

IMMIGRATION ADVISERS COMPLAINTS AND DISCIPLINARY TRIBUNAL

Decision No: [2023] NZIACDT 12

Reference No: IACDT 015/22

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

BY **THE REGISTRAR OF
IMMIGRATION ADVISERS**
Registrar

BETWEEN **XX**
Complainant

AND **YAN XU**
Adviser

SUBJECT TO SUPPRESSION ORDER

DECISION
Dated 13 April 2023

REPRESENTATION:

Registrar: Self-represented
Complainant: C Chen, counsel
Adviser: P Moses, counsel

PRELIMINARY

[1] The complainant, XX, engaged the adviser, Yan Xu (also known as Kitty Xu), to obtain visas for her parents. A visa for her mother, MA, was unsuccessful. Ms Xu did not properly read a letter from Immigration New Zealand (Immigration NZ) and missed another letter from the government agency.

[2] A complaint by the complainant against Ms Xu to the Immigration Advisers Authority (the Authority) has been referred by the Registrar of Immigration Advisers (the Registrar) to the Tribunal. It is alleged Ms Xu has been negligent or has breached the Licensed Immigration Advisers Code of Conduct 2014 (the Code), both being grounds for complaint under the Immigration Advisers Licensing Act 2007 (the Act).

BACKGROUND

[3] The complainant, a national of China, is a New Zealand permanent resident. Her parents are also nationals of China. They visit New Zealand from time to time. Her mother was granted a student visa on 11 March 2021, to expire on 11 March 2022.

[4] Ms Xu, a licensed immigration adviser, is a director of C & N Immigration Consultants Ltd, of Auckland.

[5] On 23 February 2022, the complainant and Ms Xu signed the latter's service agreement. Ms Xu would apply for a student visa for the complainant's mother and a partnership visa for her father. The fee was \$345 (incl. GST but excl. Immigration NZ's fees).

[6] Ms Xu worked with the complainant and the relevant education provider to compile the necessary documents. The visa applications for the complainant's parents were lodged with Immigration NZ on 28 February 2022. Interim visas were issued on 4 and 8 March 2022. The interim visas stated that in the event visas were declined, the interim visa would expire 21 days after the decline.

[7] On 24 March 2022, Immigration NZ sent a letter to Ms Xu identifying two matters with the mother's application on which further information was required:

- (1) An additional medical report.
- (2) Whether the mother was a genuine and *bona fide* student.

[8] Ms Xu copied Immigration NZ's letter to the complainant on the same day, explaining that her mother had to provide a further medical report. The report was lodged with Immigration NZ on 29 March 2022.

[9] On 12 April 2022, Immigration NZ sent a letter (dated 8 April 2022) to Ms Xu declining the mother's student visa on the ground that the medical report sought had not been provided, nor had there been any response to the concern regarding the mother's *bona fides*.

[10] Ms Xu was unaware the decline letter had been sent and learned of it in a discussion with the visa officer on 2 May 2022. It was resent by Immigration NZ that day. Ms Xu sent an email to the complainant that day to say that the student visa had been rejected, but she would ask for a reconsideration.

[11] On 3 May 2022 at 10:50 am, Ms Xu sent an email to the visa officer expressing disappointment at the decline of the mother's student visa due to the failure to file a medical report. She said the report was actually filed on 29 March. Nor had she received an email notification of the decision. A reconsideration of the student visa application was sought. On the same day at 2:51 pm, Ms Xu sent an email to another visa officer noting that the mother's medical report had been sent to Immigration NZ on 29 March, yet the visa had been declined on the ground that the report had not been sent.

[12] A visa officer replied to Ms Xu on 4 May 2022. She said the mother's visa was declined, not only on medical grounds, but also *bona fides*. Ms Xu's undated file note recorded that only then did she realise that she had "overlooked the letter of 24 March".¹

[13] According to Ms Xu, she advised the complainant on the same day that her mother's visa had been declined, that the mother had become unlawful in New Zealand and that a request under s 61 should be made.² The complainant acknowledges being aware of the decline (Ms Xu had told her on 2 May) and the need to make a request under s 61, but she does not accept Ms Xu informed her that her mother was an overstayer and this was the reason for the request.³

[14] A draft s 61 letter was sent by Ms Xu to the complainant on 8 May 2022. She was instructed on the same day to make the s 61 request.

