complaints which the Registrar decides to refer to the Tribunal.³

[61] The Tribunal must hear complaints on the papers but may in its discretion request further information or any person to appear before the Tribunal.⁴ It has been established to deal relatively summarily with complaints referred to it.⁵

[62] 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.⁶

[63] The sanctions that may be imposed by the Tribunal are set out in the Act.⁷ It may also suspend a licence pending the outcome of a complaint.⁸

[64] 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.⁹

³ Immigration Advisers Licensing Act 2007, s 45(2) & (3).

⁴ Section 49(3) & (4).

⁵ *Sparks v Immigration Advisers Complaints and Disciplinary Tribunal* [2017] NZHC 376 at [93].

⁶ Section 50.

⁷ Section 51(1).

⁸ Section 53(1).

⁹ *Z v Dental Complaints Assessment Committee* [2008] NZSC 55, [2009] 1 NZLR 1 at [97], [101]–[102] & [112].

ASSESSMENT

[65] In addition to the statutory ground of complaint as to dishonest or misleading behaviour, the Registrar relies on the following obligations in 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.

File management

26. A licensed immigration adviser must:

...

- e. maintain each client file for a period of no less than 7 years from closing the file, and make those records available for inspection on request by the Immigration Advisers Authority,

...

(1) *Submitting applications to Immigration New Zealand which contained fraudulent documents, knowing that the documents were false or misleading in a material respect*

[66] This concerns the work references for Mr B, Ms P and Mr L and the payslips of Mr L. There does not appear to be any doubt they were all false. Mr Wong denies knowing they were false. The issue is therefore whether Mr Wong knew of the falsity.

[67] The criminal prosecution of Mr Wong, based on filing the same fraudulent documents as are the subject of the first head of complaint, failed. Neither Immigration New Zealand nor the Registrar point to any contemporary document establishing Mr Wong knew any of his clients' documents were false. I can identify none.

[68] In relation to Mr B, there is a handwritten note of Mr Wong recording that he had overstayed 10 years in New Zealand.¹⁰ It is undated. The period of overstaying is not recorded. It is inadequate to establish Mr Wong knew Mr B's Malaysian work reference must have been false. The weight to be given to the allegations made by the clients that Mr Wong knew the documents were false and even procured them, as recorded in the

¹⁰ Mr Wong's notes at 254 of the complaint supporting documents.

transcripts of Immigration New Zealand's interviews, is undermined by the outcome of the prosecution which was based on precisely the same allegations.

[69] I appreciate the difference in the standard of proof between criminal and civil proceedings, but a complaint of knowingly producing false documents requires particularly cogent evidence.¹¹ The evidence here is insufficient. The first head of complaint is unproven.

(2) *Entering further information on an application form after it had been signed by the applicant, in breach of cl 3(c)*

[70] The allegation here is that on 23 August 2016 Mr L signed a blank second work visa application at Mr Wong's request. Mr Wong then completed the form before filing it with Immigration New Zealand the following day. If this is the case, Mr Wong's conduct would be contrary to the Immigration Act 2009 and could amount to a criminal offence.¹² Mr Wong is therefore conceivably in breach of cl 3(c) of the Code.

[71] The criminal charge based on the false work reference and payslips allegedly filed in support of Mr L's visa application failed. I do not know why it failed, but it does mean I should approach the evidence given by Mr L against Mr Wong with caution.

[72] Mr L was interviewed by Immigration New Zealand on 29 June 2017. His evidence is clear. He said he signed the visa application form on 23 August 2016 when it was blank. Nothing had been filled in. According to Mr L, Mr Wong asked him to do this. This was because Mr L could not write in English, so Mr Wong would assist him.

[73] When Mr L gave evidence in the criminal proceedings in July 2018, he was less clear about what happened when he signed what was referred to as "the second application". Mr Wong provided the Tribunal with a short extract from the transcript. In respect of the first work visa application (no date is given), Mr L said Mr Wong did not take him through it and explain its contents. In respect of the second application (again no date is given), he initially said Mr Wong did not take him through the form and explain its contents, but when later asked that question again, he answered:

Probably he has, he meant, he talked to me about this.

[74] Mr L appears to change his evidence as to whether Mr Wong took him through the application form and explained its contents. He was not, however, expressly asked

¹¹ *Z v Dental Complaints Assessment Committee*, above n 9.

¹² Immigration Act 2009, s 348(a).

if he had signed it in blank. That was not the criminal charge Mr Wong was facing in relation to Mr L's visa application.

[75] It is not clear what Mr L thought counsel meant by "contents". It may not mean the answers or information given by Mr L, as recorded on the form, since Mr L might have thought it meant the questions or printed information on the form. After all, he had told Immigration New Zealand at the time he said he had signed it in blank, that he (Mr L) had "turned the pages and [Mr Wong] explained some part of them".¹³

[76] In other words, Mr L told Immigration New Zealand that, while it was signed in blank, Mr Wong had explained some of the contents of the printed form. In Mr L's mind, the reference at the criminal trial to the contents of the form might therefore mean the questions themselves. It would make sense for Mr Wong to explain the questions to Mr L as Mr L could not read or write English.

[77] Mr L and counsel may have been at cross purposes. I place little weight on the criminal trial transcript.

[78] The allegation in the professional complaint that Mr Wong had asked Mr L to sign a blank application form on 23 August 2016 had earlier been put to Mr Wong by the Authority on 24 August 2017.

[79] Mr Wong replied to the Authority on 5 September 2017, as follows:¹⁴

However, I can explain some issues raised in your letter below:

Signing a blank application for [Mr L]

I have in the course of discussing with this client that he will have to sign the Application Form after all the information and documents have come from the Employer, after the Employer's recruitment process and issuing the job offer. However, he wanted me to lodge the application without delay and protested that he is not always free to come to my office, and in order to hasten up the lodging of the application, he insisted that he wanted to sign the Application Form and also the Credit Card Payment first, and I can fill up the details later.

