

IMMIGRATION

to New Zealand, Australia, Canada, the USA and the United Kingdom



EMIGRATION MADE EASIER



Introducing the Migration Bureau

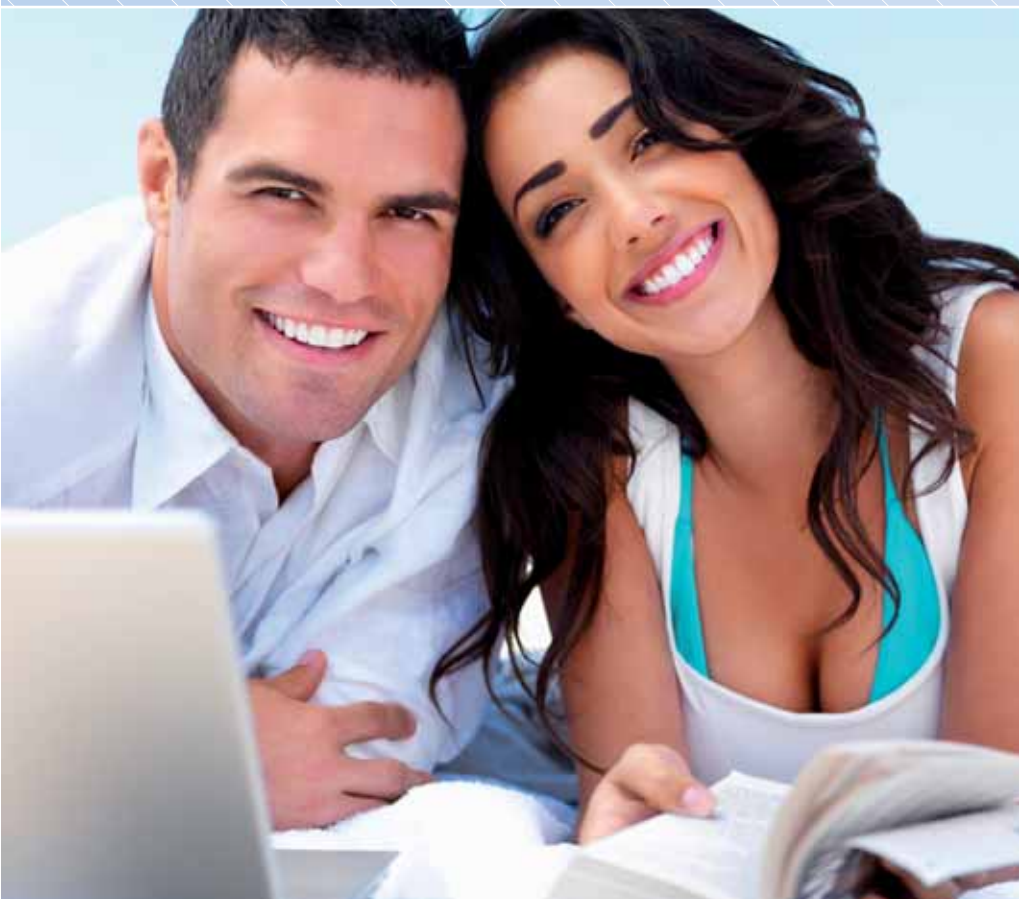
Your passport to a great new lifestyle...



Migration Bureau
CONSULTING GROUP

Opportunities

exist now...



*A great
new lifestyle
awaits you...*



You and your family could be eligible to migrate if you are: an experienced tradesperson, university graduate (most occupations), a self-employed business person/investor, skilled worker, skilled worker with a qualifying job offer or if you have close resident family sponsors in your chosen destination.

CONSIDER **YOUR** OPPORTUNITIES...

Welcome

to the Migration Bureau

*Professional Migration
and Visa Consultants*

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We warmly welcome you to the Migration Bureau. It is my pleasure to present you with the Migration Bureau brochure. In the following pages you will find everything you need to know about immigration and the services of the Migration Bureau.

We trust that this guide will help you to decide whether or not migration is right for you.

As a client of the Migration Bureau you will be supported through the entire visa application and migration process by a team of consultants who possess over 50 years combined industry experience. The Migration Bureau has a proven track record that stems from assisting over 30,000 satisfied clients.

On behalf of the entire Migration Bureau team we look forward to being of further assistance to you at this exciting and important time in your life.

Yours sincerely

MIGRATION BUREAU CONSULTING GROUP



Maja Patoor
FOR THE BOARD OF DIRECTORS



History of the Migration Bureau



EARLY SETTLERS ARRIVE IN THEIR NEW HOME

THE FIRST MIGRATION BUREAU OFFICE IN EUROPE

Australia, New Zealand, Canada, the USA and the United Kingdom have long attracted skilled workers, qualified professionals and business persons from around the world seeking a better life for themselves and their families.

However, in recent times, Government cutbacks have seen the closure or scaling back of many immigration sections at embassies around the world and at onshore offices, making it more difficult for intending settlers to obtain visa information and personalised assistance with the migration process. Although governments remain committed to providing direct access for applicants, this has grown increasingly impractical given the nature of the complex, over subscribed immigration systems.

Increasing competition for a fixed number of places means that the immigration authorities can only approve applicants with the best-prepared applications, thus creating the need for independent immigration consultants.

The immigration consulting industry has been formally recognised by the various governments through the creation of professional industry bodies such as the Migration Agents Registration Authority (Australia), Immigration Advisors Authority (New Zealand), Canadian Society of

WHO ARE WE? The Migration Bureau is the prominent officially-recognised private immigration agency established specifically to represent you, THE APPLICANT.

OUR ROLE : To protect you and your family from the high risk of residence application failure or unnecessary delay in return for a professional fee. We will tell you if you are eligible, and if so, our objective is to help you to secure your residence visas without delay.

Immigration Consultants (CSIC) and the Office of the Overseas Immigration Commissioner (UK).

Private migration consultants, of which the Migration Bureau is one of the most prominent, now assist a substantial number of approved applicants.

The Migration Bureau was one of the first private migration practices of its type to be established over a decade ago. Our original mission statement in those early days still stands firm today, and has become the cornerstone of the current Migration Bureau operation. At the Migration Bureau, we are proud of our history and the firm's unique distinction as a pioneer of the modern day immigration consulting industry.

Mission Statement

"To provide client services in areas not assisted by Government, to excel in every area of customer care, attention and success and ensure the rights of new settlers are fully protected and represented at all times."

The Migration Bureau today



Expertise with responsibility



Today, the Migration Bureau is one of the largest and longest-established, officially recognised immigration and visa consulting groups specialising in obtaining skills, family and business permanent residence visas to Australia, New Zealand, Canada, the USA and the United Kingdom.

Annually, the Migration Bureau advises over 3,000 prospective migrants with a success rate of close to 100%: one of the highest in the industry. Our team of qualified immigration lawyers and visa consultants, with over 50 years of combined industry experience, are able to maintain this success.

Over the years we have established an impressive reputation for assisting skilled individuals, families and business people to migrate. As a result, former clients and government posts refer many of our current clients. We pride ourselves on providing a friendly, personal service while maintaining the highest possible standards of professionalism, confidentiality, integrity and dedication to client service.

Our commitment to maintaining a positive working relationship with government and immigration authorities ensures the smooth processing of your visa application.



SUCCESS RATE WATCH
98.5% APPROVAL
OF VISA APPLICATIONS LODGED

OFFICIALLY RECOGNISED MIGRATION & VISA CONSULTANTS



AUSTRALIA
Registered
Migration Agents
(MARN 9251054,
9791795, 0533780,
0640984)



NEW ZEALAND
Members of the
Migration Institute
of New Zealand



CANADA
Members of
Canadian Society
of Immigration
Consultants or
Canadian Law
Society



**UNITED
KINGDOM**
Members of the
Office of the
Overseas
Immigration
Commissioner

* The new Immigration Advisers Licensing Act came into effect on 5 May 2008 and requires anyone providing New Zealand immigration advice to be licensed (unless exempt). Licensing will be run by the Immigration Advisers Authority. Licensing for people giving immigration advice in New Zealand will be mandatory from 4 May 2009. After 04 May 2009, please visit www.migrationbureau.com to confirm that the Migration Bureau has either IAA licensed immigration advisors or New Zealand practising lawyers in our visa department.

* This is not a publicity of the Canadian Society of Immigration Consultants (CSIC) and CSIC is not responsible for the contents herein.

Registered numbers and details correct at the time of going to print. Please visit www.migrationbureau.com for further information and updates.

About the Migration Bureau



When considering a move overseas you will be confronted with many issues. For instance, how to obtain the necessary residence visas, how to secure an offer of employment and how to organise practical resettlement matters such as arrival accommodation, bank accounts and health insurance.

The Migration Bureau was established to make this process easier. We provide the convenience of a complete "one-stop" migration service, including professional assistance with residence visa processing, official qualification recognition, business migration, job search and resettlement. Although visa processing is our core activity, we are committed to providing a range of migration-related services under one roof. In essence, we act as a facilitator, ensuring a smooth passage into your new home with the minimum of delay and red-tape.

The Migration Bureau adheres to the code of conduct and ethics of the professional bodies with whom we are registered or licensed: Migration Agents Registration Authority (Australia), Immigration Advisors Authority (New Zealand), Canadian Society of Immigration Consultants (CSIC) and the Office of the Overseas Immigration Commissioner (UK). This is your assurance that we work to the highest professional standards.

These professional and regulatory bodies were established to promote and maintain high standards within the immigration industry in accordance with Government policy. Membership is strictly controlled and is limited to professionals of good standing who work for an established and recognised firm. The Migration Bureau is proud to be able to offer this level of security and protection to its valued clientele.

Our single priority is to obtain the best possible result for you with the absolute minimum of delay.

▶ VOTED NUMBER 1 BY CLIENTS

The results of a client survey showed that 81% of our past clients would recommend the Migration Bureau to their friends and family.

Our track record speaks for itself.

Our Service Guarantee

SERVICE GUARANTEE

Your interests are our prime concern. When it comes to the welfare of our clients, the Migration Bureau does not compromise. Our commitment to offering you an effective, professional migration consulting service is paramount and covered by this comprehensive, five-point service guarantee;

- **LIKELIHOOD OF SUCCESS:** We will only take on your case if, at the outset, there appears to be at least a reasonable likelihood of success. You will receive a frank and clear written assessment of your eligibility for residence before we agree to act for you.

- **NO RISK OF PENALTY:** We understand that your personal circumstances may change during the migration process. Therefore, if you must cancel or suspend the migration process for any reason, you may do so at any time without the risk of penalty or further charge from the Migration Bureau. In this event, you will only be responsible for the costs incurred up to the time of file closure and any unused deposit monies will be refunded to you.

* With the exception of the Budget Visa Service.

- **“PAY AS YOU GO” POLICY:** Unlike others in the industry, the Migration Bureau does not charge “up-front” fixed fees. Instead, we charge on a time-recording basis, meaning that you pay on a progressive basis, as and when work is completed on your application*. This way, you can monitor the progress of your case while ensuring that the costs are more conveniently spread over the entire application process.

* With the exception of initial immigration evaluation fees, initial deposit payments and Budget Visa Service fees.

- **FEE PROTECTION:** We are committed to maintaining the quality and effectiveness of our visa processing service. In the very unlikely event that you find a valid error or mistake with any aspect of our service, simply advise us, and we will put the matter right wherever realistically possible at no further cost to you in terms of our consulting fee.

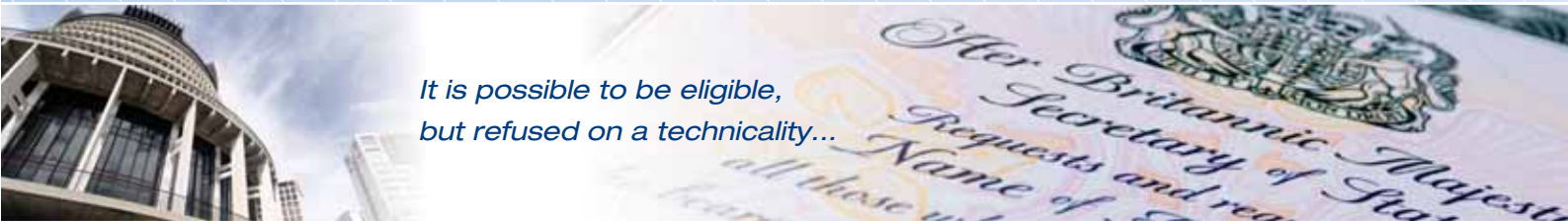
* See terms and conditions for conditions and exclusions.

- **PERFORMANCE WARRANTY:** For your added protection and security, the quality of our migration advisory service is independently backed by a professional indemnity insurance policy placed with an “A rated” international insurance house, providing you with complete peace of mind.

TERMS & CONDITIONS APPLY - See our service agreement for further details.



Why do you need the Migration Bureau?



*It is possible to be eligible,
but refused on a technicality...*

It is a commonly known fact that Government immigration policies and permanent residence visa application procedures are confusing and increasingly over-subscribed. More applicants are applying for a fixed number of places, meaning that the immigration authorities can only approve those persons with the best-prepared applications.

Every year, the applications of thousands of hopeful migrants are refused or delayed due to errors or mistakes, many of which were avoidable. Under the strict immigration selection procedure, a 90% correct visa application will generally result in 100% failure. Hence the need for professional advice and assistance during this difficult interface between you, the individual, and a powerful, uncompromising government authority.

Many misconceptions exist about the immigration regulations. Although the Government is committed to remaining open for applicants, information available from the immigration authorities and embassies often only summarises the regulations and does not always clearly explain the conditions and entry criteria. The immigration rules and regulations are confusing and can change on a regular basis, sometimes even weekly! From one day to the next, you cannot be sure which regulations will apply to your case.

As a result, many applicants incorrectly assess themselves or apply under the wrong visa class, invariably leading to substantial delays and ultimately refusal.