¹ Registrar's bundle at 143.

² Affirmation of Ms Xu (27 September 2022) at [30], [36]–[37], [39] & [50]. A request for a discretionary visa for someone unlawfully in New Zealand can be made under s 61 of the Immigration Act 2009.

³ Affidavit of the complainant (2 December 2022) at [5].

[15] On 9 May 2022, Ms Xu lodged the s 61 request with Immigration NZ. In the request, she acknowledged that she did not read Immigration NZ's letter of 24 March 2022 fully and did not advise the mother of the need to explain her reasons for studying in New Zealand. Ms Xu also acknowledged failing to check the online applications for the decline letter. She said she had informed the mother and apologised as soon as she realised her mistake.

[16] On 10 May 2022, Ms Xu withdrew the visa application for the complainant's father.

[17] Immigration NZ refused the s 61 request for the mother on 24 May 2022. Ms Xu immediately informed the complainant.

[18] In May to June 2022, Ms Xu sent copies of her files to the complainant at the latter's request. In one email from Ms Xu (10 June 2022), she informed the complainant she had told the truth and had acknowledged it was her mistake.

[19] In June and July 2022, Ms Xu helped the mother obtain a refund of fees from the education provider.

COMPLAINT

[20] On about 24 July 2022, the complainant made a complaint against Ms Xu to the Authority. According to the complainant, Ms Xu's irresponsibility had caused her mother's visa application to be declined. Ms Xu had emphasised that she was sorry for failing to read Immigration NZ's letter. The most serious mistake was that her behaviour directly caused the complainant's mother to overstay and lose many rights, which had resulted in huge mental and financial damage. Her mother's visa was declined on 8 April 2022, but Ms Xu did not inform them until 2 May 2022. The rejection letter was not forwarded until 25 May 2022.

[21] The complainant advised the Authority on 12 September 2022 that her mother had obtained a visa under s 61 with the assistance of a lawyer. While Ms Xu had repeatedly apologised for her fault in causing her mother's visa to be rejected, she never said that her fault had caused her mother to be an overstayer. The complainant approved the draft s 61 letter, but had no idea it was only an option for overstayers. She confirmed having received \$2,620, the balance of her mother's tuition fees.

Explanation from Ms Xu

[22] On 13 September 2022, the Authority formally advised Ms Xu of the details of the complaint and invited her explanation.

[23] Mr Moses, counsel for Ms Xu, wrote to the Authority on 28 September 2022. Ms Xu acknowledged numerous errors. She had explained what had happened and apologised to the complainant and her mother even before the complaint was filed. The errors were administrative, rather than showing a lack of professional knowledge. She had repeatedly offered to refund her professional fees and had successfully assisted the mother to obtain a refund of her student fees. Ms Xu was offering \$1,603:

Ms Xu's professional fees	\$ 345
Immigration NZ student visa fee	\$ 310
Immigration NZ visitor visa fee	\$ 211
Excess taken by school	\$ 500
Insurance for tuition fee	\$ 237
	\$1,603

[24] Ms Xu did not hide the error. She was labouring under a misunderstanding of the true situation as late as 3 May 2022. She was not dishonest or trying to mislead anyone. It was a series of glaring mistakes for an otherwise conscientious adviser. There were also a number of professional conduct matters where Ms Xu did not fully adhere to the Code. While less serious in that they did not lead to the prejudice resulting from the main breaches, they were nonetheless acknowledged.

[25] Counsel sent to the Authority an affirmation (27 September 2022) from Ms Xu. She accepted making mistakes in representing the mother and that her conduct fell short of the standard expected of an adviser, but contested the allegation that she acted dishonestly. She had been practising as an immigration adviser since 2001 and became licensed in 2009. She prided herself on providing excellent and highly professional service to her clients. This was the first complaint against her in nearly 20 years of practice. She worked hard and was generally a very careful person who paid attention to detail. Ms Xu expressed deep sorrow for what had happened and had already apologised profoundly to the complainant and her mother. She understood her mistakes had caused the complainant and her family enormous stress.

