

IMMIGRATION ADVISERS COMPLAINTS AND DISCIPLINARY TRIBUNAL

Decision No: [2020] NZIACDT 51

Reference No: IACDT 020/19

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

BY **THE REGISTRAR OF
IMMIGRATION ADVISERS**
Registrar

BETWEEN **NMS**
Complainant

AND **ROWEL MERCADO**
Adviser

SUBJECT TO SUPPRESSION ORDER

**DECISION
(Sanctions)
Dated 3 December 2020**

REPRESENTATION:

Registrar: Self-represented
Complainant: Self-represented
Adviser: S Laurent, counsel

INTRODUCTION

[1] Mr Rowel Mercado, the adviser, acted for NMS, the complainant, who sought residence in the skilled migrant category. The complainant was granted a work visa as a personal assistant (PA) for the director of a café business owned by one company, but subsequently worked in both that business and in a restaurant business owned by a different company in the same group. Mr Mercado proposed this arrangement. When Immigration New Zealand found out, the complainant's residence application was declined.

[2] A complaint to the Immigration Advisers Authority (the Authority) was referred by the Registrar of Immigration Advisers (the Registrar) to the Tribunal. It was upheld in a decision issued on 1 October 2020 in *NMS v Mercado*.¹

[3] It is now for the Tribunal to determine the appropriate sanctions.

BACKGROUND

[4] The narrative leading to the complaint is set out in the earlier decision of the Tribunal and will only be briefly summarised here.

[5] Mr Mercado is a licensed immigration adviser and director of Horizons New Zealand Immigration Consulting Inc (Horizons), a company in the Philippines with a branch in Auckland.

[6] The complainant is a national of the Philippines who was living in New Zealand with her family. She was working as a manager of a franchised restaurant/takeaway store owned by GFLL. The sole director/shareholder is the director, Mr Z.

[7] Following an invitation from Immigration New Zealand, Mr Mercado filed a residence application for the complainant and her family on 17 July 2017. It was based on the store manager's position at GFLL. Immigration New Zealand advised Mr Mercado on 13 November 2017 that the position did not match that for skilled employment.

[8] By this time, the director had acquired a franchised café at a different location, using another one of his companies, FGHL. The complainant accepted a PA role at FGHL on 28 November 2017.

[9] A fresh work visa application was made by Mr Mercado on behalf of the complainant on 4 December 2017, based on being a PA with FGHL.

¹ *NMS v Mercado* [2020] NZIACDT 42.

Visa to work at FGHL issued

[10] Immigration New Zealand issued the complainant with a work visa on 27 December 2017. It was for fulltime employment. A condition of her visa was, "The holder may only work as Personal Assistant in Auckland for [FGHL]".

[11] Immigration New Zealand found out that the complainant was undertaking work at GFLL's store every week, so wrote to her on 20 April 2018 stating that her employer did not appear to be complying with employment and immigration laws. Her employment did not comply with the visa conditions.

[12] Mr Mercado advised the complainant on 20 April 2018 of Immigration New Zealand's letter. He set out his understanding that the store work was pursuant to an outsourcing agreement. The employer therefore had to provide evidence that her work for the store was contracted. In the absence of an outsourcing agreement, her only role was as a PA at FGHL.

[13] On 7 May 2018, Mr Mercado responded to the visa officer's letter of 20 April 2018. He said that FGHL and GFLL had the same sole director and shareholder. GFLL contracted to FGHL the store's inventory control, ordering of ingredients and other liaising tasks supporting the director. The complainant was employed by FGHL and received a salary only from that company. GFLL regularly reimbursed FGHL for her salary payments.

Residence declined by Immigration New Zealand

[14] Immigration New Zealand declined the residence application on 21 May 2018. This was because the complainant's employer did not comply with employment and immigration laws and the complainant was not working fulltime for her employer. She had not adhered to the visa condition. The tasks being performed at the café business were not those of a PA. She was performing two roles, that of a PA and that of an inventory clerk.

[15] On 12 November 2018, Mr Mercado applied for another work visa for the complainant, based on her PA position at FGHL. Her visa at the time was due to expire on 12 December 2018. Immigration New Zealand wrote to Mr Mercado on 30 January 2019 identifying concerns with the work visa application.

