

IMMIGRATION ADVISERS COMPLAINTS AND DISCIPLINARY TRIBUNAL

Decision No: [2019] NZIACDT 59

Reference No: IACDT 025/18 & 09/19

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

BY **THE REGISTRAR OF
IMMIGRATION ADVISERS**
Registrar

BETWEEN **IMMIGRATION NEW ZEALAND
(STEPHANIE GREATHEAD)**
Complainant

AND **MARIA SOCORRO ANGELA
(ANJI) ORTIZ**
Adviser

SUBJECT TO SUPPRESSION ORDER

DECISION
Dated 29 August 2019

REPRESENTATION:

Registrar: Self-represented
Complainant: Self-represented
Adviser: Self-represented

PRELIMINARY

[1] Ms Maria Socorro Angela (Anji) Ortiz, the adviser, acted for [SCD], a Filipino (the client). The client had a work visa permitting him to undertake farm work, but he left that job and was employed by Ms Ortiz's husband as a hairdresser. She sought a visa allowing him to work as a hairdresser at the same time he commenced employment with them, but it was not granted. Not only did the client work unlawfully but he was also underpaid.

[2] Ms Ortiz was convicted of being a party, with her husband, to exploitation of an unlawful employee. Immigration New Zealand has made a complaint alleging negligence and dishonesty, which has been referred by the Immigration Advisers Authority (the Authority) to the Tribunal. Ms Ortiz is alleged to be in breach of the Licensed Immigration Advisers Code of Conduct 2014 (the Code).

BACKGROUND

[3] Ms Ortiz was at the relevant time a licensed immigration adviser. She was a director and shareholder of NZ Lifeways Group Limited. Until late 2015, her husband was also a director and shareholder. She traded under the name, NZ Lifeways Immigration. A renewal of her licence was refused by the Authority on 21 June 2019. It had previously been suspended by the Tribunal. More details about the suspension are given later.

[4] The client originally entered New Zealand in July 2014 holding a work visa allowing him to work as a dairy farm assistant for a specific employer. He left that employer to return to the Philippines but did not advise Immigration New Zealand. When he returned to New Zealand, he met Mr Ortiz.

Client commences work for Mr Ortiz

[5] On 26 June 2015, the client signed an employment agreement with a beauty studio owned by a company, with the sole director and shareholder being Mr Ortiz. The agreement stated the company was part of NZ Lifeways Group Ltd. It was on the parent company's letterhead. It was signed by the client and Mr Ortiz. The remuneration specified was \$15 per hour. The agreement provided that employment would commence upon approval of the visa, with the date of approval left blank.

[6] A written offer on the parent company's letterhead was made to the client on the same day. It also said that the position would begin when the visa was granted. The offer was signed by Mr Ortiz.

[7] On that same day, 26 June 2015, the client signed a work visa application form which he gave to Mr Ortiz who had told him that Ms Ortiz would sort out the visa. She signed the application form on 3 July 2015. It stated that the client had worked as a barber from March 2000 to December 2007 and then from June 2009 to October 2011.

[8] The Tribunal has been sent a written agreement for immigration advice services on the letterhead of NZ Lifeways Immigration. It is between Mr Ortiz (identified as the employer), the client and Ms Ortiz. She undertook to apply for an essential skills work visa for the client, for no fee. No party has signed the agreement.

[9] The client commenced employment at the salon in late June 2015. His visa was still linked to dairy work at that time. He was given free food and accommodation at the salon, but no wages. The client was told by both Mr and Ms Ortiz that he would be paid for all the work done once the visa was approved. He was also told that if he needed money before then, he could ask Mr Ortiz who would help him. There were basic cooking facilities at the salon and a roll-out bed, but no shower.

[10] The visa application for work at the salon was lodged by Ms Ortiz on 6 July 2015.

[11] Immigration New Zealand sent a standard letter to Ms Ortiz on 9 July 2015 advising that the client had been issued an interim visa pending a decision on the new work visa application. The letter advised that if his new visa was for a different position than the previous visa, the interim conditions would be those of a visitor visa and he would not be permitted to work.

[12] Ms Ortiz did not inform the client that an interim visa had been issued and that he was not permitted to work.