[26] Ms Xu appreciated that her initial error, overlooking the second concern set out in the letter of 24 March, contributed to the student visa application being declined and the mother becoming unlawful in New Zealand. She also acknowledged her second mistake, failing to check the online account after receiving a 'no reply' email informing

her of an update on 12 April 2022 (a reference to the decline letter of 8 April). She had waited for the second email which normally included the letter, but this did not arrive.

[27] According to Ms Xu, she had a huge workload in March/April 2022. It was due to her workload that she made mistakes that would normally not happen. This was part of the context, but not an excuse or defence.

[28] Ms Xu further accepted not forwarding the decline letter in a timely manner. First, she did not see it herself. Second, even after realising the application was declined, she did not immediately forward it. This was an oversight. At the time, she thought she had already sent it. In any event, she had informed the complainant in full of the contents of the letter (as set out in the draft s 61 request sent to her on 8 May).

[29] Ms Xu said she did inform the complainant and her mother on 4 May that the mother had become unlawful in New Zealand and should make a s 61 request.

[30] It is further acknowledged by Ms Xu that her engagement process was inadequate, in relation to not providing a summary of her obligations and explaining them and also failing to provide her internal complaints procedure. The process was rushed due to her workload, but this was no excuse. Furthermore, she overlooked the need for a written agreement for the s 61 request, due to the rush to resolve the mother's unlawful status. It was recognised that she had an obligation to ensure a written record of their oral agreement. Ms Xu also accepted that she failed to confirm in writing material discussions.

[31] In her affirmation, Ms Xu said she had made strenuous efforts to resolve problems caused to the complainant's mother and her family. The s 61 request was made free of charge. She acknowledged her mistakes in her email of 9 May 2022 to Immigration NZ. She offered to refund the service fee and to additionally pay \$500 (the amount the language school deducted in refunding the fees) and \$237 (the insurance fee). The complainant was asked a number of times to provide her bank account details for the refund, but did not do so. In fact, Ms Xu was willing to refund a total of \$1,603.

[32] Ms Xu said she had apologised to the complainant and her mother already and again on 13 June 2022 when they collected their documents. She advised the complainant that a complaint could be made to the Authority.

Complaint filed in the Tribunal

[33] The Registrar filed a complaint (1 November 2022) in the Tribunal alleging negligence on the part of Ms Xu or alternatively breaches of the identified provisions of the Code:

- (1) Failing to fully read the letter of 24 March 2022 and as a result providing the mother with erroneous immigration advice, in breach of cl 1.
- (2)(a) Failing to monitor the correspondence from Immigration NZ and as a result failing to read the 8 April 2022 letter in full in a timely manner, in breach of cl 1.
- (b) Failing to provide the mother with adequate immigration advice, in breach of cl 1.
- (c) Failing to provide the decline letter to the complainant in a timely manner, in breach of cl 1.
- (3) Failing to provide and explain the Code and internal complaints process when entering into the written agreement, in breach of cl 17(a), (b) and (c).
- (4) Failing to amend the written agreement or provide a new written agreement for the s 61 work, in breach of cl 18(a).
- (5) Failing to record and confirm material discussions with the complainant and her mother, in breach of cl 26(c).

JURISDICTION AND PROCEDURE

[34] 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.

[35] The Tribunal hears those complaints which the Registrar decides to refer to the Tribunal.⁴

[36] The Tribunal must hear complaints on the papers, but may in its discretion request further information or any person to appear before the Tribunal.⁵ It has been established to deal relatively summarily with complaints referred to it.⁶

[37] 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.⁷

[38] The sanctions that may be imposed by the Tribunal are set out in the Act.⁸ The focus of professional disciplinary proceedings is not punishment but the protection of the public.⁹

[39] 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.¹⁰

From the Registrar

[40] The Tribunal has received from the Registrar the statement of complaint (1 November 2022), with supporting documents.