[16] An appeal to the Immigration and Protection Tribunal (IPT) against the decline of the residence visa was dismissed on 14 February 2019. It was found that the complainant had not complied with the visa condition that she only work as a PA for

FGHL. In undertaking the store's stocktaking and deliveries, as well as covering the shifts of absent workers, the complainant was clearly not working as a PA for the café. The outsourcing agreement did not cure the breach of the visa condition linking her employment to the café business only.

[17] The complainant terminated Mr Mercado's instructions on about 4 February 2019.

[18] On 27 March 2019, Immigration New Zealand declined the work visa application made in November 2018. A reconsideration was declined on 30 May 2019.

[19] The complainant and her family returned to the Philippines in July 2019.

Decision of the Tribunal

[20] It was found that it was Mr Mercado's idea to combine a PA role at FGHL with part of the managerial role at GFLL and present it to Immigration New Zealand as one skilled position. He believed this could be achieved through an outsourcing agreement, whereby FGHL contracted to undertake some of the managerial work at GFLL. However, he should have known that an outsourcing arrangement would not be acceptable.

[21] A professional adviser exercising reasonable skill and care would not have advised the complainant that the outsourcing arrangement would meet her visa condition. There was a high degree of carelessness. Mr Mercado also lacked due care in seeking clarification from Immigration New Zealand as to the validity of the arrangement on 5 June 2018, only after residence was declined.

[22] The Tribunal concluded that, in advising the complainant that she could undertake work for both companies through an outsourcing agreement, Mr Mercado lacked reasonable skill and care. This amounted to negligence, a statutory ground of complaint. Furthermore, he did not conduct himself in a professional and diligent way or with due care, in breach of cl 1 of the Licensed Immigration Advisers Code of Conduct 2014 (the Code).

SUBMISSIONS

Submissions from the Registrar

[23] In his submissions of 22 October 2020, the Registrar noted that the Tribunal found there was a high degree of carelessness. This had resulted in serious consequences for the complainant and her family. While it may have been a one-off

failure, there appears to be a wider lack of knowledge. Nor is there any record that Mr Mercado has completed any recent training.

[24] The Registrar submits that the appropriate sanctions would be:

- (1) censure;
- (2) an order that Mr Mercado completes the Post Graduate Professional Practice Module (LAWS7015) offered by Toi-Ohomai Institute of Technology; and
- (3) an order for payment of a penalty in the vicinity of \$3,000.

Submissions from the complainant

[25] The complainant's submissions are dated 26 October 2020. She asks the Tribunal to clear her name with Immigration New Zealand and if possible to help her back into New Zealand, their family visa application having been lodged in February 2020. She also asks that the name of FGHL be cleared.

[26] In the complainant's view, Mr Mercado must undergo further training to protect his future clients.

[27] The complainant seeks reimbursement of the following:

Horizons' fees –

• Residence	\$ 3,450.00
• Work visa	\$ 575.00
Legal fees	\$13,386.49
Air tickets Akl to Manila	\$ 2,471.84

[28] In support, the complainant produced her bank statements, invoices, receipts and lawyers' engagement letters. In an email on 1 November 2020, the complainant sent further documents. She states that she would not have hired a lawyer if Horizons had done its job properly. Too much trust had ruined the family's future in New Zealand. Additional documents were also sent on 2 November 2020.

[29] Following a request from the Tribunal, further documents were sent by the complainant on 18 November 2020. She also sent a note (dated 17 November 2020) responding to Mr Laurent's email of 10 November 2020 to the Tribunal. She repeats her contention that she would not have hired a lawyer if Horizons had done its job properly.

Additional documents supporting her claim for reimbursement were then produced on 24 November 2020, again at the request of the Tribunal.

[30] The complainant's claim for reimbursement is discussed in more detail later.

Submissions on behalf of Mr Mercado

[31] There is a memorandum from Mr Mercado's counsel, Mr Laurent, dated 27 October 2020. Counsel notes that Mr Mercado accepts the Tribunal's liability finding, reflecting the responsible approach he has taken to the proceedings and the standard of professionalism to which he holds himself. His fault was a concerted failure to appreciate that the strategy he adopted was invalid.

[32] Since the complaint, Mr Mercado had taken remedial steps to improve liaison with Immigration New Zealand, communication with clients and documentation of Horizons' engagement. In particular, he has employed a staff member since September 2019, part of whose role is specifically to support the work of licensed advisers by conducting risk management reviews of their assignments.