[13] The client continued to live and work at the salon without being paid wages. He was working six to 10 hours daily, seven days per week. He asked both Mr and Mrs Ortiz about the visa application on a number of occasions and they told him they had not heard back from Immigration New Zealand. They both advised him it was fine to work while his application was being assessed.

[14] Ms Ortiz was often in the salon, as some of the customers were her immigration clients and she used the salon to discuss immigration matters with them. The evidence of the other employees given to Immigration New Zealand was that Ms Ortiz was involved

in the salon's financial matters and therefore also in deciding the number of hours worked by the staff.

Immigration New Zealand expresses concern

[15] Immigration New Zealand sent a letter to Ms Ortiz on 24 July 2015 expressing concern regarding the client's work visa application. It was noted that he had declared work experience as a barber in his current visa application which differed from the work declared in his previous visa application. He had said then that he had worked as a plumber from November 2008 to January 2010 and then as a dairy worker from March 2010 onwards. It appeared he had provided false or forged documents relating to his work experience in either the previous application or the current application.

[16] Ms Ortiz sent Immigration New Zealand's letter to the client by email on 27 July 2015. She asked him to call her.

[17] On 30 July 2015, Ms Ortiz responded by email to Immigration New Zealand advising that the client's dairy industry experience was false and seeking "an appeal on humanitarian considerations for the Waiver of the Character Requirements". His real skill was as a barber. She blamed the staff of the recruiter he had earlier used.

[18] From September 2015, the client was given a weekly \$40 cash allowance by a salon employee, instead of Mr Ortiz buying food for him. It was Ms Ortiz who agreed to this. In addition, the client was given cash by Mr Ortiz on a number of occasions amounting to a total of \$1,350.

[19] On 10 November 2015, the client was provided by Ms Ortiz with a copy of Immigration New Zealand's letter of 9 July 2015 and became aware that he was not permitted to work. He immediately ceased work but continued living at the salon.

[20] An immigration officer telephoned Ms Ortiz on 19 November 2015 and asked whether the client had been working. Ms Ortiz replied that he had volunteered his time but this had not been compensated. The officer advised that this was a breach of the client's visa. Ms Ortiz told the officer that she was in Christchurch and the salon was in another town so she could not monitor him all the time.

[21] Later on the same day, the officer sent a second letter of concern to Ms Ortiz stating that it appeared that the client was in breach of his visa by working at the salon. According to the letter, his adviser had said he was working as a volunteer and not being compensated financially. An interim visitor visa did not allow him to work. This raised a character concern.

[22] Ms Ortiz immediately phoned the client at the salon and told him to leave as she believed Immigration New Zealand might visit the premises. She said he was to take a holiday. He left that day and was given \$60 in cash by another employee on the instruction of Ms Ortiz.

[23] Ms Ortiz also telephoned the client asking him to write a letter stating he had worked at the salon voluntarily. He did not, so she kept ringing him and sending texts urging him to send the letter. The client told Immigration New Zealand's investigator that Ms Ortiz was careful not to mention in any of her texts what the letter was in relation to. The client then stopped communicating with her.

[24] On 27 November 2015, Ms Ortiz replied by email to Immigration New Zealand's second letter advising that she had been unable to contact the client since earlier in the week. He had said he would prepare a letter but had not. She said Mr Ortiz, the employer, provided pastoral care to migrants. If he had made a mistake in helping the client while waiting for his visa, she sought a pardon. He would be more discreet in the future when performing his duties as a pastor.

[25] Ms Ortiz attached to her email to Immigration New Zealand an email to her from her husband, also dated 27 November 2015. He said that the client had left his job on the farm and come to him asking to practice or volunteer his time as a barber so he could get back to normal speed while waiting for a visa. Mr Ortiz recorded that he was aware the client could not work, so asked him to look after the salon as a caretaker. He gave him food to survive, as he had no income or money. This was done for humanitarian reasons. He apologised but was seeking to help a needy person.

[26] Immigration New Zealand subsequently commenced an investigation.

[27] The client engaged a lawyer to pursue his work visa application and on 18 January 2016, a limited visa was issued permitting him to work in order to assist with the ongoing investigation.