The Migration Bureau bridges what is commonly referred to as the “migration gap”. That is, the gap between what the government will do for you and those things that you must do yourself.

As a client of the Migration Bureau you will be supported by a professional organisation that deals with the government immigration authorities on a day-to-day basis, has access to the full library of immigration regulations and constantly monitors changes in immigration law. The Migration Bureau protects you from the risk of refusal or unnecessary delay by submitting a fully documented case on your behalf in the format requested by the relevant official authority.

HIGH FAILURE RATE !

Did you know that up to 50% of online and DIY applications FAIL? Industry feedback has indicated that an estimated 50% of all applicants who lodge their application online and directly with the immigration authorities FAIL to receive their residence visas at the end of the process. The reasons for this high failure rate can be due to applicants lodging under the wrong visa class, failing to verify their eligibility before lodgement, failing to include the required documentation or simply becoming confused with the process and dropping out. This compares with the SUCCESS RATE of 98.5% for all lodged visa applications handled by the Migration Bureau. You are STRONGLY advised to use a registered migration agent or licensed immigration advisor in the visa application process to PROTECT yourself from these risks.

Protected ONLINE “agent-assisted” applications

We can handle all ONLINE visa applications on your behalf. This is called a PROTECTED ONLINE “AGENT-ASSISTED” APPLICATION. To avoid fatal errors being made on your case, we strongly recommend that you DO NOT lodge an online application yourself until you have spoken to us first and our experienced consultants will ensure that a 100% correct online “agent-assisted” application is lodged on your behalf - this will INCREASE YOUR LIKELIHOOD OF SUCCESS.

How does it work?

The Migration Bureau 4 step plan

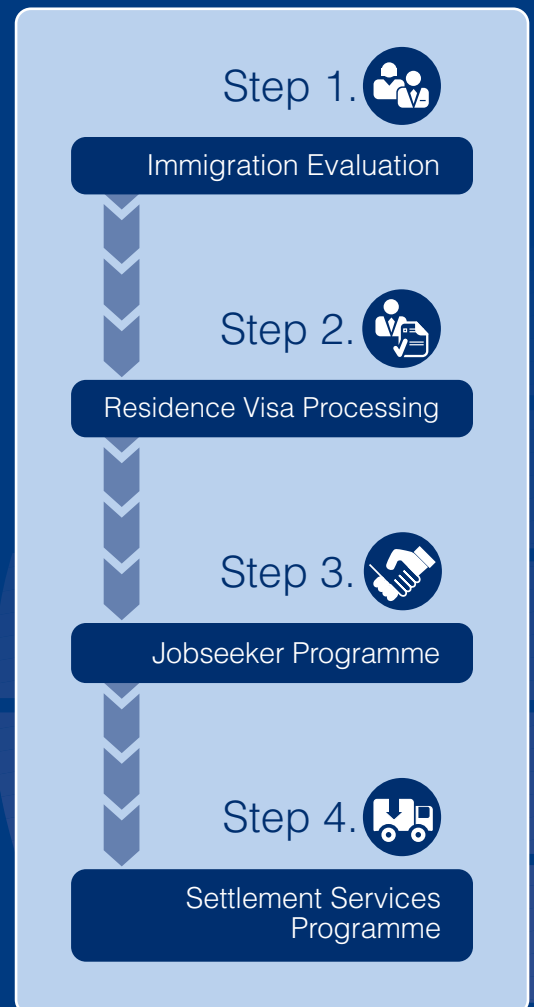


We understand that no two individuals are the same but years of experience have shown that many clients have common needs. That is why we developed our four step plan that addresses all of these needs while providing the flexibility that only a highly personalised service can offer. That is why a dedicated case consultant is assigned to your file. Your case consultant will spend time with you to determine your personal immigration goals and be responsible for guiding you through the entire official immigration process. As such, our services are highly flexible and can be tailored to your individual needs.

► HIGHLY RECOMMENDED

Over 3 out of 4 of our past clients have said they would recommend our services to their family and friends.

It's as easy as one, two, three, four. The key to YOUR success is our four step plan.



Step 1

Immigration Evaluation



*Because people
are important*

The starting point of our relationship is an immigration evaluation. We will only take on a case if there is at least a reasonable likelihood of success.

Before we agree to act for you, we first invite you to complete a FREE initial Quick Check eligibility assessment by visiting www.migrationbureau.com. You will receive a response within ONE WORKING DAY. If positive, this is followed by a more comprehensive paid Full Check evaluation.

FULL CHECK EVALUATION

This confidential service is an information gathering exercise and enables our immigration experts to assess your position under the official immigration regulations without any obligation on you to proceed further.

You will receive a detailed written report explaining the immigration requirements and process as it applies to you and your family, while setting out the steps to follow in easy to understand terms. Entry criteria, visa conditions, processing time-frames, costs and recommendations for areas where your case might be further strengthened will all be outlined. If your prospects are assessed to be weak you will be advised and offered recommendations as to ways in which your case might be strengthened.

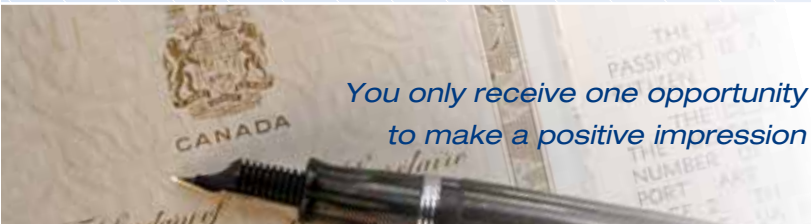
You will then be entitled to a personal, no obligation follow-up consultation in person or over the telephone with one of our experienced agents where any outstanding questions can be answered. Following this, you can make your final decision as to whether or not to proceed with a residence visa application or the services of the Migration Bureau.

YOUR EVALUATION WILL CONTAIN THE FOLLOWING:

- 1 FULL EVALUATION REPORT
- 2 RECOMMENDED VISA CLASS
- 3 PROCESSING TIME FRAMES
- 4 ENTRY CONDITIONS EXPLAINED
- 5 WRITTEN QUOTATION
- 6 FORMS TO PROCEED
- 7 FREE FULL COLOUR MIGRATION NEWS
- 8 TELEPHONE OR PERSONAL CONSULTATION

Step 2

Residence Visa Processing



You only receive one opportunity to make a positive impression

Success is only possible with the presentation of a 100% complete and correct application. By choosing the right kind of professional help you can greatly improve your likelihood of being granted a residence visa.

Once you have given instructions to proceed a case consultant will be assigned to your individual file and they will be responsible for processing your entire residence visa application. Your case consultant is supported by a team of immigration legal advisors who will research the relevant immigration regulations and official procedure manuals to determine the appropriate course of action to achieve residence status. Potential problems or complications will be clarified and, where possible, promptly resolved.

Your case consultant will supervise the preparation of a fully documented visa application in accordance with the current immigration regulations. Submissions to support your application will be promptly co-ordinated and checked for suitability, including the translation and legislation of documentation and careful co-ordination of time-sensitive documents such as medical tests, language tests and police reports.

One of the most important aspects of your case is the support documentation that accompanies your application. The immigration authorities will require supporting documentary evidence covering every aspect of your application and this is where many applicants make mistakes. Our consultant will work with you to ensure that your work references, qualification and trades diplomas and evidence of your relationship (where applicable) are presented in the prescribed format. Your net worth will be evidenced by way of formal property valuations and bank/financial statements. Our consultant will handle all the necessary currency conversions and will liaise closely with a chartered accountant should it be necessary for you to provide certified financial statements.

If required, we will prepare and submit your application for qualification and trades recognition and/or occupational registration on your behalf.



Once complete, your application will be submitted to the immigration authorities in the format recommended by the authorities. Your case consultant will monitor the processing of your application, liaise with the immigration authorities and respond to any questions raised by the authorities. At every stage in the process your case consultant will provide written advice and regular progress reports, together with on-going supervision and advancement of your case.

Upon the approval of your application, your case consultant will arrange the issuing of residence visas and will remain available to provide advice and guidance on your options regarding citizenship and returning residence visas (re-entry visas).

Our highly experienced team of legal and migration advisory staff are able to handle applications under all categories of the immigration regulations, including complex special-class visa applications, appeals and judicial reviews.

▶ HIGH SUCCESS RATE

According to a recent audit, our enviable success rate of 98.5% visa approvals has been maintained confirming the Migration Bureau's position as a market leader.

Our Visa Processing Service



BENEFITS YOU WILL RECEIVE;

- ✔ Access to your own consultant throughout the entire immigration process.
- ✔ Your case reviewed by our experienced immigration advisors who will research the relevant immigration regulations and official procedure manuals to determine the appropriate course of action to achieve residence status according to your individual situation.
- ✔ Written advice and guidance at each stage of the application process and on-going supervision of your case by our immigration advisors and consultants.
- ✔ Preparation of the entire visa application on your behalf, in accordance with the current immigration regulations including the completion of official application forms, submissions and supporting documentation to substantiate educational history, work experience, funds, marital status etc.
- ✔ Identifying and clarifying complications or possible problems with the immigration authorities or relevant official body.
- ✔ Coordinating your time-sensitive documentation such as medical tests, English language tests, police reports, and, where necessary, the applications for professional registration and official qualification recognition.
- ✔ Presentation of your application to the immigration authorities in the format recommended by the immigration authorities.
- ✔ Monitoring your application during the official processing of your case, liaison between you and the authorities, and responding to any questions raised by the immigration authorities.

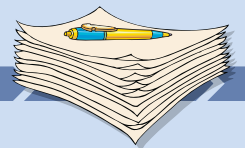


Role of the Migration Bureau

**WITHOUT THE
MIGRATION BUREAU**



Applicant



Possible lodgement of an incorrect and incomplete application or lodgement under the wrong visa class.



**WITH THE
MIGRATION BUREAU**



Applicant



**YOUR MIGRATION BUREAU
CONSULTANT**

Compilation and lodgement of a correct and complete visa application checked by an officially recognised migration agent.

Protected ONLINE “agent-assisted” applications

We can handle all ONLINE visa applications on your behalf. This is called a PROTECTED ONLINE “AGENT-ASSISTED” APPLICATION. To avoid fatal errors being made on your case, we strongly recommend that you DO NOT lodge an online application yourself until you have spoken to us first and our experienced consultants will ensure that a 100% correct online “agent-assisted” application is lodged on your behalf - this will INCREASE YOUR LIKELIHOOD OF SUCCESS.



- ✓ Written advice regarding any changes made to the immigration laws that may effect your position under the regulations.
- ✓ Personalised assistance and practical advice throughout the entire immigration procedure.
- ✓ Under the Business Migration Scheme we provide a range of integrated, professional services that are tailor-made to the individual requirements of our business clients. Our in-house business migration advisor is available to provide assistance with the preparation of business plans, government-approved investment options and advice on general business-related matters.

YOUR CONSULTANT’S ROLE



Step 3

Jobseeker Programme



*The key to successful
immigration is finding a job*

When searching for a job overseas it stands to reason that you cannot be in two places at once. We have teamed up with our sister employment consulting company, ODG Recruitment, to offer you access to our highly effective visa and jobseeker programme.

ODG Recruitment has employment experts based in New Zealand, Australia, Canada and the United Kingdom who know the local employment market and are able to assist you get started with your job search.

You must be actively involved at every stage of the process but we will provide you with free guidance and assistance which can help you find a job in your chosen destination* more quickly.

You will receive an initial planning and update consultation with our relevant employment expert which will include advice on your CV/Resumé to ensure that it is prepared to the local format, an update on the local employment market, helpful tips on how to look for a job and the job search process, advice on the best time to start the job search/interview process and answers to any questions you may have at this time.

Once your residence visas have been approved you can speak to the local employment expert prior to departure for further advice and guidance. Following this consultation we will provide you with a list of job vacancies and/or employer/recruitment agent contacts relevant to your profession and the region in which you wish to settle. We will also provide a list of the top internet job boards for you to search for any further relevant vacancies.

Upon your arrival to your new destination, you are entitled to a 45 minute personal or telephone "job search orientation" consultation with our



employment expert. They are available to answer any questions you may have. You will be provided with up-to-the-minute information on the local job market and helpful job search/interview tips. You will also be provided with further current job vacancies or the contact details of local relevant employers or recruitment agents. You will then need to contact and follow-up on these leads. Our experts will also provide some initial arrival support. This consultation can be conducted in person or over the telephone/email (note only one arrival consultation is provided).

This service is designed to get you started with your job search but it is not a total solution. No guarantees of success are given whatsoever as it must be you that secures a job offer.

*The Jobseeker Programme is not currently available for the USA.

Visit ODG Recruitment International at
www.odgreruitment.com



We will;

- Commence job search assistance only six weeks prior to a start date AND a visit or your permanent arrival in your new destination for interview (very important as employers work at short notice). Research and identify employers and recruitment agents in your chosen destination that employ/place candidates with your skills.
- Provide a list of contact details of employers and recruitment agents for you to contact.
- Guide you on how to present and prepare yourself for an interview.
- Guide you on how to prepare a CV in the local style used in your destination country.
- Provide a personal or telephone job search consultation upon arrival and advice on how to set up interviews.
- Provide advice about the local job market in your chosen profession.

You will need to;

- Advise us of the specific region/city in which you have chosen to settle.
- Liaise directly with employers and recruitment agents that we may recommend in order to set up interviews.
- Be actively involved in the job search process, sending letters of applications to employers and agents that we may recommend.
- Prepare an up-to-date and comprehensive CV in the style used in your destination country for us to check.
- Plan a visit to attend interviews as most employers will not offer jobs on a "sight unseen" basis (if you require/need a job offer prior to migrating).
- Apply for vacancies no earlier than six weeks ahead of your intended arrival and a possible start date.
- Keep an open mind and be flexible. Don't expect a job at the same level or salary as in your home country. You may need to take a step back in order to gain local knowledge and experience.