[33] Mr Mercado now heads a company with 15 employees, including three other fully licensed advisers and two provisionally licensed advisers, all of whom rely upon his leadership. He has mentored four other provisional advisers who now hold full licences of their own. Mr Mercado himself has held a full licence since April 2009.

[34] The Authority has proposed that Mr Mercado complete a training module, but Mr Laurent says that may not be required. The negligence largely arose from an erroneous opinion about how a client could be employed for the purposes of a work visa and residence. There is no evidence that his ability to conduct himself professionally is compromised more generally. Mr Mercado discharges his obligation to maintain the requisite standard of competence by attending webinars presented by the Authority on professional practice topics.

[35] The Registrar's proposed fine of \$3,000 is within the expected range for this sort of offending.

[36] The complainant was charged a total of \$3,500 and the Tribunal may direct this sum to be refunded.

[37] In support, there is an affidavit from Mr Mercado (sworn on 22 October 2020). He confirms his acceptance of the Tribunal's finding. He has completely owned the error of judgement. This is the first complaint that had been made against him to the Authority.

[38] Mr Mercado states that the decision of the Tribunal had a devastating effect on the morale of the company. They are all proud of what the company has achieved in helping the aspirations of migrants. He takes his profession seriously and with great passion. As a migrant himself, Mr Mercado understands the heartbeat of migrants. He is very mindful of his professional and ethical responsibilities.

[39] Mr Mercado records that he diligently attends to continuing professional development, and to case and peer reviews that need exhaustive assessments. These include inhouse case studies.

[40] According to Mr Mercado, as a result of the complaint he has taken considerable steps to mitigate a repeat of the incident. He is now proactive in seeking clarification from Immigration New Zealand on cases requiring a full understanding of the instructions. He also continues to value referral to a specialist or to seek external advice to protect the best interests of his clients. He has enhanced communications with clients and the documentation of files through the use of the EzyMigrate CRM system. He has also instituted risk management in the business process to ensure compliance with the Code, including employing a staff member whose role includes ensuring that client communications are robust.

[41] It is understood by Mr Mercado that he may be required to pay a fine and he will comply with any such order. He is prepared to refund any fees which the Tribunal might direct. The fees charged were very reasonable and were discounted to what the company normally charges. In total, the complainant paid \$3,500. Mr Mercado exhibits to his affidavit a comparison of fees showing the lower fees charged as compared to Horizons' normal fees.

[42] Mr Mercado further states that the complainant was a valued client and Horizons successfully processed the temporary visas of her and her family. They had nothing but the best intention to help and support her residence aspiration. Horizons continued to provide her with immigration advice and representation, even after the decline decision and they were not inhibited even if she did not have the means to pay for their service.

[43] There is a second memorandum from Mr Laurent (dated 30 October 2020) in reply to the complainant's claim for compensation. It is accepted that the complainant paid Horizons \$4,025 in fees. Mr Mercado is willing to refund the \$3,450 fee for the residence application. However, there is no basis for refunding the \$575 paid as half the fee for the work visa application made in November 2018. The complainant withdrew her instructions in February 2019, part-way through those instructions. It was

unsuccessful, but that is a matter unconnected to the ground of complaint upheld by the Tribunal.

[44] Furthermore, the legal fees paid to Domain Legal of \$9,533.50 were for responding to Immigration New Zealand's letter in February 2019 about the work visa application. The agency's concerns about labour market issues were not the subject-matter of the complaint upheld. There is no causal connection with Mr Mercado's breach.

[45] Following a request by the Tribunal, further documents were filed by counsel on 10 November 2020.

JURISDICTION

[46] The Tribunal's jurisdiction to impose sanctions is set out in the Immigration Advisers Licensing Act 2007 (the Act). Having heard a complaint, the Tribunal may take the following action:²

50 Determination of complaint by Tribunal

After hearing a complaint, the Tribunal may—

- (a) determine to dismiss the complaint:
- (b) uphold the complaint but determine to take no further action:
- (c) uphold the complaint and impose on the licensed immigration adviser or former licensed immigration adviser any 1 or more of the sanctions set out in section 51.