Charges laid against Ms Ortiz

[28] On about 25 July 2018, Immigration New Zealand laid seven charges in the District Court against Ms Ortiz. Six were joint charges with her husband. They were for exploitation of an unlawful employee, aiding and abetting, and providing false or misleading information to Immigration New Zealand.

[29] On 27 July 2018, Mr Ortiz was sentenced on three charges of exploitation to five months' home detention and ordered to pay reparation of \$8,845 (half of \$15 per hour x 1,324 hours worked less payments to the client). He was discharged on four other charges.¹

[30] The District Court's sentencing notes concerning Ms Ortiz are dated 17 May 2019.² They record that Ms Ortiz pleaded guilty to three charges of exploitation under the Immigration Act 2009. The charges related to failing to pay entitlements under the Holidays Act 2003, failing to meet the employer's obligations under the Minimum Wage Act 1983 and breaching the Wages Protection Act 1983. She was discharged on the four other charges, as the Crown offered no further evidence. The Judge further recorded that she had been charged as a party, having aided and abetted her husband's exploitation of the client.

[31] The sentencing notes stated that Ms Ortiz had denied involvement in the control of the hairdressing business and had said that she did not know what was happening. However, she had conceded that she did know some things, but had not been able to address them with the person in control. The Judge's response to that was that she had pleaded guilty. Furthermore, Ms Ortiz had formally accepted being a party to allowing the client to work for the benefit of her and her husband, at the same time exploiting him. Her offending was moderate, not minor. As an adviser, she would have had a clear understanding of the concerns for people in New Zealand temporarily.

[32] The Judge regarded Ms Ortiz's position of trust as an immigration adviser for the client as an aggravating factor. A further aggravating factor was that the victim was an immigrant working illegally with limited language skills. He was vulnerable and heavily dependent on his advisers.

[33] It was noted by the Judge that Ms Ortiz was of very limited means and had a low income while she was raising two children. She was anxious to return to work as a licensed adviser, but the evidence showed that she was unlikely to be approved as an adviser again. It was accepted that Ms Ortiz had a lesser role compared with her husband.

[34] Ms Ortiz was sentenced to four months of community detention, 100 hours of community work and ordered to pay reparation of \$8,850, being half of what the client was owed.

¹ *R v Antonio Ortiz* [2018] NZDC 15506.

² *R v Anji Ortiz* [2019] NZDC 9407.

COMPLAINT

[35] Immigration New Zealand (Stephanie Greathead) made a complaint against Ms Ortiz to the Authority on about 8 May 2018.

[36] The Authority advised Ms Ortiz of the complaint on 11 July 2018.

[37] On 13 July 2018, the Registrar of Immigration Advisers (the Registrar), the head of the Authority, applied to the Tribunal for the suspension of the licence of Ms Ortiz. A Notice of Intention to Suspend Licence was issued by the Tribunal on 18 July 2018, giving Ms Ortiz the opportunity to make representations as to why her licence should not be suspended.

[38] In a decision issued on 10 September 2018, the Tribunal (Mr Pearson) suspended her licence. While Ms Ortiz had submitted that suspension was not justified, it was noted that she faced criminal charges which, if established, would mean that she would have no place in the profession. The exploitation of a vulnerable migrant was wholly inconsistent with an adviser's duty of integrity. It was also noted that Ms Ortiz had been charged with providing false information to Immigration New Zealand to cover up her conduct. Furthermore, Ms Ortiz had already made certain admissions and her husband had pleaded guilty. The Tribunal found that the case for upholding the complaint was strong. The gravity of the complaint itself required suspension.

[39] Following the sentencing on 17 May 2019, the Authority formally advised Ms Ortiz of the details of the revised complaint and sought her explanation.

[40] Ms Ortiz replied by email to the Authority on 4 June 2019. She said she had pleaded guilty on legal advice, as she was so tired of the long journey and also because of the circumstances of her family. The only fault admitted by her was negligence in not delivering the interim visa to the client, but she did not advise him that it was okay to work. She did not provide false and misleading information to Immigration New Zealand.