DID YOU KNOW?

A typical manager devotes about 30 seconds to reading your CV. That is all the time you have to answer the question – will this person solve my problem? It is essential that you add only relevant information in the first half of your CV. 30 Seconds is all you have to impress.

Ask about our **FREE**
FAST-TRACK Jobseeker
programme

Step 3b

Business Migration Scheme




*Migration Bureau
the mark of excellence*

We understand the specific needs of business migrants and investors. As the process of moving to a new country is complex and time-consuming, the Business Migration Scheme was created to smooth your entry to your new home country.

When applying for a business residence visa, you may be subject to certain conditions relating to the type of investment or business activity that you can undertake. The business experts at our sister business consulting division, ODG Associates, will guide you on this aspect to ensure that you remain fully compliant with the conditions of your visa, while enabling you to have maximum flexibility to pursue your desired business interest. Whether you require help preparing a business plan that meets the official immigration criteria, finding a business or property, registering a company or investing in a government-approved immigration fund, all these services are available under the Business Migration Scheme. With an emphasis on personalised service, the scheme can be tailor-made to fit your individual needs and those of your family, however you always remain in control.

As a private-sector initiative, the scheme works in close association with many of the major banks, investment houses, real estate agencies, accounting & legal firms and business advisors. The scheme also works in co-operation with various government departments, trade and manufacturing organisations, chambers of commerce and professional business associations.



The Business Migration Scheme will ensure that all the necessary paperwork and formalities are handled on your behalf so that you can concentrate on investing or establishing a successful business in your new home country.



Below is an indication of the services provided by the Migration Bureau's sister professional business consulting and legal advisory division, ODG Associates.

- Assistance with the preparation of a comprehensive business plan that meets the official immigration criteria.
- Guidance on sourcing an appropriate business for sale that will meet the immigration guidelines.
- Liaising directly with you to ascertain your business intentions and objectives.
- Answering questions as to the viability of your business idea.
- Researching laws and regulations governing the operation of your proposed business in your intended destination.
- Advice prepared by our research team sent regularly on key areas of Australian, New Zealand or Canadian life, work, law and business.
- Assistance from our in-house advisory department and liaison with specialised associates for advice on any business, personal, legal or commercial issues.
- Handling company incorporation.
- Employment contract advice and preparation.
- Assistance with taxation and investment planning.
- Assistance with new "start-up" businesses, including the establishment of bookkeeping procedures, obtaining official tax registration numbers, opening company bank accounts, and on-going business advisory and management consultancy services.
- Identifying businesses or properties listed for sale that meet your specifications together with the conditions of your residency visas.
- Assistance with due diligence and valuation/conveyancing procedures when purchasing an existing business or property.
- Guidance on complying with government overseas/foreign investment regulations when purchasing property or undertaking substantial investments.
- Establishing introductions and personalised referrals to lawyers, accountants, government agencies, banks, industry associations and other related organisations.

Introducing...

ODG
ASSOCIATES

ODG ASSOCIATES is the specialist legal advisory and business consulting division of the Migration Bureau that specialises in guiding new settlers on the most important aspects relating to the process of moving to a new country. ODG Associates draws on a team of in-house experienced business consultants and qualified legal advisors, together with associates in the legal and accounting professions. ODG ASSOCIATES role is to provide you with highly personalised assistance and key advice that is tailored to your individual situation and needs. In doing so, our objective is to ensure that your move to your new country is as smooth and as successful as possible.

Visit ODG Associates at
www.odgassociates.com

Step 4

Settlement Services Programme



Emigration can be a costly and complex process and arriving “cold” in a new country can be a daunting experience. You will need to co-ordinate everything from the opening of bank accounts to finding a new house, through to arranging the shipping of your household goods and obtaining an official tax file number.

The Migration Bureau has made a strong commitment to providing FREE re-settlement assistance to all our clients, to ensure that the transition process is made easier and more enjoyable. As a client of the Migration Bureau, you can benefit from a range of specially-negotiated offers that can not only save you time and money but will help you organise your affairs in your new country BEFORE you even leave home. The result will be a smoother and more successful move.

The programme addresses every conceivable matter. You will receive information on the workings of the healthcare and education systems, useful tips and addresses, and general information about the “in’s” and “out’s” of living and working abroad.

SETTLEMENT SERVICES PROGRAMME

SAVE BACK OFFER

SAVE BACK part of your immigration costs through discounts and privileges!*

As a Migration Bureau client you will have the opportunity to **SAVE BACK** part of your immigration costs in discounts and benefits.

Forming part of our Settlement Services Programme, these benefits include exclusive discounts on household shipping services, high interest deposit accounts, wholesale exchange rates and free job search assistance.

All that you need to do is remain loyal to as many of the partner firms on our Settlement Services Programme as possible. The more of their services that you use, the greater the savings or benefits will be for you. This is just our way of saying thank you for using the Migration Bureau.

As a Migration Bureau client you will automatically be enrolled on the Settlement Services Programme and contacted once you proceed with your full residence visa application. It’s as easy as that!

(*TERMS & CONDITIONS APPLY).



MORE savings and benefits available

Example savings to be made

Based on a family moving to New Zealand from the United Kingdom.*

Household Shipping Services

Based on a client and their family moving all household furniture and personal items from the United Kingdom to New Zealand with a reputable shipping agency. Total spend of NZD\$9,720 with a 5% discount.

▶ **NZD\$486 Saving**

Discounted Currency Exchange Rate

Saving based on a client buying GBP100,000 of New Zealand dollars at the lower rate of 2.74 compared with a major trading bank rate on the day of 2.56 (transaction date 26/09/2007).

▶ **NZD\$ 18,180 Saving**

TOTAL SAVING/BENEFIT NZD\$18,666
 GBP6,919 / Euro9,985 / USD14,111

Based on a couple moving to Australia from The Netherlands.*

Household Shipping Services

Based on a couple moving all household furniture and personal items from The Netherlands to Australia with a reputable shipping agency. Total spend of AUD\$9,538 with a 5% discount.

▶ **AUD\$477 Saving**

Discounted Currency Exchange Rate

Saving based on a client buying Euro 150,000 of Australian dollars at the lower rate of 1.633 compared with a major trading bank rate on the day of 1.591 (transaction date 26/09/07).

▶ **AUD\$6,299 Saving**

TOTAL SAVING/BENEFIT AUD\$6,776
 GBP2,948 / Euro 4,252 / USD6,010

*TERMS & CONDITIONS APPLY – These are example scenarios only and may not apply to every client. Please see over for conditions and exclusions.

These are examples of only some of the savings and benefits possible...

What will it cost?

FREE INITIAL ASSESSMENTS

Fees are NOT charged for our initial QUICK-CHECK eligibility assessment or for brief telephone advice to determine if we can help you. However, the Migration Bureau does charge for in-depth consultations, comprehensive FULL-CHECK immigration evaluations and on-going visa case work.

Generally, the Migration Bureau only charges for residency visa processing and other immigration-related matters: our job search* and re-settlement services are offered FREE to clients. Government visa applications, disbursements and third party costs are always additional.

VISA PROCESSING – FULL CASE MANAGEMENT

No two migration agents are the same. The Migration Bureau is one of only a few officially-recognised agencies offering a FULL CASE MANAGEMENT service, meaning that we handle all aspects of the residence visa application process for you. Our service provides you with full legal-type representation from start to finish and our experienced consultants deal directly with the immigration authorities and other official bodies on your behalf.

The general nature of fees are agreed in advance with the final fee depending on case complexity and the type of visa processing required.

WRITTEN FEE QUOTATION

You will receive a written fee quotation with your immigration evaluation once we have a better understanding of your case and individual situation. To receive this written, no-obligation quotation, please firstly complete our online FREE QUICK-CHECK immigration assessment by visiting www.migrationbureau.com. If positive, you will be invited to complete our paid FULL-CHECK immigration evaluation at which time a full written quotation will be provided BEFORE you commit to the visa process or to the services of the Migration Bureau.

CONVENIENT “PAY AS YOU GO” PAYMENT OPTIONS

Unlike others in the industry, the Migration Bureau does not charge “up-front” fixed fees. Instead, we provide you with a variable fee range. Apart from the initial deposit, our consultants charge on a time-recording basis

similar to a law firm or accounting practice, meaning that you pay on a progressive basis, as and when work is completed on your application**. This way, you can monitor the progress of your case while ensuring that the costs are more conveniently spread over the entire application process.

SAVE BACK OFFER

An added benefit is that you will have the opportunity to SAVE BACK part of your immigration costs through discounts and privileges as part of our Settlement Services Programme. This makes the Migration Bureau an exceptionally affordable option that no other agency can match.

* With the exception of paid Employment Appraisal and Career Counselling services.

**With the exception of initial Full-Check immigration evaluation fees, initial deposit payments and Budget Visa Service fees.

Client Testimonial

The Migration Bureau met all our expectations and we were very impressed with the speed, professional manner etc. all was dealt with. Excellent finishing touch receiving a congratulations card from the Migration Bureau. Our consultant proved to be excellent from the minute we first spoke to him. He dealt with our case in a friendly professional manner. Very prompt in all aspects and we simply cannot thank him enough - excellent. Would like to thank everyone for their kindness and friendly manner.

*Mr and Mrs M., Norwich, England,
UNITED KINGDOM.*

How do our past clients rate us?



Client Survey Results

Audited Success Rate

98.5% APPROVAL
of lodged visa applications



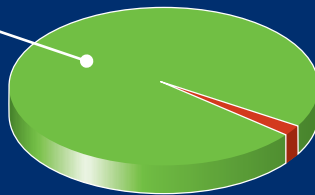
Past clients recommending us to friends and family

3 out of 4



Helpfulness

98% positive



Value for Money

80% positive



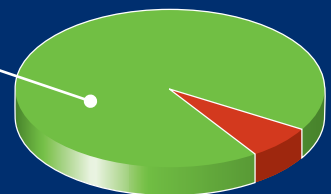
Promptness

95% positive



General administration
helpfulness

93% positive



For more details of the MIGRATION BUREAU client satisfaction survey, methodology and independent verification certification, please visit www.migrationbureau.com.

Survey period — 1st January 2007 to 31st December 2007.

Questions? Feedback? Complaints?

We are good listeners



Introducing our client care and compliance officer

Providing you with quick answers and clear explanations...

Sometimes you may have questions or concerns...

Many years of experience has shown us that the immigration and visa application process can at certain times be a stressful and confusing undertaking for intending new settlers. Sometimes questions or confusion can arise over official government requests, professional fees and government costs, or the role of your immigration advisor in this complex, bureaucratic process.

We are good listeners...

As a group of professional immigration practitioners, we have made a strong commitment to listening to our clients and ensuring that any questions or concerns are promptly and thoroughly answered as part of our internal compliance and complaints procedure.

Contact Our Client Care and Compliance Officer...

If you have any concerns or problems whatsoever at any stage in the immigration process, please feel free to let our Client Care and Compliance Officer know. Your issues will be investigated promptly for FREE with a written explanation provided and a possible resolution proposed.

For more serious concerns or complaints, an internal compliance process can be undertaken in order to fully investigate your concerns and to provide a mutually agreeable solution. We believe that there is never a situation that cannot be realistically resolved.

Feel free to talk to us...

If you have any questions or concerns, please email **clientcare@migrationbureau.com** or send a letter to your nearest Migration Bureau office addressed to the Client Care and Compliance Officer. You will then receive a prompt response.



OFFICIALLY RECOGNISED MIGRATION & VISA CONSULTANTS



AUSTRALIA
Registered Migration Agents (MARAs)
(MAR# 9251054, 9791795, 0533780, 0640984)



NEW ZEALAND
Members of the Migration Institute of New Zealand



CANADA
Members of Canadian Society of Immigration Consultants or Canadian Law Society



UNITED KINGDOM
Members of the Office of the Overseas Immigration Commissioner

* The new Immigration Advisers Licensing Act came into effect on 5 May 2008 and requires anyone providing New Zealand immigration advice to be licensed (unless exempt). Licensing will be run by the Immigration Advisers Authority. Licensing for people giving immigration advice in New Zealand will be mandatory from 4 May 2009. After 04 May 2009, please visit www.migrationbureau.com to confirm that the Migration Bureau has either IAA licensed immigration advisors or New Zealand practising lawyers in our visa department.

* This is not a publicity of the Canadian Society of Immigration Consultants (CSIC) and CSIC is not responsible for the contents herein.

Registered numbers and details correct at the time of going to print. Please visit www.migrationbureau.com for further information and updates.

Only those registered with the Migration Agents Registration Authority (and listed on the Register of Migration Agents) can provide immigration assistance (except where an exemption is provided for).

For details of Migration Bureau staff, agents & associates who currently have a Migration Agents Registration Number please visit www.migrationbureau.com



Migration Bureau
CONSULTING GROUP



MARA CODE OF CONDUCT

The Australian Migration Agents Registration Authority

Only those registered with the Migration Agents Registration Authority (and listed on the Register of Migration Agents) can provide immigration assistance, except where an exemption is provided for by the Migration Act 1958 and or the Migration Agents regulations 1998.

STANDARDS OF PROFESSIONAL CONDUCT

2.1 A registered migration agent must always:

- (a) act in accordance with the law (including, for an agent operating as an agent in a country other than Australia, the law of that country) and the legitimate interests of his or her client; and
- (b) deal with his or her client competently, diligently and fairly. However, a registered migration agent operating as an agent in a country other than Australia will not be taken to have failed to comply with the Code if the law of that country prevents the agent from operating in compliance with the Code.

2.1A A registered migration agent must not accept a person as a client if the agent would have any of the following conflicts of interest:

- (a) the agent has had previous dealings with the person, or intends to assist the person, in the agent's capacity as a marriage celebrant;
- (c) the agent is, or intends to be, involved with the person in a business activity that is relevant to the assessment of a visa application or cancellation review application;
- (d) there is any other interest of the agent that would affect the legitimate interests of the client.