[47] The sanctions that may be imposed are set out at s 51(1) of the Act:

51 Disciplinary sanctions

- (1) The sanctions that the Tribunal may impose are—
 - (a) caution or censure:
 - (b) a requirement to undertake specified training or otherwise remedy any deficiency within a specified period:
 - (c) suspension of licence for the unexpired period of the licence, or until the person meets specified conditions:
 - (d) cancellation of licence:
 - (e) an order preventing the person from reapplying for a licence for a period not exceeding 2 years, or until the person meets specified conditions:

² Immigration Advisers Licensing Act 2007.

- (f) an order for the payment of a penalty not exceeding \$10,000:
- (g) an order for the payment of all or any of the costs or expenses of the investigation, inquiry, or hearing, or any related prosecution:
- (h) an order directing the licensed immigration adviser or former licensed immigration adviser to refund all or any part of fees or expenses paid by the complainant or another person to the licensed immigration adviser or former licensed immigration adviser:
- (i) an order directing the licensed immigration adviser or former licensed immigration adviser to pay reasonable compensation to the complainant or other person.

[48] In determining the appropriate sanction, it is relevant to note the purpose of the Act:

3 Purpose and scheme of Act

The purpose of this Act is to promote and protect the interests of consumers receiving immigration advice, and to enhance the reputation of New Zealand as a migration destination, by providing for the regulation of persons who give immigration advice.

[49] The focus of professional disciplinary proceedings is not punishment, but the protection of the public:³

...It is well established that professional disciplinary proceedings are civil and not criminal in nature. That is because the purpose of statutory disciplinary proceedings for various occupations is not to punish the practitioner for misbehaviour, although it may have that effect, but to ensure that appropriate standards of conduct are maintained in the occupation concerned.

...

The purpose of disciplinary proceedings is materially different to that of a criminal trial. It is to ascertain whether a practitioner has met appropriate standards of conduct in the occupation concerned and what may be required to ensure that, in the public interest, such standards are met in the future. The protection of the public is the central focus.

...

Lord Diplock pointed out in *Ziderman v General Dental Council* that the purpose of disciplinary proceedings is to protect the public who may come to a practitioner and to maintain the high standards and good reputation of an honourable profession.

³ *Z v Dental Complaints Assessment Committee* [2008] NZSC 55, [2009] 1 NZLR 1 at [97], [128] & [151] (citations omitted).

[50] Professional conduct schemes, with their attached compliance regimes, exist to maintain high standards of propriety and professional conduct not just for the public good, but also to protect the profession itself.⁴

[51] While protection of the public and the profession is the focus, the issues of punishment and deterrence must also be taken into account in selecting the appropriate penalty.⁵

[52] The most appropriate penalty is that which:⁶

- (a) most appropriately protects the public and deters others;
- (b) facilitates the Tribunal's important role in setting professional standards;
- (c) punishes the practitioner;
- (d) allows for the rehabilitation of the practitioner;
- (e) promotes consistency with penalties in similar cases;
- (f) reflects the seriousness of the misconduct;
- (g) is the least restrictive penalty appropriate in the circumstances; and
- (h) looked at overall, is the penalty which is fair, reasonable and proportionate in the circumstances.

DISCUSSION

[53] Mr Mercado was found to have been negligent in advising the complainant that she could combine two roles at two employers to satisfy a visa condition linked to one role at one employer. He had thought this could be achieved through an outsourcing arrangement. There was a high degree of carelessness, though it was an isolated incident in what is now 11 years of practice as a licensed adviser.

[54] It had serious consequences for the complainant since it was the reason given by Immigration New Zealand for the decline of her residence application. She had to

⁴ *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724–725 & 727; *Z v Dental Complaints Assessment Committee*, above n 3, at [151].

⁵ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at [28].

⁶ *Liston v Director of Proceedings* [2018] NZHC 2981 at [34], citing *Roberts v Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354 at [44]–[51] and *Katamat v Professional Conduct Committee* [2012] NZHC 1633, [2013] NZAR 320 at [49].

leave New Zealand with her family about one year later, after an appeal to the IPT was declined and a further work visa application was declined as was its reconsideration.

[55] The complainant says she has filed a family visa application to return to New Zealand and she seeks the Tribunal's help, including clearing her name. However, it is not possible for the Tribunal to interfere in Immigration New Zealand's operational matters. I do note though that there was no bad faith or intentional breach by her of the visa condition. The complainant and her employer had in good faith sought advice from an immigration professional as to whether the combined position met both the visa condition and the skilled migrant criteria. The advice they were given by Mr Mercado was wrong, but they did not know that. The decision by Immigration New Zealand declining her residence application made no adverse character finding. There is no stain on the complainant's character.