From the complainant

[41] There is a statement of reply (2 December 2022) from counsel for the complainant. It is contended that Ms Xu's conduct amounts to being dishonest and misleading. After Ms Xu found out that the mother was unlawful due to the former's serious mistakes, she dishonestly hid the unlawfulness by not informing them of that immigration status clearly and not providing the decline letter in a timely manner. Ms Chen sets out the ways Ms Xu misled the complainant, who did not find out her mother's immigration status was unlawful until 20 May 2022. The complainant says she would not have authorised Ms Xu to make the s 61 request on 4 May had she known of her serious mistakes.

⁴ Immigration Advisers Licensing Act 2007, s 45(2) & (3).

⁵ Section 49(3) & (4).

⁶ *Sparks v Immigration Advisers Complaints and Disciplinary Tribunal* [2017] NZHC 376 at [93].

⁷ Section 50.

⁸ Section 51(1).

⁹ *Z v Dental Complaints Assessment Committee* [2008] NZSC 55, [2009] 1 NZLR 1 at [97], [128] & [151].

¹⁰ *Z v Dental Complaints Assessment Committee*, above n 9, at [97], [101]–[102] & [112].

[42] According to the complainant, Ms Xu has not truly confessed her misconduct as she had offered only \$1,603 for physical and emotional damages. The family had suffered significant financial loss as a result of hiring professionals and the complainant leaving her work to help her mother recover her lawful status. She sought full compensation to cover all their financial loss due to Ms Xu's misconduct. Furthermore, she sought Ms Xu's apology in writing to the family.

[43] In support, the complainant filed an affidavit (2 December 2022). The complainant believes that, after Ms Xu found out her mother became an overstayer caused by Ms Xu's serious mistakes, she was dishonest. She tried to hide the mistakes by not informing them immediately of her mother's unlawful status. She did not pass on the decline letter immediately. She advised them to make a s 61 application, purposely misleading them to believe it was just a normal visa application.

[44] The complainant rejects Ms Xu's statement that she did discuss with them that her mother had become unlawful. When Ms Xu advised her on the phone on 2 May that her mother's application had been declined, she did not mention that her mother had already become an overstayer. She did not clearly advise them that the s 61 request only applied to overstayers. Ms Xu led them to believe that the s 61 request was a normal visa application for filing the information missed from a "PPI" (potentially prejudicial information) letter from Immigration NZ.

[45] According to the complainant, between 4 and 20 May, she thought the s 61 application was a reconsideration application. She did not realise it applied only to overstayers until 20 May. This was when Ms Xu said her father could only make a s 61 application when his visa had expired. This was almost two weeks after her mother's s 61 request was lodged. Ms Xu purposely misled them, since if she could obtain the s 61 visa, she could cover her own mistakes and avoid liability without letting them know. This dishonest behaviour took away other options to deal with the situation in a timely way. The complainant says she trusted Ms Xu very much and believed everything she said. She abused this trust by misleading the family which nearly caused very serious consequences for her parents' immigration status.

[46] The complainant adds that Ms Xu did not pass on the decline letter until 25 May, when the complainant requested it. The only explanation is that Ms Xu was hiding information from them.

[47] In her affidavit, the complainant states that they were under great pressure once they knew her mother's status was unlawful. Her mother could not sleep, due to worry she could never come back to New Zealand if she left. The complainant is her only child.

Her mother is currently in China. The complainant says she also suffered greatly considering whether to send her mother back to China or to seek other assistance to restore her mother's status. All the physical, emotional and financial damage can never be recovered, let alone for as little as \$1,603.

From Ms Xu

[48] There is a memorandum/statement of reply (14 November 2022) from counsel for Ms Xu. The acknowledgement of errors by Ms Xu is repeated. All of the grounds of complaint, amounting to negligence and breach of the Code, have already been conceded. Her concessions are fulsome and her contrition is genuine. It is accepted that the complaint will be upheld.

[49] It is submitted that, in essence, an experienced and generally conscientious adviser overlooked relevant information in correspondence from Immigration NZ on a number of occasions, leading to her client's applications and interests being prejudiced. Nor did Ms Xu's engagement and file management process comply with the Code.