2.1B If it becomes apparent that a registered migration agent has a conflict of interest mentioned in clause 2.1A in relation to a client, the agent must, as soon as practicable taking into account the needs of the client, but in any case within 14 days:

- (a) tell the client about the conflict of interest; and
- (b) advise the client that, under the Code, the agent can no longer act for the client; and
- (c) advise the client about appointing another registered migration agent; and
- (d) cease to deal with the client in the agent's capacity as registered migration agent.

2.1C Part 10 of the Code then applies as if the client had terminated the registered migration agent's instructions.

2.1D A registered migration agent who has ceased to act for a client in accordance with paragraph 2.1B (d), must, as soon as practicable, but in any case within 14 days, inform the Department that he or she is no longer acting for the client.

2.2 If a registered migration agent:

- (a) gives advice of a non-migration nature to a client in the course of giving immigration assistance; and
- (b) could receive a financial benefit because of the advice; the agent must tell the client in writing, at the time the advice is requested or given, that the agent may receive a financial benefit.

2.3 A registered migration agent's professionalism must be reflected in a sound working knowledge of the Migration Act and Migration Regulations, and other legislation relating to migration procedure, and a capacity to provide accurate and timely advice.

2.3A A registered migration agent's professionalism must be reflected in the making of adequate arrangements to avoid financial loss to a client.

2.4 A registered migration agent must have due regard to a client's dependence on the agent's knowledge and experience.

2.5 A registered migration agent must:

- (a) take appropriate steps to maintain and improve his or her knowledge of the current versions of:
 - (i) the Migration Act 1958; and

- (ii) the Migration Regulations 1994; and
- (iii) other legislation relating to migration procedure; and
- (iv) portfolio policies and procedures; and
- (b) either:
 - (i) maintain a professional library that includes those materials; or
 - (ii) if the agent's employer, or the business in which he or she works, maintains a professional library that includes those materials - take responsibility for ensuring that he or she has access to the library.

Note 1: A comprehensive list of the materials mentioned in subparagraphs (a) (iii) and (iv) may be obtained from the Professional Library page of the Authority's web site (<http://www.themara.com.au>).

Note 2: A registered migration agent must satisfy the requirements for continuing professional development set out in Schedule 1.

2.6 To the extent that a registered migration agent must take account of objective criteria to make an application under the Migration Act or Migration Regulations, he or she must be frank and candid about the prospects of success when assessing a client's request for assistance in preparing a case or making an application under the Migration Act or Migration Regulations.

2.7 A registered migration agent who is asked by a client to give his or her opinion about the probability of a successful outcome for the client's application must not hold out unsubstantiated or unjustified prospects of success when advising clients on applications under the Migration Act or Migration Regulations.

2.8 A registered migration agent must:

- (a) within a reasonable time after agreeing to represent a client, confirm the client's instructions in writing to the client; and
- (b) act in accordance with the client's instructions; and
- (c) keep the client fully informed in writing of the progress of each case or application that the agent undertakes for the client; and
- (d) within a reasonable time after the case or application is decided, tell the client in writing of the outcome of the client's case or application.

2.9 While a registered migration agent cannot be responsible for misinformation provided by a client, a registered migration agent must not make statements in support of an application under the Migration Act or Migration Regulations, or encourage the making of statements, which he or she knows or believes to be misleading or inaccurate.

2.9A In communicating with, or otherwise providing information to, the Authority, a registered migration agent must not seek to mislead or deceive the Authority, whether directly or by withholding relevant information.

2.10 A registered migration agent must not engage in false or misleading advertising, including advertising in relation to:

- (a) the agent's registration as a registered migration agent; or
- (b) the implications of Government policy for the successful outcome of an application under the Migration Act or Migration Regulations; or
- (c) guaranteeing the success of an application.

Note: Advertising includes advertising on the Internet.

2.11 A registered migration agent must, when advertising:

- (a) include in the advertisement the words "Migration Agents Registration Number" or "MARN", followed by the agent's individual registration number; and if the agent is advertising in a language other than English - include in the advertisement words in that other language equivalent

to "Migration Agents Registration Number" or "MARN", followed by the agent's individual registration number.

Note 1: Advertising includes advertising on the Internet.

Note 2: Clause 2.12, which relates to implying a relationship with the Department or the Authority, also applies to the registered migration agent's advertising mentioned in clause 2.11.

2.12 A registered migration agent must not, when advertising, imply the existence of a relationship with the Department or the Authority, for example by using terms such as:

- (a) Australian Government registered; or
- (b) Migration Agents Registration Authority registered; or
- (c) Department registered.

Note: Advertising includes advertising on the Internet.

2.14 A registered migration agent must not portray registration as involving a special or privileged relationship with the Minister, officers of the Department or the Authority, for example to obtain priority processing, or to imply that the agent undertakes part or full processing for the Department.

2.14A A registered migration agent must not represent that he or she can procure a particular decision for a client under the Migration Act or the Migration Regulations.

2.15 A registered migration agent must not intimidate or coerce any person for the benefit of the agent or otherwise. For example, a registered migration agent must not engage in any of the following:

- (a) undue pressure;
- (b) physical threats;
- (c) manipulation of cultural or ethnic anxieties;
- (d) threats to family members in Australia or overseas;
- (e) untruthful claims of Departmental sanctions;
- (f) discrimination on the grounds of religion, nationality, race, ethnicity, politics or gender.

2.16 A registered migration agent with operations overseas may indicate that he or she is registered in Australia, but must not create an impression that registration involves accreditation by the Commonwealth Government for work overseas for the Commonwealth or for a client.

2.17 If an application under the Migration Act or the Migration Regulations is vexatious or grossly unfounded (for example, an application that has no hope of success) a registered migration agent:

- (a) must not encourage the client to lodge the application; and
- (b) must advise the client in writing that, in the agent's opinion, the application is vexatious or grossly unfounded; and
- (c) if the client still wishes to lodge the application — must obtain written acknowledgment from the client of the advice given under paragraph (b).

Note: Under section 306AC of the Act, the Minister may refer a registered migration agent to the Authority for disciplinary action if the agent has a high visa refusal rate in relation to a visa of a particular class.

2.18 A registered migration agent must act in a timely manner if the client has provided all the necessary information and documentation in time for statutory deadlines. For example, in most circumstances an application under the Migration Act or Migration Regulations must be submitted before a person's visa ceases to be in effect.

2.19 Subject to a client's instructions, a registered migration agent has a duty to provide sufficient relevant information to the Department to allow a full assessment of all the facts against the relevant criteria. For example, a registered migration agent must avoid the submission of applications under the Migration Act or Migration Regulations in a form that does not fully reflect the circumstances of the individual and prejudices the prospect of approval.

2.20 A registered migration agent must:

- (a) find out the correct amount of any visa application charge and all other fees or charges required to be paid for a client's visa application under the Migration Act or the Migration Regulations; and
- (b) tell the client the amount of each fee and charge; and
- (c) if the agent is to pay an amount for the client — tell the client the date by which the amount must be given to the agent so that the interests of the client are not prejudiced; and
- (d) give the client notice of each amount paid by the agent for the client.

2.21 A registered migration agent must not submit an application under the Migration Act or Migration Regulations without the specified accompanying documentation. For example, in a marriage case, threshold documentation would include a marriage certificate and evidence that the sponsor is an Australian citizen, an Australian

permanent resident or an eligible New Zealand citizen, without which assessment of the case could not proceed (unless the agent has a reasonable excuse or the client has requested the agent to act despite incomplete documentation).

2.22A A registered migration agent must, when providing translating or interpreting services, include on a prominent part of the translated document the following sequence:

- (a) the name of the migration agent;
- (b) followed by the words 'Migration Agent's Registration Number';
- (c) followed by the agent's registration number.

2.22B A registered migration agent must notify the Authority in writing within 14 days of any changes to the registration details of the agent in relation to any of the following matters:

- (a) the agent's full name;
- (b) any business names of the agent or the agent's employer;
- (c) the business address for the agent;
- (d) the telephone number for contacting the agent;
- (e) any of the matters mentioned in paragraphs 3V (a) to (da)

2.23 A registered migration agent must take all reasonable steps to maintain the reputation and integrity of the migration advice profession.

2.24 This Code is a responsive document that will change from time to time to meet the needs of clients and to ensure the delivery of relevant, up to date advice.

OBLIGATIONS TO CLIENTS

3.1 A registered migration agent has a duty to preserve the confidentiality of his or her clients.

3.2 A registered migration agent must not disclose, or allow to be disclosed, confidential information about a client or a client's business without the client's written consent, unless required by law.

3.2A Once a registered migration agent had agreed to work for a client, but before commencing that work, the agent must:

- (a) provide the client with a copy of Information on the Regulation of the Migration Advice Profession; and
- (b) make a record that the copy has been provided.

Note: Information on the Regulation of the Migration Advice Profession is a document produced by the Authority with information about the migration advice profession, the functions of the Authority, the legislation regulating the profession, what a client can reasonably expect from a registered migration agent, and complaint procedures.

3.3 A registered migration agent must inform clients that they are entitled to receive copies of the application under the Migration Act or Migration Regulations and any related documents if they want copies. The agent may charge a reasonable amount for any copies provided.

3.4 A registered migration agent must have an address and telephone number where the agent can be contacted during normal business hours.

3.5 If a registered migration agent changes his or her address, telephone number or any other details that are recorded on the Register of Migration Agents, the agent must give notice to the Department, the Authority, any review authority and all current clients of the agent:

- (a) in advance; or
- (b) not later than 7 days after the change or changes if advance notice would be unreasonable in the circumstances.

3.6 A registered migration agent must ensure that clients have access to an interpreter if necessary.

RELATIONS BETWEEN REGISTERED MIGRATION AGENTS

4.1 Before accepting immigration work, a registered migration agent must consider whether he or she is qualified to give the advice sought by the client. If the agent is unsure, he or she must seek the appropriate advice or assistance, or refer the matter to another registered migration agent.

4.2 A referral may be made, for example, if a registered migration agent is asked for advice on matters for which he or she does not regularly provide immigration assistance.

4.3 A registered migration agent must not encourage another agent's client to use the first agent's services, for example by denigrating other agents or offering services that the first agent cannot, or does not intend to, provide.

4.4 A registered migration agent must not take over work from another registered migration agent unless he or she receives from the client a copy of written notice by the client to the other agent that the other agent's services are no longer needed.

- 4.5 A registered migration agent must act with fairness, honesty and courtesy when dealing with other registered migration agents.
- 4.6 A registered migration agent who gives a written undertaking to another registered migration agent must make sure the undertaking is performed within a reasonable time, if possible.

FEES AND CHARGES

- 5.1 There is no statutory scale of fees. However, a registered migration agent must set and charge a fee that is reasonable in the circumstances of the case.
- 5.2 A registered migration agent must:
- (a) before starting work for a client, give the client:
 - (i) an estimate of fees in the form of charges for each hour or each service, and disbursements that the agent is likely to incur as part of the work; and
 - (ii) an estimate of the time likely to be taken in performing a service; and
 - (b) as soon as possible after receiving instructions, obtain written acceptance by the client, if possible, of the terms of the work to be done; and
 - (c) give the client written confirmation of the terms of the service to be rendered; and
 - (d) give the client written notice of any material change to the estimated cost of providing a service, and the total likely cost because of the change, as soon as the agent becomes aware of the likelihood of a change occurring.
- 5.3 A registered migration agent:
- (a) must not carry out work in a manner that unnecessarily increases the cost to the client; and
 - (b) must, if outside expertise is to be engaged and the client agrees, fully inform the client of the likely extra cost; and
 - (c) must, especially if a solicitor or barrister, warn clients of possible delays and likely cost involved in pursuing a particular course of action before tribunals and in the courts, for example:
 - (i) any need to engage and pay expert witnesses;
 - (ii) the need to meet legal costs if a case were lost;
 - (iii) the need to pay Departmental fees and charges;
 - (iv) the need to pay translation and interpreter fees and charges.
- 5.4 A registered migration agent must advise clients of the method of payment of fees and charges, including Departmental fees and charges.
- 5.5 A registered migration agent must be aware of the effect of section 313 of the Act, and act on the basis that:
- (a) the agent is not entitled to be paid a fee or other reward for giving immigration assistance to a client unless the agent gives the client a statement of services; and
 - (b) a statement of services must set out:
 - (i) particulars of each service performed; and
 - (ii) the charge made in respect of each such service; and
 - (c) a client is entitled by the Act to recover the amount of a payment as a debt due to him or her if he or she:
 - (i) made the payment to the agent for giving immigration assistance; and
 - (ii) did not receive a statement of services before making the payment; and
 - (iii) does not receive a statement of services within 28 days after a final decision is made about the visa application, cancellation review application, nomination or sponsorship to which the immigration assistance related.

RECORD KEEPING AND MANAGEMENT

- 6.1 A registered migration agent must maintain proper records that can be made available for inspection on request by the Authority, including files containing:
- (a) a copy of each client's application; and
 - (b) copies of each written communication between:
 - (i) the client and the agent; and
 - (ii) the agent and any relevant statutory authority; and
 - (iii) the agent and the Department regarding the client; and
 - (c) file notes of every substantive or material oral communication between:
 - (i) the client and the agent; and
 - (ii) the agent and an official of any relevant statutory authority; and
 - (iii) the agent and the Department regarding the client.