Caution or censure

[56] The Registrar seeks a censure. I agree that censure is appropriate given the degree of carelessness.

Training

[57] The Registrar submits that Mr Mercado should be directed to undertake Toi-Ohomai's LAWS7015 Professional Practice paper, since there may be a wider lack of knowledge and there is no record of him completing training recently.

[58] Given that this is Mr Mercado's first complaint in 11 years, there is no evidence of any wider lack of skill or knowledge. The evidence before the Tribunal is that this is an isolated incident.

[59] As for the training undertaken by Mr Mercado recently, there is exhibited to his affidavit (at B) his "CPD Record" from 21 March 2018 to 23 September 2020. It is a comprehensive record with numerous entries for participating in study groups, giving training himself, mentoring and attending four Authority webinars. It includes the notes of numerous meetings from 10 April 2018 to 9 October 2020 with provisional licence holders at which cases are discussed, which I accept is a form of self-study for Mr Mercado himself.

[60] The measures Mr Mercado has put in place in this practice to reduce the chance of any repeat of such an error are also noted.

[61] I agree with Mr Laurent that there is no need to require Mr Mercado to undertake further training.

Financial penalty

[62] The Registrar submits that \$3,000 would be an appropriate financial penalty. Mr Laurent agrees such an amount would be within the expected range.

[63] While I accept that \$3,000 would be within the appropriate range, I intend to give priority to the refund and compensation payable to the complainant. In setting the penalty, I may have regard to the totality of sanctions. Nor do I regard punishment as the focus of sanctions in this case. The penalty will therefore be set at the modest level of \$2,000.

Refund

[64] The complainant seeks a refund of all the fees she paid. Mr Laurent acknowledges that Mr Mercado should refund the \$3,450 paid for the failed residence application. Such an order will be made.

[65] As for the \$575 paid for a temporary visa application, Mr Laurent contends there is no basis for reimbursing this. It was for a work visa application made in November 2018 for the PA role at FGHL. The application was made by Mr Mercado after the residence visa had been declined. It was unsuccessful but, as Mr Laurent contends, that was not due to the matter upheld by the Tribunal in this complaint.

[66] One of the reasons cited by Immigration New Zealand in declining the temporary visa on 27 March 2019 was the filing of an incorrect advertisement in support of that application. Mr Laurent acknowledges that was a mistake by Mr Mercado. However, Immigration New Zealand had not warned him of the mistake. It had sent a letter on 30 January 2019 raising a number of concerns, but not the advertisement. At this point, matters were taken out of Mr Mercado's hands as the complainant instructed a lawyer to assist her. Immigration New Zealand made no mention of the wrong advertisement until the decision on 27 March 2019.⁷ If it had done so, counsel says the error with the advertisement could have been easily explained.⁸

[67] Mr Laurent points out that this error by Mr Mercado was raised by the Authority in its letter of 12 September 2019 formally notifying him of the complaint, but following

⁷ Counsel's letter to the Authority (dated 3 October 2019) at 5.

⁸ At 4.

counsel's explanation on 3 October 2019, it was not advanced in the complaint referred to the Tribunal.⁹ It is submitted that it is not therefore connected to the complaint upheld by the Tribunal, so there is no basis for refunding the fee.

[68] I agree with Mr Laurent that the apparent waste of the \$575 paid for the unsuccessful work visa application is not Mr Mercado's fault. Moreover, it does not arise from the wrongdoing upheld by the Tribunal.

Compensation

[69] The complainant has made a claim for compensation:

Legal fees	\$13,386.49
Air tickets	\$ 2,471.84
	\$15,858.33

Legal fees

[70] I will start with the legal fees. These were paid to Domain Legal in the period from 4 to 11 February 2019 (though the two invoices were issued in April 2019), and to FL Legal in the period from 8 April to 4 June 2019.