[80] When this apparent admission that Mr L had in fact signed the form in blank was put to Mr Wong by the Tribunal in Minute No. 3, his reply of 1 May 2019 was that he subsequently filled out another work visa application which Mr L signed after the two of them had gone through the form together. It was this subsequent form, not the earlier pre-signed form, which was lodged with Immigration New Zealand.

¹³ Registrar's supporting documents at 325.

¹⁴ Registrar's supporting documents at 69.

[81] I dismiss Mr Wong's explanation of 1 May 2019 that the pre-signed form was never used. If that was true, Mr Wong would not have advised the Authority on 5 September 2017 that Mr L had signed the form in blank without also saying that form had never been used. It is implausible he would make that admission without adding at the same time the explanation now given that the pre-signed form had never been used as it had been superseded by one signed later after it had been filled out.

[82] Furthermore, Mr Wong's evidence of 1 May 2019 is inconsistent with the evidence given by him in his earlier statement of reply to the Tribunal of 3 August 2018. He denied that Mr L signed a blank form. However, what he is saying now is that Mr L did sign a blank form, but later also signed a completed form which was lodged with Immigration New Zealand. The mobility of his evidence indicates that it is not reliable.

[83] In rejecting Mr Wong's explanation of 1 May 2019, I take into account that he declined to attend the Tribunal's hearing to explain this contradiction in his evidence. He says in his email of 18 June 2019 to the Tribunal that he was "unable" to attend the hearing, but does not say why. He implies, but does not expressly say, he was in Malaysia. He did not seek an adjournment. I note that he had been given notice of the hearing as far back as 14 May 2019 and had been reminded of it more than once.

[84] I uphold the second head of complaint. I find, on the basis of Mr Wong's admission, that he permitted Mr L to sign the visa application on 23 August 2016 in blank. He later added the answers to the printed questions and other information, before filing it on the following day. His admission is supported by the evidence of Mr L given to Immigration New Zealand. Mr Wong's conduct is contrary to s 348(a) of the Immigration Act 2009. He has breached cl 3(c) of the Code.

(3) *Failing to provide a full copy of his client files for inspection when requested to do so by the Authority, in breach of cl 26(e).*

[85] On 1 February 2017, the Authority requested Mr Wong to produce for inspection his full client files concerning Ms P and Mr Z. He sent the two client files to the Authority under cover of a letter dated 14 February 2017.

[86] A search warrant was executed by Immigration New Zealand on Mr Wong's home and business premises on 13 June 2017 during which hardcopy and electronic documents were seized.

[87] The Authority sent an email to Mr Wong on 13 July 2017 asking him to clarify whether the client files provided on 15 February 2017 were the full client files for Ms P and Mr Z. Mr Wong confirmed by email to the Authority on the same day they were the full client files.

[88] In response to the Authority's complaint letter of 24 August 2017, Mr Wong advised the Authority on 5 September 2017 that what he provided on 14 February 2017 were the notes of the client files, but not copies of the application documents or communications with Immigration New Zealand. He had assumed that the Authority, as part of Immigration New Zealand, would already have copies of these. However, now that his laptop had been returned, he enclosed those which had been held there. He added that Immigration New Zealand had still not returned the full client files, so their provision would have to await their return. This included copies of the receipts.

[89] The Authority is not part of Immigration New Zealand, as any professional adviser should know. Both are separate agencies within the Ministry of Business, Innovation and Employment. They are independent of each other. Furthermore, whatever the arrangements that exist between the Authority and Immigration New Zealand as to the exchange of documents, an adviser is compelled by cl 26(e) to provide them specifically to the Authority on request.

[90] The Registrar also observes that the seizure by Immigration New Zealand occurred after Mr Wong had responded to the Authority's request for the full files.

[91] In his statement of reply of 3 August 2018, Mr Wong also alleges one or both of Ms P and Mr Z uplifted their hardcopy files from him in March 2017. However, this was after he provided the files to the Authority and, in any event, he should have kept a complete copy for himself as cl 26(e) requires him to keep the files for seven years.

[92] The piecemeal production of further documents and Mr Wong's acknowledgement that other documents seized by Immigration New Zealand had not been provided establishes that the full client files were not made available for inspection on 14 February. This was before they were apparently uplifted by the clients and well before the files and laptop were seized from him about four months later. This is a breach of cl 26(e) of the Code.

OUTCOME

[93] I uphold the second and third heads of complaint. Mr Wong is in breach of cls 3(c) and 26(e) of the Code.

SUBMISSIONS ON SANCTIONS

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

[95] The sanctions will take into account not just Mr Wong's conduct which gave rise to the heads of complaint upheld, but also his failure to attend the Tribunal's hearing and his provision of evidence on 1 May 2019 which is false. They will also take into account the period of suspension of his licence.

[96] A timetable is set out below. Any requests for training should specify the particular course suggested. 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

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

- (1) The Registrar, Immigration New Zealand and Mr Wong are to make submissions by **19 July 2019**.
- (2) The Registrar, Immigration New Zealand and Mr Wong may reply to any submissions by another party by **2 August 2019**.

ORDER FOR SUPPRESSION

[98] The Tribunal has the power to order that any part of the evidence or the name of any witness not be published.¹⁵

[99] There is no public interest in knowing, and/or it would not be fair to disclose, the names of Mr Wong's clients.

[100] The Tribunal orders that no information identifying the clients is to be published other than to the parties.

D J Plunkett
Chair

¹⁵ Immigration Advisers Licensing Act 2007, s 50A.