- 6.1A A registered migration agent must keep the records mentioned in clause 6.1 for a period of 7 years after the date of the last action on the file for the client.
- 6.2 A registered migration agent must keep all documents to which a client is entitled securely and in a way that will ensure confidentiality while the agent is giving services to the client and until the earlier of:
- (a) 7 years after the date of the last action on the file for the client; or
 - (b) when the documents are given to the client or dealt with in accordance with the client's written instructions.
- Note: On the completion or termination of services, all documents to which a client is entitled are to be dealt with in accordance with Part 10.
- 6.2A For clause 6.2, the documents to which a client is entitled include (but are not limited to) documents that are:
- (a) provided by, or on behalf of, the client; and
 - (b) paid for by, or on behalf of, the client; such as passports, birth certificates, qualifications, photographs and other personal documents.
- 6.3 A registered migration agent must respond to a request for information from the Authority within a reasonable time specified by the Authority.
- 6.4 A registered migration agent must act on the basis that the agent's electronic communications are part of the agent's records and documents.

FINANCIAL DUTIES

- 7.1 Subject to clause 7.1B, a registered migration agent must keep separate accounts with a financial institution for:
- (a) the agent's operating expenses (the operating account); and
 - (b) money paid by clients to the agent for fees and disbursements (the clients' account).
- 7.1A The words 'clients' account' must be included in the name of the financial institution account mentioned in paragraph 7.1 (b).
- 7.1B If a registered migration agent is operating as an agent in a country other than Australia that does not allow, under its law, the use of a clients' account as described in paragraph 7.1 (b):
- (a) the agent is not required to keep a separate account of that name; but
 - (b) the agent must:
 - (i) keep an account for money paid by clients to the agent for fees and disbursements in a way that is as similar as practicable to the requirements in this Part; and
 - (ii) comply with this Part as far as practicable in relation to keeping records of the account and making the records available for inspection.
- 7.2 A registered migration agent must hold, in the clients' account, an amount of money paid by a client for an agreed block of work until:
- (a) the agent has completed the services that comprise the block of work; and
 - (b) an invoice has been issued to the client for the services.
- 7.3 The registered migration agent may, at any time, withdraw money from the clients' account for disbursements that are required to be paid to the Department, or any other agency, for the client.
- 7.4 A registered migration agent must keep records of the clients' account, including:
- (a) the date and amount of each deposit made to the clients' account, including an indication of the purpose of the deposit and the client on whose behalf the deposit is made; and
 - (b) the date and amount of each withdrawal made in relation to an individual client, and the name of each recipient of money that was withdrawn; and
 - (c) receipts for any payments made by the client to the agent; and
 - (d) copies of invoices or accounts rendered in relation to the account.
- 7.5 A registered migration agent must make available for inspection on request by the Authority:
- (a) records of the clients' account; and
 - (b) records of each account into which money paid by a client to the agent for fees and disbursements has been deposited.
- 7.6 If a registered migration agent provides a service to a client on the basis of a conditional refund policy, a 'no win, no fee' policy or an undertaking to similar effect:
- (a) the agent must have sufficient funds available to be able to cover any amount that the agent may become liable to pay to the client under the policy or undertaking; and
 - (b) the agent must meet that obligation by:
 - (i) keeping funds in the clients' account; or

- (ii) keeping a security bond; or
 - (iii) maintaining adequate insurance.
- 7.7 Nothing in clause 7.1, 7.1A, 7.2, 7.3, 7.4 or 7.6 affects the duty of a registered migration agent, who is also a legal practitioner and who acts in that capacity, to deal with clients' funds in accordance with the relevant law relating to legal practitioners.

DUTIES OF REGISTERED MIGRATION AGENTS TO EMPLOYEES

- 8.1 A registered migration agent has a duty to exercise effective control of his or her office for the purpose of giving immigration advice and assistance.
- 8.2 A registered migration agent must properly supervise the work carried out by staff for the agent.
- 8.3 All immigration assistance must be given by a registered migration agent unless the assistance is permitted under section 280 of the Migration Act.
- 8.4 A registered migration agent must make all employees, including those not involved in giving immigration assistance (for example receptionists and typists), familiar with the Code, for example by:
- (a) displaying the Code prominently in the agent's office;
 - (b) establishing procedures to ensure that employees become familiar with the Code including supplying employees with copies of the Code.
- 8.5 A registered migration agent must ensure that his or her employees are of good character and act consistently with the Code in the course of their employment.

COMPLAINTS

- 9.1 A registered migration agent must respond properly to a complaint by a person (whether or not the person is a client) about the work or services carried out by the agent or the agent's employee.
- 9.2 A registered migration agent must submit to the procedures for mediation as recommended by the Authority about handling and resolving complaints by the client against the agent.
- 9.3 If the Authority gives a registered migration agent details of a complaint made to the Authority about:
- (a) the work or services carried out by the agent or the agent's employees; or
 - (b) any other matter relating to the agent's compliance with this Code - the agent must respond properly to the Authority, within a reasonable time specified by the Authority when it gives the details to the agent.

TERMINATION OF SERVICES

- 10.1 A registered migration agent must complete services as instructed by a client unless:
- (a) the agent and client agree otherwise; or
 - (b) the client terminates the agent's instructions; or
 - (c) the agent terminates the contract and gives reasonable written notice to the client.
- 10.1A For paragraph 10.1 (c), a written notice must state:
- (a) that the agent ceases to act for the client; and
 - (b) the date from which the agent ceases to act; and
 - (c) the terms of any arrangements made in respect of appointing another registered migration agent.
- 10.1B Within 7 days of giving the written notice, the agent must:
- (a) update the client's file to reflect the current status of each case or application undertaken by the agent for the client; and
 - (b) deliver all documents to which the client is entitled to the client or to the appointed registered migration agent; and
 - (c) ensure that all financial matters have been dealt with as specified in the contract.
- 10.2 A client is entitled to ask a registered migration agent (orally or in writing) to return any document that belongs to the client. The agent must return the document within 7 days after being asked.
- 10.3 Australian passports, and most foreign passports, are the property of the issuing Government and must not be withheld.
- 10.4 A registered migration agent must not withhold a document that belongs to a client, as part of a claim that the agent has a right to withhold a document by a lien over it, unless the agent holds a current legal practising certificate issued by an Australian body authorised by law to issue it.
- 10.5 On completion of services, a registered migration agent must, if asked by the client, give to the client all the documents:

- (a) given to the agent by the client; or
 - (b) for which the client has paid.
- 10.6 If the client terminates the instructions, a registered migration agent must take all reasonable steps to deliver all documents quickly to the client or any other person nominated by the client in writing. If the agent claims a lien on any documents, the agent must take action to quantify the amount claimed and tell the client in a timely manner.

Note 1: Only registered migration agents who hold a current legal practising certificate issued by an Australian body authorised by law to issue it are able to claim a lien on any client documents.

Note 2: A document includes an application, nomination, sponsorship, statement, declaration, affidavit, certificate or certified copy. See Acts Interpretation Act 1901 s 25, Migration Regulations regulation 5.01

CLIENT AWARENESS OF THE CODE

- 11.1 A registered migration agent must ensure that at least 1 copy of the Code is displayed prominently in:
- (a) any waiting room or waiting area that is:
 - (i) at the agent's place of business; and
 - (ii) used by clients; and
 - (b) any office or room in which the agent conducts business with clients.
- 11.2 A registered migration agent must ensure that a client who asks to see the Code can be supplied immediately with 1 copy for the client to keep.
- 11.3 Each contract made between a registered migration agent and a client must:
- (a) include a statement about the existence and purpose of the Code; and
 - (b) guarantee that the client can obtain a copy of the Code, on request, from the agent.
- 11.4 A registered migration agent who has an Internet web site must provide a link to the copy of the Code that is displayed on the Authority's web site.

Clients of Registered Migration Agents should be aware of the following provisions of the Migration Act 1958.

Section 313: Persons charged for services to be given detailed statement of services.

- (1) This section deals with fees and rewards for giving immigration assistance to a person (the assisted person) unless the agent give the assisted person a statement of services.
- (2) A statement of services must set out:
 - (a) particulars of each service performed; and
 - (b) the charge made in respect of each such service.
- (3) An assisted person may recover the amount of a payment as a debt due to him or her if he or she:
 - (a) made the payment to a registered migration agent for giving immigration assistance; and
 - (b) did not receive a statement of services before making the payment; and
 - (c) does not receive a statement of services within the period worked out in accordance with the regulations.
- (4) This section does not apply to the giving of immigration legal assistance by a lawyer.

Section 314 Code of Conduct for migration agents

- (1) The regulations may prescribe a Code of Conduct for migration agents.
- (2) A registered agent must conduct himself or herself in accordance with the prescribed Code of Conduct.

Regulation 71 of the Migration Agents Regulations 1998

For paragraph 313(3)(c) of the Act, the period is 28 days after the decision, in relation to the immigration assistance, is made about:

- (a) a visa application; or
- (b) a cancellation review application; or
- (c) a nomination or sponsorship review application; or
- (d) a request to the Minister to exercise his or her power under section 251, 391, 417 or 454 of the Act.

The MIGRATION BUREAU proudly has Canadian CSIC Immigration Consultants and/or Canadian lawyers engaged in our visa department.

For details and registered numbers, please visit www.migrationbureau.com



CSIC - RULES OF PROFESSIONAL CONDUCT

CSIC is the regulatory body for immigration consultants in Canada. Under Canadian law, all immigration consultants in Canada, except practising lawyers, are required to be a member of CSIC. For more information on CSIC please visit www.csic-scci.ca. The Migration Bureau employs members of CSIC or members of a Canadian Law Society.

PART 1 Introduction

- 1.1 The Rules of Professional Conduct (the "Rules") establish the expected standard of professional conduct and competence for Immigration Consultants. The Rules also provide guidance to the profession, with the goal of protecting the public from unprofessional, improper or incompetent practice.
- 1.2 A breach of the Rules may result in an Immigration Consultant being disciplined. The Rules cannot address every situation of professional or ethical misconduct. Immigration Consultants shall endeavour to follow the spirit of these rules at all times.
- 1.3 A person who wishes to practice as an Immigration Consultant must be a member of the Canadian Society of Immigration Consultants.
- 1.4 The Canadian Society of Immigration Consultants is responsible for administering the Rules.
- 1.5 It is the duty of any person to whom the Rules applies to comply with its provisions.

PART 2 Definitions

"Agent" means a person who:

- (a) represents an Immigration Consultant with respect to Clients;
- (b) solicits Clients on behalf of an Immigration Consultant; or
- (c) liases with a Client with the intent to provide information to assist the Immigration Consultant in representing, advising or consulting with a Client.

Commentary:

1. An Agent is not an Immigration Consultant and may not represent, advise, or consult with a Client. Any person, either domestic or foreign, assisting Immigration Consultants with obtaining Clients or information regarding Clients, will be deemed to be an Agent.

"Board" means the Immigration and Refugee Board, which consists of the Refugee Protection Division, Refugee Appeal Division, Immigration Division and Immigration Appeal Division.

"Canadian Society of Immigration Consultants" means the corporation designated by the Minister pursuant to section 91 of the Immigration and Refugee Protection Act, S.C. 2001, c. 27, as amended, (the "IRPA") or subsequent provisions of the IRPA Regulations pursuant to IRPA section 91 to establish standards and regulate the conduct of Immigration Consultants.

"Client" means a person on whose behalf an Immigration Consultant undertakes to represent, advise or consult with in respect of any proceeding or application before the Minister, an Officer, or the Board.

"Conduct Unbecoming an Immigration Consultant" means conduct in an Immigration Consultant's personal or private capacity that tends to bring discredit upon the profession including, for example:

- (a) committing a criminal act that reflects adversely on the Immigration Consultant's honesty, trustworthiness, or fitness as an Immigration Consultant;
- (b) taking improper advantage of the youth, inexperience, lack of education, lack of sophistication, ill health, or un-businesslike habits of another;
- (c) engaging in conduct involving dishonesty; or
- (d) failing to abide by a fee dispute resolution either resolved by the Society or a court of competent jurisdiction.

Commentary:

1. Dishonourable or questionable conduct on the part of an Immigration Consultant in either private life or professional practice will reflect adversely on the integrity of the profession and the administration of justice. If the

conduct, whether within or outside the professional sphere, is such that knowledge of it would be likely to impair the Client's trust in the Immigration Consultant, the Society may be justified in taking disciplinary action.

2. Generally, however, the Society will not be concerned with the purely private or extra-professional activities of an Immigration Consultant that do not bring into question the Immigration Consultant's integrity.
3. An Immigration Consultant must abide by any fee dispute resolution of either the Society or a court.

"Designated Professional Body" means a law society of a province or territory or the Chambre des notaires du Quebec.

"Employee" means a person who is in an employee/employer relationship with an Immigration Consultant but does not include an Immigration Consultant.

Commentary:

1. An Employee is not an Immigration Consultant but assists an Immigration Consultant with respect to his or her duties as an Immigration Consultant. As such, an Employee may not represent, advise or consult with a person in respect of a proceeding or application before the Minister, an Officer, or the Board. An Employee may merely facilitate the Immigration Consultant in his or her practice.

"Immigration Consultant" means any person who is a member of the Society who is thereby authorized to represent, advise or consult with a person in respect of a proceeding or application before the Minister, an Officer, or the Board.

"Minister" means the Minister or Ministers responsible for the administration of IRPA. The Minister or Ministers are the members of the Queen's Privy Council designated as such by the Governor in Council.

"Officer" means any person or class of person designated as Officers by the Minister to carry out any purpose of any provision of IRPA.

"Professional Misconduct" means conduct in an Immigration Consultant's professional capacity that tends to bring discredit upon the profession including:

- (a) violating or attempting to violate one of the rules in the Rules or a requirement of the IRPA or its regulations or the by-laws of the Society;
- (b) knowingly assisting or inducing another Immigration Consultant to violate or attempt to violate one or more of the Rules or a requirement of IRPA or its regulations or the by-laws of the Society;
- (c) knowingly assisting or inducing an Employee or Agent to violate or attempt to violate one or more of the Rules or a requirement of the IRPA or its regulations or the by-laws of the Society;
- (d) misappropriating or otherwise dealing dishonestly with a Client's or a third party's money or property;
- (e) stating or implying an ability to influence improperly a government agency or official; or
- (f) engaging in conduct that is prejudicial to the administration of justice.