[41] According to Ms Ortiz, the accusations filed against her were biased. The case was not heard fairly as she was expecting a jury trial. She did not deliberately do what was alleged. Her clients love her and she treats them with care. She gives them honest advice.

[42] Ms Ortiz expressed disappointment at the work of her lawyers and said she was financially, physically, mentally and emotionally exhausted.

[43] Ms Ortiz sent another email to the Authority on 20 June 2019. She repeated that the only fault admitted was negligence in not delivering the interim visa to the client, but she never advised him that it was okay to work without a visa. She did not provide false and misleading information to Immigration New Zealand.

[44] In parallel with the exchange between the Authority and Ms Ortiz, the Tribunal advised the parties on 27 May 2019 that, following sentencing, it would discharge the suspension of Ms Ortiz's licence unless persuaded otherwise.

[45] On 5 June 2019, the Registrar advised the Tribunal that a decision was pending on an application by Ms Ortiz to renew her licence. A statement of complaint was also being prepared to file in the Tribunal.

[46] Ms Ortiz replied to the Tribunal on 17 June 2019. She said since the court had decided she could not withdraw her guilty plea, she was prepared for not regaining her licence. The case had destroyed her life and her relationship with her husband. She had been drained mentally, emotionally and financially. She was supporting two children in high school.

[47] According to Ms Ortiz, it was hard to accept the conviction because the statement of facts was biased. She never had the chance to defend herself. She could only admit negligence in not handing over the interim visa. All the other accusations went against the principles of her life and practice as an immigration adviser. From the time the client came to her husband for help, Ms Ortiz thought he was doing the client a favour by giving accommodation to someone who had nowhere to stay. She was not involved in the salon business at all. Ms Ortiz added that she had no means to pay for a lawyer.

[48] As noted already, the Registrar refused Ms Ortiz a renewal of her licence on 21 June 2019. As she had been convicted of offences under the Immigration Act 2009, she was prohibited from being licensed.

[49] The substantive complaint was referred to the Tribunal by the Authority on 9 July 2019. The following statutory grounds of complaint and breaches of the Code by Ms Ortiz are alleged:

- (1) failing to establish a professional relationship with the client, thereby being negligent;
- (2) alternatively, failing to establish a professional relationship with the client, in breach of cls 1, 18(a) and 26(b);

- (3) relying on an unlicensed person, Mr Ortiz, to communicate with the client in relation to immigration matters, thereby being negligent;
- (4) alternatively, relying on an unlicensed person, Mr Ortiz, to communicate with the client in relation to immigration matters, in breach of cls 1, 2(e) and 3(c);
- (5) claiming to Immigration New Zealand that the client was a volunteer and attempting to procure a letter from him confirming this, thereby engaging in dishonest or misleading behaviour; and
- (6) not acting in accordance with the Immigration Act 2009 and being convicted of offences under the statute, in breach of cl 3(c).

JURISDICTION AND PROCEDURE

[50] 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 Immigration Advisers Licensing Act 2007 (the Act):

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

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

[52] 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

[53] 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

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.

[54] The sanctions that may be imposed by the Tribunal are set out in the Act.⁷ The focus of professional disciplinary proceedings is not punishment but the protection of the public.⁸

[55] 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

[56] The Registrar has filed a statement of complaint, dated 9 July 2019, together with supporting documents.

[57] There are no submissions from the complainant.

[58] Ms Ortiz did not file a statement of reply. She sent a brief email to the Tribunal on 15 August 2019 advising that she had nothing further to say. Neither the court, the Tribunal or the Authority will reverse the situation or hear why she says it is unfair. She is a victim of circumstances and has to move on. Ms Ortiz does not request an oral hearing.

ASSESSMENT

[59] 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.

Client Care

2. A licensed immigration adviser must:

...

- e. obtain and carry out the informed lawful instructions of the client, and

...

⁷ Section 51(1).

⁸ *Z v Dental Complaints Assessment Committee* [2008] NZSC 55, [2009] 1 NZLR 1 at [97], [128] & [151] (citation omitted).

⁹ *Z v Dental Complaints Assessment Committee*, above n 8, at [97], [101]–[102] & [112].

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.

Written agreements

18. A licensed immigration adviser must ensure that:

- a. when they and the client decide to proceed, they provide the client with a written agreement

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

...

