

IMMIGRATION ADVISERS COMPLAINTS AND DISCIPLINARY TRIBUNAL

Decision No: [2021] NZIACDT 8

Reference No: IACDT 023/19

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

BY **THE REGISTRAR OF
IMMIGRATION ADVISERS**
Registrar

BETWEEN **KX**
Complainant

AND **YAN RYAN JI**
Adviser

SUBJECT TO SUPPRESSION ORDER

**DECISION
(Revised Sanctions)
Dated 12 April 2021**

REPRESENTATION:

Registrar: M Brown, counsel

Complainant: No appearance

Adviser: Self-represented

INTRODUCTION

[1] The Tribunal issued a substantive decision on 5 October 2020 in *KX v Ji*.¹ A sanctions decision was issued on 2 December 2020 in *KX v Ji*.²

[2] In the sanctions decision, the Tribunal directed Mr Ji to complete the LAWS 7015 Professional Practice paper at Toi-Ohomai Institute of Technology and suspended his licence with immediate effect until he completed that paper. This was coupled with an order preventing him from reapplying for a full licence until he had completed the paper. The Tribunal further stated that the order did not prevent him from holding a provisional licence while studying.

[3] Mr Ji has since applied to the Registrar for a provisional licence, but the Registrar points out that s 29(2) of the Immigration Advisers Licensing Act 2007 prevents a person whose licence has been suspended from applying for a further licence during the period or duration of the suspension.

[4] Ms Brown, counsel for the Registrar, filed a memorandum in the Tribunal (dated 4 February 2021) submitting that the best course of action would be for the Tribunal to amend the earlier decision by cancelling Mr Ji's full licence. Once it was cancelled, he would be able to apply for a provisional licence. Then, following completion of the paper at Toi-Ohomai, he would be able to apply to upgrade his provisional licence to a full licence, at which point the Registrar could assess whether a full licence should be granted.

[5] On 29 March 2021, following correspondence between the Tribunal's case manager and Mr Ji, he consented to cancellation of his licence. No submissions were received from the complainant.

[6] The Tribunal acknowledges that Mr Ji's conduct does not warrant cancellation of his licence, but it will be cancelled so that he may apply for a provisional licence while undertaking the paper.

OUTCOME

[7] The sanctions previously directed at items (1), (2) and (4) remain in place.³ The sanction at item (3) is vacated with immediate effect from today. Instead, Mr Ji's licence is hereby cancelled.

¹ *KX v Ji* [2020] NZIACDT 43.

² *KX v Ji* [2020] NZIACDT 50.

³ *KX v Ji*, above n 2, at [62].

[8] Mr Ji may now apply for a provisional licence. While the Tribunal perceives no reason not to grant such a licence, it is for the Registrar to be satisfied that the criteria for a provisional licence are satisfied.

ORDER FOR SUPPRESSION

[9] The Tribunal has the power to order that any part of the evidence or the name of any witness not be published.⁴

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

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

D J Plunkett
Chair

⁴ Immigration Advisers Licensing Act 2007, s 50A.