"Society" means the Canadian Society of Immigration Consultants.

PART 3 Competence and Quality of Service

- 3.1 An Immigration Consultant owes the Client a duty to be competent to perform any services undertaken on the Client's behalf.
- 3.2 An Immigration Consultant should serve the Client in a conscientious, diligent and efficient manner, and should provide a quality of service at least equal to that which Immigration Consultants generally would expect of a competent Immigration Consultant in a like situation.

Commentary:

1. The quality of an Immigration Consultant's work reflects on the entire profession. While minor errors and omissions do not constitute professional misconduct, a pattern of shoddy work or unprofessional habits may

amount to professional misconduct. To avoid claims of professional misconduct, an Immigration Consultant should endeavour:

1. (a) to keep the Client reasonably informed;
 - (b) to answer reasonable requests from the Client for information;
 - (c) to not mislead the Clients as to steps to be taken;
 - (d) to do all work in a professional manner without omissions or mistakes;
 - (e) to not withhold information from the Client or mislead the Client about the position of a matter in order to cover up the fact of neglect or mistake; and
 - (f) to make a prompt and complete report when the work is finished, or if a final report cannot be made, failure to make an interim report when one might reasonably be expected.
2. An Immigration Consultant will accept only assignments for which he or she is qualified and in which it is believed there may be real benefits to the Client. An Immigration Consultant will recommend that other professionals be retained whenever their special knowledge and skills may be needed by the Client. In particular, an Immigration Consultant has a positive duty to refer a Client to a competent lawyer where the legal issues are complex and require an analysis and interpretation of the applicable law by a lawyer, or where the matter clearly requires representation by a lawyer, such as a proceeding before the Federal Court of Canada.
 3. An Immigration Consultant should not undertake representation of the Client before the Board unless the Immigration Consultant has the ability and capacity to deal adequately with the matters to be undertaken.
 4. An Immigration Consultant will act responsibly and with due diligence in the handling of a Client's case and act within the bounds of the law to obtain the best results possible for the Client in the circumstances.
 5. An Immigration Consultant may permit an Employee to act only under the supervision of the Immigration Consultant. The extent of supervision will depend on the type of matter, including the degree of standardization and repetitiveness of the matter, and the experience of the Employee generally with regard to the matter in question. The burden rests on the Immigration Consultant who uses his or her Employee to educate the latter concerning the duties that may be assigned to the Employee and then to supervise the manner in which such duties are carried out. An Immigration Consultant should review his or her Employee's work at sufficiently frequent intervals to enable the Immigration Consultant to ensure its proper and timely completion.
 - 3.3 An Immigration Consultant will keep his or her knowledge and skills up-to-date in compliance with Continuing Professional Development requirements established by the Society.
 - 3.4 An Immigration Consultant has a responsibility to adapt to changing professional requirements, standards, techniques, and practices.
 - 3.5 An Immigration Consultant should assume complete professional responsibility for all work entrusted to him or her and should directly supervise Employees to whom particular tasks and functions are delegated.
 - 3.6 Where Agents are utilized, the Immigration Consultant should ensure that all Agents are qualified for the task undertaken. An Immigration Consultant shall be responsible for the acts or omissions of his or her Agents. Agents must be made aware in writing of the requirements that the client's information be retained in confidence as more particularly described in Part 5.

Commentary:

1. If an Immigration Consultant utilizes an Agent, the Immigration Consultant is responsible for the activities of the Agent. An Agent includes not only someone who assists the Immigration Consultant but someone who directs clients to an Immigration Consultant or co-markets with an Immigration Consultant.
- 3.7 Except with the written permission of the Society, an Immigration Consultant may not employ or retain in any capacity having to do with the practice of Immigration law a person whose membership or registration has been removed or suspended by the Society or any Designated Professional Body or share space or be partner or associate with such a person.
- 3.8 An Immigration Consultant should seek help from colleagues and appropriately qualified professionals for personal problems that adversely affect his or her service to Clients, The Society or the profession.
- 3.9 An Immigration Consultant should avoid impugning the reputation of colleagues for personal motives; however, subject to the duty of confidentiality, he or she should report to the appropriate authority any unprofessional, illegal or unethical conduct by colleagues or others. Wherever possible, the Immigration Consultant should request an explanation from this individual to assist the consultant in determining whether there is any obligation to report this individual's conduct.
- 3.10 An Immigration Consultant should not engage in professional misconduct or conduct unbecoming an Immigration Consultant.

PART 4

Advising Clients

- 4.1 When advising Clients, an Immigration Consultant must be both honest and candid.

- 4.2 When advising a Client, an Immigration Consultant must exercise due care and must never knowingly assist in or encourage any dishonesty, provision of misleading information, omission of any required relevant information, fraud, crime or illegal conduct, or instruct the Client on how to violate the law and avoid punishment.
- 4.3 When advising a Client who does not speak English or French, nor any other language in which the Immigration Consultant is fluent and proficient, it is imperative that the Immigration Consultant make every reasonable effort to engage the services of an interpreter when communicating with the Client.
- 4.4 An Immigration Consultant must advise the Client promptly and fully regarding any error or omission that has occurred in the matter for which an Immigration Consultant was retained, that is or may be damaging to the Client and cannot be readily corrected. The duty includes recommending that the Client seek independent advice regarding any rights that may arise out of the error or omission. An Immigration Consultant shall further advise the insurer promptly regarding any potential claim arising out of the matter.

Commentary:

1. An Immigration Consultant has a duty to give the Client competent advice based on sufficient knowledge of the relevant facts, sufficient appreciation and consideration of the applicable law, operational policies and practices, and an Immigration Consultant's own experience and expertise.
2. An Immigration Consultant should avoid overly bold and confident assurances to the Client, especially when the Immigration Consultant's employment may depend on advising in a particular way.
3. An Immigration Consultant must be aware of and refer Clients in appropriate circumstances to services or benefits for which the Client may be eligible, such as legal aid or legal clinic services.
4. An Immigration Consultant should be on guard against becoming the tool or dupe of an unscrupulous Client, Agent, or persons associated with a Client or Agent.
5. An Immigration Consultant must exercise due diligence to prevent the commission of an offence with respect to any proceeding or application before the Minister, an Officer, or the Board.

PART 5

Confidentiality

- 5.1 An Immigration Consultant has a duty to hold in strict confidence all information concerning the personal and business affairs of the Client acquired during the course of the professional relationship, and should not disclose such information unless disclosure is expressly or impliedly authorized by the Client, is required by law, or is otherwise permitted by the Rules.
- 5.2 An Immigration Consultant shall take all reasonable steps to ensure the privacy and safekeeping of a Client's confidential information.
- 5.3 An Immigration Consultant shall not disclose the fact of having been consulted or retained by a person unless the nature of the matter requires such disclosure.
- 5.4 Subject to being compelled by law or legal process, an Immigration Consultant shall preserve the Client's confidential information even after the termination of the retainer, whether or not differences have arisen between the Immigration Consultant and the Client.
- 5.5 An Immigration Consultant should ensure that Employees and Agents maintain and preserve the Client's confidential information.

Commentary:

1. An Immigration Consultant owes a duty of confidentiality to every Client whether a casual or continuing Client. This duty survives the professional relationship and continues indefinitely even after the professional relationship has terminated, and regardless of whether there are differences between the Client and Immigration Consultant.
2. An Immigration Consultant is forbidden from ever using confidential information for his or her own benefit, for the benefit of a third party, or to the disadvantage of the Client.
3. Disclosure of confidential information may be permitted where expressly or impliedly authorized by the Client or where compelled by law or legal process. Disclosure may also be permitted where the fee or conduct of an Immigration Consultant has been called into question by the Client — but, in such cases, disclosure may only be permitted to the extent necessary to defend against such allegations.
4. An Immigration Consultant should avoid indiscreet conversations or gossip, and should not repeat gossip or information about a Client's affairs, even though the Client is not named or otherwise identified.

PART 6

Conflicts Of Interest

- 6.1 An Immigration Consultant shall not represent parties with potentially conflicting interests in an immigration matter, save after adequate disclosure to and with the consent of the parties, and shall not act or continue to act in a matter when there is or is likely to be a conflict of interest.

Commentary:

1. A conflicting interest is one that would be likely to affect adversely the Immigration Consultant's judgment or advice on behalf of, or loyalty to a Client or prospective Client.
2. Conflicting interests include, but are not limited to, circumstances where the Immigration Consultant and his or her Employees or family members have an undisclosed financial interest in a Client's affairs, including the receipt of undisclosed commissions, referral fees or other real or potential benefits.
3. In the case of an Investor Category (as defined in the IRPA) applicant or any Provincial Nominee Class Client (as defined in the IRPA) where the Immigration Consultant may receive referral fees or commissions from a financial institution or other company which may enter into an agreement with the Client, the Immigration Consultant shall disclose that he or she may receive fees or commissions and should encourage the Client to receive independent legal advice on any contract or agreement the Client may be entering into with said financial institution or company.
4. A conflict also exists where an Immigration Consultant acts for more than one Client and must favour the interest of one Client to the material detriment of another.
5. An Immigration Consultant who practices in association with, or in partnership with a lawyer is obligated to abide by the professional standards ascribed to by these rules.
6. This rule requires adequate disclosure to enable the Client to make an informed decision about whether or not to have an Immigration Consultant act for him or her despite the existence or possibility of a conflict of interest.
7. Generally speaking, in disciplinary proceedings arising under this rule the Immigration Consultant will have the burden of showing good faith and that adequate disclosure was made in the circumstances and that the Client's consent was obtained.

PART 7

Preservation of Clients' Property

- 7.1 An Immigration Consultant owes a duty to the Client to ensure the safekeeping of the Client's property in accordance with the law and with the same care of such property as a careful and prudent owner would when dealing with property of like description.

Commentary:

1. With respect to the Client's money paid on account of services to be rendered, or on account of disbursements, an Immigration Consultant should maintain a proper trust account and adequate records so that at any time the Immigration Consultant may promptly account for and if necessary deliver such property to the Client.
2. It is generally improper for an Immigration Consultant to withhold from the Client immigration documents or other valuable property held on behalf of the Client as collateral for an unpaid debt.

PART 8

Immigration Consultant as Advocate

- 8.1 When representing the Client before the Board, the Immigration Consultant should resolutely, and honourably, within the limits of the law, represent the Client's interest while treating the Board members, the Minister and Officers with courtesy and respect.

Commentary:

1. An Immigration Consultant as advocate must fearlessly raise every issue and advance every argument in advancing the Client's interests, but must do so fairly and honourably, without illegality, and in a manner consistent with the duty to treat Board members, Officials, and other practitioners with candour, fairness, courtesy and respect, and must abide by the procedural rules of the Board.
2. The duty to fearlessly raise every issue and advance every argument is limited by the concurrent duty of an Immigration Consultant to not abuse the immigration or tribunal process by pursuing manifestly unfounded or spurious applications or claims.

PART 9

Retainer and Fees

- 9.1 It is a mandatory requirement that the Immigration Consultant provide the Client with a written retainer agreement or engagement letter that clearly states the matter and scope of services for which the Immigration Consultant is retained, fully discloses the fees and disbursements being charged, such fees being fair and reasonable in the circumstances, any other remuneration being received as a consequence of the matter, and payment terms and conditions. The retainer agreement must disclose that the Immigration Consultant is a member of the Society and must provide electronic, telephonic and address details as to how the Client may contact the Society.

- 9.2 An Immigration Consultant must not appropriate any money or property of a Client held in trust or otherwise under the Immigration Consultant's control for or on account of fees or disbursements without the express or implied authority of the Client.

- 9.3 An Immigration Consultant may not hold Client money, for the benefit of a third party except for money to pay the Immigration Consultant's fees, including Agent's fees, Citizenship and Immigration Canada's ("CIC") fees and disbursements related thereto. For greater clarity, the prohibition on holding Clients' money applies to money that the Client needs to qualify for any eligibility program under the IRPA.

Commentary:

1. Factors to be considered when determining whether a fee is fair and reasonable in the circumstances include: the nature of the services to be performed; the time required; the Immigration Consultant's experience, ability and the degree of responsibility assumed; and the benefits that accrue to the Client.
2. The Immigration Consultant must not receive hidden fees or commissions or other remuneration arising out of his or her representation of the Client unless possible receipt of the same has been disclosed in the retainer agreement or engagement letter.
3. Contingent fees can be appropriate, where the terms are fully disclosed in writing and understood by the Client.
4. An Immigration Consultant is not to hold money for a Client, aside from fees necessary to process the Client's application or filing fees for a proceeding. In particular, an Immigration Consultant must not take possession of money that the Clients are required to expend for any qualifying program authorized by CIC, including investor programs.
5. It is in keeping with the best traditions of the profession to provide services pro bono and to reduce or waive a fee where there is hardship or poverty or the Client or prospective Client would otherwise be deprived of adequate professional advice and representation.
6. An Immigration Consultant must issue receipts, proper statements of account and retain proper records for the safeguarding of, and timely reporting to the Client with respect to, payments received or funds held in trust.
7. Breaches of this rule and misunderstandings about fees and financial matters bring the profession into disrepute. The Immigration Consultant must try to avoid such conflicts and must be prepared to explain the basis of charges, especially if the Client is unsophisticated or uninformed about the proper basis and measurement for fees. Furthermore, the Immigration Consultant is under a positive duty and should either in the retainer agreement or engagement letter, or upon an issue with respect to fees arising, advise the Client in writing that a procedure exists for reviewing the account on behalf of the Client by the Society.