[71] A total of \$9,533.50 was paid to Domain Legal. The first invoice (17 April 2019) was for \$1,483.50. It covered the work of reviewing documents relating to the IPT appeal, a consultation to provide advice on the appeal and drafting a support letter to be provided by Mr Z to the IPT. The second invoice (23 April 2019) was for \$8,050.00. It covered the drafting of submissions to Immigration New Zealand responding to its letter of 30 January 2019 concerning the work visa application.

[72] Mr Laurent contends that Domain Legal's work was for responding to Immigration New Zealand's letter of concern about a work visa application lodged in November 2018. That application had been declined because of matters unrelated to the subject matter of the complaint upheld by the Tribunal. I agree with Mr Laurent that there is no causal connection between the work visa application and Mr Mercado's professional breach.

[73] However, the first invoice of \$1,483.50 was for the appeal to the IPT against the decline of residence. This appeal arises directly out of Mr Mercado's wrongdoing. While it was Mr Mercado and not Domain Legal who represented her on the appeal, it was

⁹ Mr Laurent's memorandum filed in the Tribunal (30 October 2020) at [6].

reasonable for her to obtain some legal assistance and she should be compensated for doing so. The reimbursement of this amount will be directed.

[74] A total of \$3,852.99 was paid to FL Legal. A complete set of invoices has not been sent to the Tribunal. There are, however, bank account entries proving \$3,852.99 in four payments. The engagement letters (5 April and 20 May 2019) show that the work was for temporary visa applications on behalf of the complainant's family, an application for reconsideration of the decline on 27 March 2019 of the complainant's work visa application, responding to any issues raised by Immigration New Zealand and applications pursuant to s 61 of the Immigration Act 2009 for the complainant and her family.

[75] Mr Laurent contends that FL Legal's fees flowed from the decline of the work visa application in March 2019, a matter which was no longer under the control of Mr Mercado and was not related to his professional breach. Again, I agree with Mr Laurent. The costs are too remote from Mr Mercado's breach.

Air tickets

[76] There is a claim for \$2,471.84, being the cost of the airline tickets for the family to return to the Philippines in July 2019. Mr Laurent says this occurred five months after Mr Mercado's instructions were terminated. The decline of the work visa application in March 2019 and then the s 61 application a couple of months later were subsequent events which changed the complainant's situation. As they were outside the control of Mr Mercado and unrelated to the ground of complaint upheld, it is submitted they are outside the ambit of reasonable compensation.

[77] I agree with Mr Laurent that the departure of the family in July 2019, five months after Mr Mercado's instructions were terminated and following the decline of further immigration applications, is too remote from Mr Mercado's wrongdoing to be attributable to him.

Disruption and distress

[78] The Tribunal can award compensation for disruption and distress caused by professional wrongdoing.¹⁰ It is a recognition of the inconvenience and disappointment that failed migration has on clients and their families.

¹⁰ See *ZT v Li* [2020] NZIACDT 38 at [61]–[64] and the cases cited therein at n 11.

[79] I acknowledge that considerable anguish has been suffered by the complainant and her family. In her submissions of 26 October 2020, she mentions the challenges they faced financially and emotionally as a result of their failed migration. In the earlier submissions of 8 December 2019, she states that their trust in Mr Mercado ruined the family's future in New Zealand. She repeats this in her email on 2 November 2020.

[80] The family naturally blame Mr Mercado as the reason given by Immigration New Zealand for the decline of the residence application was her breach of the visa condition, an arrangement he had designed and advised was valid. While there is no evidence that she would have succeeded if Mr Mercado had not been negligent, he bears some responsibility for the family's emotional distress caused by their failure to achieve the dream of residence in New Zealand.

[81] The Tribunal awards only modest compensation for such harm. The complainant will be awarded \$2,500.

Total refund and compensation

[82] The total refund and compensation amount awarded to the complainant is \$7,433.50. This is a reasonable amount for Mr Mercado to pay to ameliorate the family's financial loss and emotional distress.

OUTCOME

[83] Mr Mercado is:

- (1) censured;
- (2) directed to immediately pay to the Registrar a penalty of \$2,000; and
- (3) directed to immediately pay to the complainant a total of \$7,433.50.

ORDER FOR SUPPRESSION

[84] The Tribunal has the power to order that any part of the evidence or the name of any witness not be published.¹¹

[85] There is no public interest in knowing the name of Mr Mercado's client, the complainant.

¹¹ Immigration Advisers Licensing Act 2007, s 50A.

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

D J Plunkett
Chair