(1) *Failing to establish a professional relationship with the client, thereby being negligent*

(2) *Alternatively, failing to establish a professional relationship with the client, in breach of cls 1, 18(a) and 26(b)*

[60] The convictions establish that the conduct of Ms Ortiz in being a party to the exploitation of the client was deliberate and was not a consequence of any failure of reasonable care on her part. Furthermore, there are formal statements from the client and other employees at the salon which state that Ms Ortiz was a frequent visitor to the salon, was involved in its finances and even conducted immigration business there. She was also responsible for assisting the client with immigration matters. I find Ms Ortiz was clearly aware of the client's immigration and personal circumstances.

[61] I will therefore assess Ms Ortiz's conduct in terms of the alleged Code breaches, which themselves give rise to a statutory ground of complaint (breach of the Code), rather than in terms of the statutory ground of negligence. These grounds are advanced by the Registrar as alternatives in the statement of complaint.

[62] The Registrar relies on the following particulars to establish that Ms Ortiz failed to establish a professional relationship with the client:

- (1) no written agreement;
- (2) failing to take informed lawful instructions;
- (3) failing to confirm in writing to the client when his work visa application was lodged; and
- (4) failing to make ongoing timely updates to the client regarding his work visa application, including advising that an interim visa had been issued and he was not permitted to work.

[63] I will deal with each particular in order:

- (1) The written agreement was unsigned by all parties.
- (2) Ms Ortiz failed to send the interim visa letter of 9 July 2015 to the client, so he did not know until 10 November 2015 that he was not entitled to work. Any instructions Ms Ortiz took from the client on sending him Immigration New Zealand's letter of 24 July 2015 will not have been "informed", as the client did not know he was working unlawfully. There is no evidence from her that she took instructions from him following the 19 November phone call or the letter of that date from Immigration New Zealand. She merely told him to leave the premises. Her email of 27 November to the agency shows she did not take instructions on saving the application or explaining his conduct, instead she sought to blame him to save herself and her husband. There is no written evidence of consultation with the client.¹⁰
- (3) Ms Ortiz has provided no evidence that she confirmed in writing to the client the filing of the work visa application.
- (4) Ms Ortiz has provided no evidence of written communications to the client updating him on the status of his work visa application, apart from sending him Immigration New Zealand's letter of concern of 24 July 2015. She failed to advise him he could not work until 10 November 2015. Ms Ortiz has provided no evidence she sent the client the second letter of concern of 19 November 2015 or even advised him of it.

¹⁰ Any material oral communications must be in writing – see cl 26(a)(iii) of the Code.

[64] The conduct of Ms Ortiz in representing the client has been grossly unprofessional. She did not establish a professional relationship with him. The evidence shows she was more concerned with benefiting the business interests of herself and her husband and then saving the two of them in the face of Immigration New Zealand's investigation, than with assisting the client.

[65] Ms Ortiz has breached cls 1, 18(a) and 26(b) of the Code.

(3) *Relying on an unlicensed person, Mr Ortiz, to communicate with the client in relation to immigration matters, thereby being negligent*

(4) *Alternatively, relying on an unlicensed person, Mr Ortiz, to communicate with the client in relation to immigration matters, in breach of cls 1, 2(e) and 3(c)*

[66] The evidence in support of this head of complaint is scant. The Registrar relies on two passages in the formal statement of the client to Immigration New Zealand of 14 December 2015.

[67] Both passages relate to a discussion the client appears to have had with Mr Ortiz on about 26 June 2015. It was on this day that the client signed the employment agreement and the work visa application. Once signed, Mr Ortiz took the latter and said Ms Ortiz would sort out the visa. The first passage is that Mr Ortiz told the client he could not work legally in the salon until his visa was changed. The second piece of information Mr Ortiz gave the client was that there would not be any problem with the application.

[68] I am not sure either item of advice amounts to immigration advice, as defined in the Act.¹¹ The first is conceivably publicly available information, which is excluded from the definition. The second is more opinion or even guesswork than information or advice. While Ms Ortiz has not provided evidence to the Tribunal, it is not unlikely that these items of information came from her, in which case there would be no breach of cl 3(c). Even if they did not, they appear to be isolated incidents of information from Mr Ortiz, so any breach of cl 2(e) would not cross the threshold warranting disciplinary action.