PART 10

Withdrawal From Representation

- 10.1 Obligatory withdrawal – An Immigration Consultant shall sever the consultant-client relationship or withdraw as representative if:
 - (a) discharged by the Client;
 - (b) instructed by the Client to do something illegal or in contravention to any rules in the Rules;
 - (c) the Immigration Consultant's continued involvement will place the Immigration Consultant in a conflict of interest; or
 - (d) the Immigration Consultant is not competent to handle the matter.
- 10.2 Optional withdrawal – An Immigration Consultant may, but is not required, to sever the consultant-client relationship or withdraw as representative if there has been a serious loss of confidence between the Immigration Consultant and Client, such as where:
 - (a) the Client has deceived the Immigration Consultant;
 - (b) the Client has refused to give adequate instructions to the Immigration Consultant; or
 - (c) the Client has refused to accept and act upon the Immigration Consultant's advice on a significant point.
- 10.3 Residual right to withdraw - In situations not covered by rules 10.1 and 10.2, an Immigration Consultant may sever the consultant-client relationship or withdraw as representative only if the severance or withdrawal:
 - (a) will not be unfair to the Client; and
 - (b) is not done for an improper purpose.

Commentary:

1. Unfairness to the Client will depend on the circumstances of each case, but will normally include consideration of whether the severance or withdrawal will:
 - 1a. (a) occur at a stage in the proceedings where the Client will have to retain another Immigration Consultant to do the same work, or part of it, again;

- (b) leave the Client with insufficient time to retain another Immigration Consultant; and
 - (c) give the newly retained Immigration Consultant insufficient time to prepare to represent the Client.
2. Improper purpose will depend on the circumstances of each case, but will include severance or withdrawal in order to:
- 2a. (a) delay any proceeding or application before the Minister, an Officer, or the Board; and
- (b) assist the Client in effecting an improper purpose.
- 10.4 Withdrawal for non-payment of fee - Where, after reasonable notice, the Client fails to provide funds on account of disbursements or fees, an Immigration Consultant may withdraw unless serious prejudice to the Client would result.
- 10.5 Manner of withdrawal - When an Immigration Consultant withdraws, the Immigration Consultant should try to minimize expense and avoid prejudice to the Client and should do all that can reasonably be done to facilitate the orderly transfer of the matter to the successor Immigration Consultant. Upon discharge or withdrawal, an Immigration Consultant should:
- (a) deliver to or to the order of the Client all papers and property to which the Client is entitled;
 - (b) give the Client all information that may be required in connection with the case or matter;
 - (c) account for all funds of the Client then held or previously dealt with, including the refunding of any remuneration not earned during the representation;
 - (d) promptly render an account for outstanding fees and disbursements;
 - (e) co-operate with the successor Immigration Consultant so as to minimize expense and avoid prejudice to the Client; and
 - (f) notify in writing Citizenship and Immigration Canada or the Immigration and Refugee Board where the Immigration Consultant's name appears as representative for the Client that the Immigration Consultant has withdrawn.
- 10.6 Duty of successor Immigration Consultant - Before agreeing to represent a Client, a successor Immigration Consultant should be satisfied that the former Immigration Consultant has withdrawn, or has been discharged by the Client.

PART 11

Advertising, Solicitation and Making Services Available

- 11.1 An Immigration Consultant should make professional services available to the public in an efficient and convenient manner that will command respect and instill confidence, and by means that are compatible with the integrity, independence and effectiveness of the profession.
- 11.2 An Immigration Consultant or his or her Agent shall not engage in false or misleading advertising or representations. In particular, an Immigration Consultant or his or her Agent shall not misrepresent or mislead a Client as to his or her qualifications, services, fees, available programs or benefits. In addition, an Immigration Consultant or his or her Agent shall not provide false or unrealistic expectations as to either results or processing times. Under no circumstances shall an Immigration Consultant or his or her Agent purport to have special access or influence with respect to the Minister, an Officer, or the Board.
- 11.3 In all instances, advertising should be in good taste and is not such as to bring the profession or the Society into disrepute.

Commentary:

1. Example of "purported special access or influence" includes but is not limited to; pictures with or letters received from employees or officials of the Canadian Government.
2. Use of the term "guarantee" when describing services or fees is inappropriate, and must be avoided. Wording such as "refund policy" or reference to contingent fee arrangements, if factual and supported in writing in a retainer agreement or engagement letter, may be appropriate.
3. An Immigration Consultant has a positive duty to promote the Society and Rules, and to prevent unregulated practice, and is encouraged where appropriate to educate the public at large regarding the Society and the regulatory system and safeguards with respect to Immigration Consultants.
4. Former government officials currently acting as Immigration Consultants must take special care to ensure representations regarding their qualifications and past employment are strictly factual, and must not promote the notion that they may have special access or influence since any suggestion of special access or influence regarding the immigration process brings the integrity of the immigration process into disrepute. Furthermore, former immigration officials must abide by and ensure they are in compliance with the Government's own post-employment rules.
5. An Immigration Consultant shall clearly distinguish his or her own credentials from those of a lawyer licensed to practise law in any province or territory, and shall not refer to any foreign credential or in any other way make representations that may reasonably lead to a misapprehension that the Immigration Consultant is a lawyer, provides legal services or has credentials as a lawyer when that is not the case.

PART 12

Outside Interests

- 12.1 An Immigration Consultant who engages in another profession, business, or occupation concurrently while acting as an Immigration Consultant shall not allow such outside interest to jeopardize his or her professional integrity, independence and competence.

Commentary:

1. The term "outside interest" covers the widest range of activities such as, but not limited to: real estate agent; mortgage broker; financial advisor; tax consultant; and accountant. Where the outside interest is not related to the services provided as an Immigration Consultant, then there will likely be no issue of concern. However, there will be a concern if the outside interest compromises the Immigration Consultant's competency, either because a conflict with a Client's interest or because too much time is spent on the "outside interest" resulting in a lack of attention to or preparation in a particular matter or in the failure to maintain professional standards.

PART 13

Non-discrimination

- 13.1 No Client or anyone else with whom an Immigration Consultant interacts shall be discriminated against on such grounds as age, gender, sexual orientation, same-sex partnership status, marital status, family status, national or ethnic origin, ancestry, race, colour, religion, creed, citizenship, physical or mental disability, political affiliation, or socio-economic status. This does not abrogate the Immigration Consultant's right to refuse to accept a Client for legitimate reasons.
- 13.2 An Immigration Consultants shall respect the dignity and integrity of all individuals and ensure fair and equitable treatment in all aspects of the provision of immigration services.

PART 14

Errors and Omissions

- 14.1 Every Immigration Consultant shall maintain errors and omissions insurance in an amount as to be prescribed by the Society from time to time.
- 14.2 An Immigration Consultant must advise the Client promptly and fully regarding any error or omission that has occurred in the matter for which an Immigration Consultant was retained, that is or may be damaging to the Client and cannot be readily corrected. The duty includes recommending that the Client seek independent advice regarding any rights that may arise out of the error or omission. An Immigration Consultant shall further advise his or her insurer promptly regarding any potential claim arising out of the matter.

Commentary:

1. It is the responsibility of an Immigration Consultant to maintain the requisite minimum amount of errors and omissions insurance coverage. The Society does not establish the maximum insurance required by an Immigration Consultant. If an Immigration Consultant reasonably believes that more insurance coverage is needed, it is the obligation of that Immigration Consultant to obtain the necessary insurance.

PART 15

Disciplinary Authority

- 15.1 An Immigration Consultant is subject to the disciplinary authority of the Society regardless of where the person's conduct occurs or where the person resides.
- 15.2 The Society may discipline an Immigration Consultant for Professional Misconduct.
- 15.3 The Society may discipline an Immigration Consultant for Conduct Unbecoming an Immigration Consultant.
- 15.4 An Immigration Consultant subject to discipline, may also be required to pay all or a portion of the costs associated with the investigation and hearing of the discipline proceeding.

PART 16

Responsibility to the Society and Others

- 16.1 An Immigration Consultant shall immediately notify the Society and clients of any changes in contact information, including but not limited to home and business address, telephone, facsimile and electronic address.
- 16.2 An Immigration Consultant shall reply promptly to any communication from the Society.
- 16.3 An Immigration Consultant shall not in the course of a professional practice send correspondence or otherwise communicate with a complainant, another Immigration Consultant, or any other person in a manner that is abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from an Immigration Consultant.
- 16.4 The Immigration Consultant shall not communicate with a complainant on a matter if the complainant has so requested.

The new Immigration Advisers Licensing Act came into effect on 5 May 2008 and requires anyone providing New Zealand immigration advice to be licensed (unless exempt). Licensing will be run by the Immigration Advisers Authority. Licensing for people giving immigration advice in New Zealand will be mandatory from 4 May 2009. After 04 May 2009, please visit www.migrationbureau.com to confirm that the Migration Bureau has either IAA licensed immigration advisors or New Zealand practising lawyers in our visa department. For details, please visit www.migrationbureau.com



1. OBLIGATIONS TO CLIENTS

1.1 Care, Respect, Diligence and Professionalism

A licensed immigration adviser must, with due care, diligence, respect and professionalism:

- perform his or her services; and
- carry out the lawful informed instructions of clients; and
- take reasonable steps to ensure clients' interests are represented if the adviser cannot for any reason continue as a representative; and
- work in a manner that does not unnecessarily increase costs; and
- acknowledge the cultural norms and values of clients; and
- facilitate the provision of interpreters and translators where appropriate; and
- when requested, assist clients to access information about the Treaty of Waitangi and tikanga (Maori customs and traditions).

1.2 Confidentiality

A licensed immigration adviser:

- must preserve the confidentiality of clients; and
- must not disclose confidential information, other than for the purposes of the administration of the Immigration Advisers Licensing Act 2007, the promotion of the immigration interests of clients to Immigration New Zealand, as required by law, or otherwise without the client's prior consent.

1.3 Document Security

A licensed immigration adviser must:

- ensure any personal documents belonging to or relating to clients are held securely whilst in the adviser's possession; and
- return passports and other personal documents to clients, on request, without delay and in a secure manner.

1.4 Code of Conduct

A licensed immigration adviser must:

- explain to and provide clients with a copy of the Licensed Immigration Advisers Code of Conduct before any agreement is entered into; and
- display the Licensed Immigration Advisers Code of Conduct in a prominent place at the adviser's place of business at all times.

1.5 Written Agreements

A licensed immigration adviser must ensure that:

- before any agreement is entered into, clients are made aware, in writing and in plain language, of the terms of the agreement and all significant matters relating to it; and
- agreements contain a full description of the services to be provided by the adviser; and
- clients are advised that they are entitled to seek independent legal advice before entering into agreements; and
- clients confirm in writing that they accept the terms of agreements; and
- changes to the terms of agreements are recorded and agreed in writing.

1.6 Work Within Limits of Knowledge and Skills

A licensed immigration adviser must work within the scope of his or her individual knowledge and skills.

2. OBLIGATIONS TO THE MINISTER OF IMMIGRATION, THE DEPARTMENT HANDLING IMMIGRATION MATTERS, THE IMMIGRATION ADVISERS AUTHORITY AND IMMIGRATION TRIBUNALS

2.1 Legislation and Operating Requirements

A licensed immigration adviser must, at all times:

- act in accordance with New Zealand laws and the laws of other jurisdictions if working and living offshore; and
- act in accordance with immigration legislation, including the Immigration Act 1987 and regulations made under it, the Immigration Advisers Licensing Act 2007, and applicable international obligations; and
- comply with the operating requirements of Immigration New Zealand; and
- comply with the operating requirements of the Registrar of Immigration Advisers; and
- meet the procedural and operating requirements for managing appeals and appearing before immigration tribunals; and
- uphold the integrity of New Zealand's immigration system and the Immigration Advisers Authority; and
- maintain respectful and professional relationships; and
- hold written authority from clients to act on their behalf; and
- take all reasonable steps to submit applications in a timely manner to ensure that clients maintain lawful immigration status.

2.2 Vexatious Applications, Appeals, Requests and Claims

If a proposed application, appeal, request or claim is vexatious or grossly unfounded (for example, it has no hope of success) a licensed immigration adviser must:

- encourage the client not to lodge it; and
- advise the client in writing that, in the adviser's opinion, it is vexatious or grossly unfounded; and
- if the client still wishes to lodge it, seek written acknowledgement from the client that he or she has been advised not to.

3. BUSINESS MANAGEMENT

A licensed immigration adviser must maintain professional business practices relating to finances, records, documents, contracts and staff management, including:

- confirming in writing to clients when applications have been lodged, with ongoing timely updates; and
- confirming in writing to clients when work ceases part way through the immigration process on clients' instructions or by the action of the adviser; and
- obtaining agreement in writing to any material increase in costs as soon as the increase

is known to the adviser; and

- providing any refunds payable upon completing or ceasing a contract for services; and
- maintaining complete client records that track all transactions for a period of 7 years and making those records available for inspection on request by the Authority; and
- confirming in writing the details of material discussions with clients; and
- maintaining correct and up to date business contact details.

4. CLIENT FUNDS

A licensed immigration adviser must:

- establish and maintain a separate clients' bank account for holding all clients' funds paid in advance for fees and/or disbursements; and
- withdraw funds held on behalf of clients only when payments for fees and/or disbursements fall due; and
- use funds held on behalf of clients only for the purpose for which they were paid to the adviser.

5. MISREPRESENTATION

5.1 Advisers

A licensed immigration adviser must not, in a false, fraudulent or deceptive manner, misrepresent or promote:

- himself or herself; or
- his or her business; or
- his or her clients or the clients' immigration opportunities; or
- New Zealand's immigration requirements.

5.2 Applications

A licensed immigration adviser must not knowingly provide false or misleading documentation with any application, appeal, request or claim, or conceal relevant information relating to any appeal, request, or claim.

6. CONFLICTS OF INTEREST

A licensed immigration adviser, in relation to immigration matters, must not:

- represent a client who has potentially conflicting interests with another client of the adviser; or
- represent a client with whom he or she has a potential conflict of interest; or
- enter into an arrangement with a client other than for the provision of immigration advice if the arrangement creates a potential conflict of interest; unless the client agrees in writing to representation or the arrangement subsequent to the adviser disclosing the potential conflict.