[50] It is further submitted that the errors arose against the backdrop of working under severe time pressure as she faced a very heavy workload. Additionally, her focus on the requirement for a medical certificate contributed to her paying insufficient attention to Immigration NZ's perception of a lack of *bona fides*. While this explains Ms Xu's mistakes, the pressures do not amount to a defence. Ms Xu realises her clients are entitled to competent advice and representation, no matter what.

ASSESSMENT

[51] Before assessing the Registrar's heads of complaint, the Tribunal will make some comment on the complainant's allegation against Ms Xu of dishonesty.

[52] The first point is that it is an allegation which is not supported by the Registrar in the statement of complaint.

[53] The complainant says she did not find out her mother was unlawful, due to Ms Xu's serious mistakes, until 20 May 2022. It is alleged Ms Xu hid this from her. This was why Ms Xu withheld Immigration NZ's decline letter (8 April 2022) from them until 25 May 2022.

[54] Ms Xu did not become aware of the decline (letter dated 8 April 2022) until a discussion with a visa officer on 2 May. On the following day, she realised it was due to her mistake in not identifying the second concern (*bona fides*) in the letter of 24 March.

[55] Ms Xu first informed the complainant of the decline on 2 May. Ms Xu did not then know it was due to her mistake, as she did not realise that until 3 May. She appears to have informed the complainant of this on 4 May. In any event, the complainant was informed of the mistake no later than 8 May when Ms Xu set out a full explanation for the decline and her role in it in the draft s 61 request sent to the complainant that day. The Tribunal has not seen the draft request, but the final request sent to Immigration NZ on 9 May acknowledges that Ms Xu overlooked the second concern in the letter of 24 March. This was given as the explanation for the mother not being aware of the need to show she was a genuine student.

[56] It would seem to the Tribunal that Ms Xu readily acknowledged her mistake and did not seek to hide her role in the visa decline to the family. This occurred not later than 8 May, within days of Ms Xu realising this herself.

[57] Unfortunately, Ms Xu was tardy in sending the decline letter to the complainant. While Ms Xu had it on 2 May, she apparently did not send it until about 25 May, as she mistakenly thought she had already sent it.¹¹ There is no reason to disbelieve this explanation for the delay in copying the letter to the complainant, as Ms Xu had already informed the complainant of the decline and her role in it not later than 8 May. Plainly, Ms Xu was not hiding her responsibility for the decline.

[58] The complainant also alleges that Ms Xu did not inform them that her mother had become an overstayer. They did not find this out until 20 May, as a result of a discussion with Ms Xu regarding her father.

[59] Ms Xu says she did inform the complainant and her mother of the latter's unlawful status on 4 May. The complainant denies this and exhibits to her affidavit the transcript of a WeChat communication on 4 May between Ms Xu and the complainant's mother.¹² This conversation is not evidence of what Ms Xu discussed with the complainant that day, apparently twice.

[60] It is difficult to understand how the complainant could not have been aware of her mother's immigration status, once she knew the visa had been declined, irrespective of what Ms Xu had said. The complainant presumably knew when her mother's interim visa would expire, namely 21 days after the decline of the application (see Immigration NZ's interim visa grant of 8 March 2022). That letter states that if she remained without a visa, she would be unlawful in New Zealand.

¹¹ Affirmation Ms Xu (27 September 2022) at [25].

¹² Affirmation of the complainant (2 December 2022) at exhibit 'A'.

[61] In any event, the Tribunal finds that it is likely that Ms Xu did inform the complainant of her mother's unlawful status. Her conduct from 2 May onwards is not consistent with someone hiding information.

[62] While it is not the subject of the Registrar's statement of complaint referred to the Tribunal, it is found that there is no evidence of any dishonesty or misleading conduct on the part of Ms Xu.

[63] The Tribunal will now turn to the heads of complaint set out in the statement of complaint.

[64] 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.

Code and complaint documents

17. Before entering into a written agreement with the client, a licensed immigration adviser must:
 - a. provide the client with the summary of licensed immigration advisers' professional responsibilities, as published by the Registrar of Immigration Advisers
 - b. explain the summary of licensed immigration advisers' professional responsibilities to the client and advise them how to access a full copy of this code of conduct, and
 - c. advise the client that they have an internal complaints procedure and provide them with a copy of it.

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:
 - ...
 - c. confirm in writing to the client the details of all material discussions with the client
 - ...