[69] There is not sufficient evidence to establish that Ms Ortiz was operating through her husband on immigration matters. Any breach of the Code on this basis is unproven.

¹¹ Immigration Advisers Licensing Act 2007, s 7(1) "immigration advice".

- (5) *Claiming to Immigration New Zealand that the client was a volunteer and attempting to procure a letter from him confirming this, thereby engaging in dishonest or misleading behaviour*

[70] According to an immigration officer's file note of a conversation with Ms Ortiz on 19 November 2015, she told the officer that the client was working at the salon as a volunteer without compensation. On 27 November, she sent an email to the officer attaching an email to her from her husband on that day which said the client was a volunteer with no income who was given food for humanitarian reasons.

[71] I note that the telephoned information as to the client being a volunteer was the subject of the seventh charge in the criminal proceedings (providing false or misleading evidence to Immigration New Zealand). There was no consideration of this charge by the court. Ms Ortiz was discharged, as the Crown offered no evidence. I consider the Tribunal is free to determine this head of complaint.

[72] Having advised Immigration New Zealand that the client was a volunteer, the Registrar alleges that Ms Ortiz then attempted to procure a letter from him confirming this. The only purpose of doing so would be to produce the letter to Immigration New Zealand.

[73] In his formal statement to Immigration New Zealand, the client said he received emails from Ms Ortiz on 23 and 27 November 2015 which told him that she had informed Immigration New Zealand that he was working at the salon voluntarily. He received a phone call from her asking him to write a letter saying he worked voluntarily at the salon. As he did not write the letter, she kept telephoning him to get him to write the letter. She sent texts on 23 and 24 November enquiring as to the whereabouts of the letter.

[74] Ms Ortiz does not deny advising Immigration New Zealand he was a volunteer working without compensation and that she attempted to obtain a letter from him confirming this.

[75] I find that Ms Ortiz told Immigration New Zealand that he was a volunteer without compensation. This was false. He was provided with accommodation, food or a cash allowance for food, and also cash lump sums from time to time. He was also promised he would be paid in arrears once his visa was approved. I also find that she attempted to procure the client's confirmation of this, to pass onto Immigration New Zealand.

[76] The behaviour of Ms Ortiz is dishonest and misleading.

(6) *Not acting in accordance with the Immigration Act 2009 and being convicted of offences under the statute, in breach of cl 3(c)*

[77] Ms Ortiz was convicted of three charges of exploiting an unlawful employee under s 351(1)(a)(i), (ii) and (iii) of the Immigration Act 2009, as well as s 66 of the Crimes Act 1961. These convictions amount to a breach of cl 3(c) of the Code.

[78] While I will uphold this head of complaint, I will not consider any punitive sanction as Ms Ortiz has already been punished in the criminal process. This leaves sanctions which might be necessary in the public interest to protect prospective consumers of immigration advice from the possibility of Ms Ortiz resuming practice as a licensed immigration adviser. However, Ms Ortiz can never regain her licence as she has convictions under the Immigration Act 2009.¹² I will not therefore consider any sanction for the breach of cl 3(c) of the Code.

OUTCOME

[79] The second, fifth and sixth heads of complaint are upheld. Ms Ortiz's behaviour is dishonest and misleading. She has breached cls 1, 3(c), 18(a) and 26(b) of the Code.

SUBMISSIONS ON SANCTIONS

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

[81] 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

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

- (1) The Authority, the complainant and Ms Ortiz are to make submissions by **20 September 2019**.
- (2) The Authority, the complainant and Ms Ortiz may reply to submissions of any other party by **4 October 2019**.

¹² Immigration Advisers Licensing Act 2007, s 15(1)(c).

ORDER FOR SUPPRESSION

[83] The Tribunal has the power to order that any part of the evidence or the name of any witness not be published.¹³

[84] There is no public interest in knowing the name of the client.

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

D J Plunkett
Chair

¹³ Immigration Advisers Licensing Act 2007, s 50A.