(1) *Failing to fully read the letter of 24 March 2022 and as a result providing the mother with erroneous immigration advice, in breach of cl 1.*

[65] On 24 March 2022, Immigration NZ wrote to Ms Xu identifying two concerns with the mother's student visa application, being a medical issue and whether she was a genuine student. Ms Xu overlooked the second concern and advised the mother only in relation to the medical issue. Ms Xu's lack of diligence and due care is admitted by her. This is a breach of cl 1 of the Code.

(2)(a) *Failing to monitor the correspondence from Immigration NZ and as a result failing to read the 8 April 2022 letter in full in a timely manner, in breach of cl 1.*

(b) *Failing to provide the mother with adequate immigration advice, in breach of cl 1.*

(c) *Failing to provide the decline letter to the complainant in a timely manner, in breach of cl 1.*

[66] Immigration NZ declined the student visa in a letter dated 8 April 2022, posted into the mother's online account on 12 April. Ms Xu received a notification on 12 April of a communication from Immigration NZ but failed to check it. Again, there has self-evidently been a lack of diligence and due care, in breach of cl 1, as she admits.

[67] As a result of not being aware of the visa decline, Ms Xu did not adequately advise the mother of her options. In particular, it was too late for the mother to seek a reconsideration by the time Ms Xu was aware of the decline. Ms Xu admits the lack of diligence and due care, in breach of cl 1.

[68] Ms Xu became aware of the 8 April letter of decline on 2 May 2022. It was resent to her that day. However, she failed to send it to the complainant until 25 May 2022. Her explanation is that she thought she had already sent it. Ms Xu's lack of diligence and due care in the late sending of the decline letter to the complainant is a breach of cl 1. The breach is admitted.

(3) *Failing to provide and explain the Code and internal complaints process when entering into the written agreement, in breach of cl 17(a), (b) and (c).*

[69] Ms Xu accepts she did not provide the Code (or a summary) or explain it to the complainant when entering into the service agreement. Nor did she provide her internal complaints procedure. This is a breach of cl 17(a), (b) and (c) of the Code, as she admits.

(4) *Failing to amend the written agreement or provide a new written agreement for the s 61 work, in breach of cl 18(a).*

[70] It is accepted by Ms Xu that she did not amend the service agreement to incorporate the s 61 request, or provide a new written agreement covering that request. The written agreement must contain a full description of the adviser's services.¹³ This is a breach of cl 18(a). The breach is admitted.

(5) *Failing to record and confirm material discussions with the complainant and her mother, in breach of cl 26(c)*

[71] Ms Xu admits she did not confirm in writing to the complainant material discussions, in breach of cl 26(c). The Tribunal observes it would have been particularly helpful if Ms Xu had set out in writing her advice to the complainant in the period 2 to 8 May 2022, so that the consequences of the failure of the student visa application (specifically the mother's unlawful status) were clear to the complainant and her mother.

Negligence

[72] The Registrar alleges negligence on the part of Ms Xu. Since the Tribunal has assessed and upheld the complaint in terms of the alternative breaches of the Code alleged, it is not necessary to assess whether they also amount to negligence.

OUTCOME

[73] The complaint is upheld. Ms Xu has breached cls 1, 17(a), (b), (c), 18(a) and 26(c) of the Code.

SUBMISSIONS ON SANCTIONS

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

[75] A timetable is set out below. Any request that Ms Xu undertake training should specify the precise 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.

¹³ Code of Conduct 2014, cl 19(e).

Timetable

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

- (1) The Registrar, the complainant and Ms Xu are to make submissions by **4 May 2023**.
- (2) The Registrar, the complainant and Ms Xu may reply to submissions of any other party by **18 May 2023**.

ORDER FOR SUPPRESSION

[77] The Tribunal has the power to order that any part of the evidence or the name of any witness not be published.¹⁴

[78] There is no public interest in knowing the name of Ms Xu's client.

[79] The Tribunal orders that no information identifying the complainant or her mother is to be published other than to Immigration NZ.

D J Plunkett
Chair

¹⁴ Immigration Advisers Licensing Act 2007, s 50A.