7. DISCLOSURE

A licensed immigration adviser must disclose:

- to clients - any financial and non-financial interests in goods or services recommended or supplied to clients;
- to the Immigration Advisers Authority - any information that would have a material effect on the adviser's licence;
- to Immigration New Zealand - any relevant change in circumstances relating to the representation of clients or to clients' immigration applications;
- to immigration tribunals - any change in circumstances relating to the representation of clients or to the factual circumstances relating to a matter before a tribunal.

8. FEES

A licensed immigration adviser must:

- set fees that are fair and reasonable in the circumstances; and
- before commencing work incurring costs, set out the fees and disbursements (including Immigration New Zealand fees and charges) to be charged, including the hourly rate and the estimate of the time it will take to perform the services, or the fixed cost for the services; and
- set out payment terms and conditions; and
- ensure that fees, disbursements and payment terms and conditions are provided to clients in writing prior to the signing of any written agreement; and
- each time a fee is payable, provide clients with an invoice containing a full description of the services that the invoice relates to.

9. PROVISION OF COMPLAINTS PROCEDURES

A licensed immigration adviser must:

- develop and maintain internal procedures for the resolution of complaints; and
- explain to and provide clients with a copy of the adviser's internal complaints procedure before any agreement is entered into; and
- explain to, and provide clients with, the details of the complaints and disciplinary procedures that are outlined in the Immigration Advisers Licensing Act 2007; and
- where complaints have been received by the Registrar of Immigration Advisers, provide timely responses to requests by the Registrar, as required by the Registrar's operating requirements.

10. DISPLAY OF LICENCE

A licensed immigration adviser must:

- display the adviser's licence in a prominent place in the adviser's place of business at all times; and
- provide evidence of being licensed to clients on request.

NEW ZEALAND



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Migration Bureau
CONSULTING GROUP



THE CODE OF STANDARDS

The Commissioner's Rules

Office of the Immigration Services Commissioner

INTRODUCTION TO THE CODE OF STANDARDS

This Commissioner's Code of Standards (the Code) is made in accordance with paragraph 3 of Schedule 5 to the Immigration and Asylum Act 1999 (the Act) as amended.

Who the code applies to

This Code applies to any person providing immigration advice or immigration services, other than a person:¹

- who is authorised by a designated professional body to practise as a member of the profession whose members are regulated by that body or who works under the supervision of such a person;
- holding an office under the Crown, when acting in that capacity;
- employed by, or for the purposes of, a government department, when acting in that capacity; or
- acting under the control of a government department or otherwise exercising functions on behalf of the Crown.

The term 'Commissioner' in the context of the Code and the Commissioner's Rules (the Rules) relates to the Immigration Services Commissioner, his/her staff and any agent acting for, or on behalf of, the Commissioner. The Code and the Rules relate to those who provide immigration advice or immigration services in the UK in relation to a relevant matter. These terms, defined in section 82 of the Act, are outlined below:

Immigration advice and immigration services

As defined by the Act², 'immigration advice' means advice which:

- (a) relates to a particular individual;
- (b) is given in connection with one or more relevant matters;
- (c) is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and
- (d) is not given in connection with representing an individual before a court in criminal proceedings or matters ancillary to criminal proceedings.

As defined within the Act³, 'immigration services' means the making of representations on behalf of a particular individual:

- (a) in civil proceedings before a court, tribunal or adjudicator in the United Kingdom; or
- (b) in correspondence with a Minister of the Crown or government department; or
- (c) in connection with one or more relevant Community law;

Relevant matters covered by the Code

As defined within the Act⁴, 'relevant matters' means any of the following:

- (a) a claim for asylum;
- (b) an application for, or for the variation of, entry clearance or leave to enter or remain in the United Kingdom;
- (c) an immigration employment document;
- (d) unlawful entry into the United Kingdom;
- (e) nationality and citizenship under the law of the United Kingdom;
- (f) citizenship of the European Union;
- (g) admission to Member States under Community law;
- (h) residence in a Member State in accordance with rights conferred by or under Community law;
- (i) removal or deportation from the United Kingdom;
- (j) an application for bail under the Immigration Acts or under the Special Immigration Appeals Commission Act 1997; or
- (k) an appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in paragraphs (a) to (j).

THE CODE OF STANDARDS

1. The Code of Standards covers all those who provide immigration advice or immigration services within the UK. The Code of Standards relates to:
 - those regulated advisers who provide advice or services without charge and operate on a not-for-profit basis and are exempt from paying the Commissioner an application fee;
 - those regulated advisers who charge for advice for profit, who are also governed by the Commissioner's Rules and are registered by the Commissioner; and
 - those under Ministerial Orders.
2. The Code of Standards shall apply in its entirety. If an adviser believes that the provision of any policy as outlined in the Code is inappropriate in their given circumstances, they must satisfy the Commissioner as to why.

Regulated advisers

3. Within this Code 'adviser' means both an organisation or an individual providing immigration advice or immigration services in the course of business, whether or not for profit, within the UK, and includes a sole practitioner.
4. All advisers must satisfy the Commissioner that they are fit and competent to provide immigration advice or immigration services and that they continue to be so.
5. All advisers and/or those in actual control of a regulated advice organisation must notify the Commissioner of any significant changes in their personal or business circumstances within ten working days of those changes occurring.
6. Advisers must not operate beyond the level of competence approved by the Commissioner or in categories that have not been approved.
7. An adviser must keep a clear written record of all advice given, all work done, all transactions made on behalf of each client and all fees paid by each client, where fees are taken. Such records should be available for inspection by the Commissioner.
8. An advice organisation's current OISC certificate of regulation must be prominently displayed at the organisation's main business premises. Further, if the organisation also carries out business at branch offices, those offices must also prominently display information as to where the advice organisation's Office of the Immigration Services Commissioner (OISC) certificate can be viewed.

ADVISOR BEHAVIOUR

9. An adviser must always act in their client's best interests and put their interests before the adviser's own, subject to regulatory and legal requirements.
10. An adviser must recognise that some clients, as a consequence of illness or traumatic experience, may be unable to provide a full account of events pertaining to their case. An adviser must aid such clients in seeking appropriate assistance including obtaining at an early stage reports which may be required as part of the proper handling of the client's case.
11. An adviser must ensure that the client receives a full explanation, using an interpreter to explain if necessary, the implications of their position and any proposed course of action. This advice and any instructions must be confirmed in writing.
12. An adviser must not abuse their position in respect of a client or take any advantage of the client's vulnerability.
13. An adviser must act in accordance with the laws of the UK.
An adviser must at all times:
 - (a) show due respect, politeness and courtesy to their client, the Asylum and Immigration Tribunal and the Commissioner;
 - (b) act objectively and fairly with respect to the client;
 - (c) be prepared to provide – e.g. to a member of staff of the Asylum and Immigration Tribunal, immigration judge or government immigration and nationality staff, including those at posts abroad – identification and confirmation of their authorisation by the OISC to provide immigration advice or immigration services under the Act at the authorised level;
 - (d) not knowingly, recklessly or negligently mislead those mentioned at (a) to (c) above, nor knowingly, recklessly or negligently permit themselves to be used in any deception;
 - (e) not seek to abuse any procedure operating in the UK in connection with immigration or asylum, including any appellate or other judicial procedure; and
 - (f) not advise any person to do something which would amount to such abuse.

Confidentiality

14. An adviser must have a procedure in place for ensuring client confidentiality. They must keep the affairs of their clients and all information relating to their clients confidential, except where the adviser is compelled to disclose information by reason of a legal or regulatory obligation.

Conflict of interest

15. An adviser must explain fully and clearly to the client any circumstances in which they might have any personal interest or advantage in acting for the client.
16. Unless the adviser's client has consented in writing with full knowledge of the facts, an adviser must not act where there is a real or potential conflict of interest between them and the client or between two or more clients.

Competence and training

17. An adviser operating at any given level of activity and category must have the relevant knowledge, competencies, resources and information sources as set out in the most recently published version of the Commissioner's Guidance on Competence.
18. An adviser must have and continue to have the necessary skills, knowledge and competencies to meet their client's needs, and must satisfy the Commissioner

of this via the processes and systems approved by the Commissioner for this purpose.

19. An adviser must be able to show that they have acquired the relevant knowledge, competencies and resources, and that these are kept under review in order to ensure that they are up to date. Advisers are required to review their performance regularly.
20. An adviser must not act in a reckless or negligent manner.
21. An adviser must have ready access to up-to-date information on immigration law and practice, and a written procedure as to how they will keep themselves up to date.
22. Advisers must have a training plan, which must be documented and regularly reviewed.
23. An adviser must be able to demonstrate to the Commissioner that their knowledge has been kept up to date by the production of a training log or similar appropriate document, and must ensure their continuous professional development in accordance with any scheme as may be prescribed by the Commissioner from time to time.

Changing level of competence

24. An adviser who is seeking either to expand their area of expertise or to increase their level of competence should seek effective supervision. Authorisation of any such supervision, including the supervision plan, must be obtained from the OISC prior to any such arrangements being put into effect.
25. Any individual adviser who is seeking to expand their level of competence should be supervised by a regulated adviser at that higher level or above or by an otherwise suitably qualified person.
26. Advisers seeking to act in a supervisory role must satisfy the OISC that they:
 - (a) have at least two years' recent and ongoing relevant experience in immigration advice and/or services; and
 - (b) have experience of managing and/or supervising others.
27. A supervisor must:
 - (a) be co-located with the person being supervised by them and readily accessible to them;
 - (b) oversee the allocation of cases to the supervisee;
 - (c) monitor the progress of the supervisee's cases;
 - (d) provide both general and specific guidance and assistance to the supervisee;
 - (e) review the cases conducted by the supervisee and, having conducted such review, require the supervisee, as necessary, to take corrective action; and
 - (f) spend on average a minimum of 12 hours per week supervising the supervisee while continuing to satisfactorily maintain their own caseload.
28. A supervisor or other competent person must undertake random sampling of the supervisee's work in order to assess the quality of the supervisee's advice. The sample must be sufficient, along with other indicators, for the supervisor or other competent person to be able adequately to assess the overall quality of the advice the supervisee has given. A record of the conclusions of this sampling must be retained on both the case file of the client concerned and the supervisee's personal file, and made available to the Commissioner upon request.

ORGANISATIONAL STANDARDS

Equality

29. An adviser must have a written policy that precludes discrimination on the basis of race, gender, age, nationality, faith, sexual orientation, physical ability and any other irrelevant consideration, and must be committed to providing equality of service to all clients.
30. An adviser must not discriminate against their clients and must treat all clients fairly and without prejudice or bias. This must be done regardless of any personal views.
31. Where an adviser's principles or charter only permit services to be offered to specific client groups, this must be clearly reflected in their signposting and referral procedures.

Client information – confirmation of adviser's status

32. At the time of initial contact an adviser must provide written confirmation to the client that the Immigration Services Commissioner regulates them.

Client care letter

33. Having agreed to act for the client, and prior to undertaking substantive work, an adviser must explain to the client in a client care letter the following:
 - (a) details of the services and the individual adviser's responsibilities as agreed with the client. These details must make clear what instructions were taken, what advice was given and what action was agreed upon with the client;
 - (b) all terms and conditions of engagement, including that the OISC may examine the file;
 - (c) confirmation of the costs estimated or agreed;
 - (d) information regarding any additional costs likely to be incurred or for which the client may become liable (e.g. disbursements);
 - (e) details of the person dealing with the case, including their location and telephone contact number; and
 - (f) details of the adviser's complaint-handling procedures.⁵

A copy of the client care letter must be retained in the client's file. Advisers must ensure, as far as reasonably practicable, that this copy is signed and dated by the client.

Requirements for informing the client on the progress of their case, significant events and outcome

34. All advisers must ensure that their clients are kept regularly informed of the progress of their case, and, at a minimum, clients should be updated at least every three months.
35. Upon the adviser being notified of any significant event they must promptly inform their client in writing and at most within three working days.
36. All advisers must promptly inform their clients in writing and at most within three working days of the outcome of their case.

Obtaining additional advice or opinions

37. An adviser, after having obtained the client's consent, may obtain additional advice or opinions on the client's case while still retaining responsibility for that case, provided that it is within the adviser's OISC-authorized competence level to obtain such advice or opinions.
38. An adviser, on obtaining any additional advice or opinions, must document on the client's file the action subsequently taken with respect to that advice or those opinions.
39. Any fees likely to be incurred for the obtaining of additional advice or opinions must be notified in writing to the client in advance of seeking that additional advice or those opinions and that client's consent sought. A file note documenting the client's consent to paying those fees must be placed on the client's file and a copy given to the client.

Obtaining other professional services

40. An adviser, after having obtained the client's consent, may obtain professional services to assist with the client's case. Responsibility for the payment of any fees incurred as a result of the giving of these services remains with the adviser, although the adviser may, in turn, obtain any monies expended for such services from the client.

Withdrawing from a case and referrals

41. An adviser must not withdraw or threaten to withdraw from a case except for good reason.
42. An adviser who seeks to withdraw from a case must do so if it is in the best interests of their client. Advisers wishing to cease to represent or assist a client must:
 - (a) give reasons to the client in writing as soon as possible;
 - (b) where practicable, inform the client of other advisers with the appropriate skills, knowledge and competencies who are registered, exempt or authorised to practise under the terms of the Act and who are likely to have the capacity to advise or act for the client;
 - (c) inform other persons involved in the case that they have withdrawn from the case and to whom (if anyone) the papers have been passed; and
 - (d) not obstruct a person's freedom to instruct an adviser of their choice.
43. An adviser who, having taken on a client, finds that they cannot provide the service needed by that client because it would require them to act beyond either their authorisation or their business resources, should inform the client of this immediately in writing and, in any event, must do so within three working days, giving the reasons why they cannot continue to act, and, where possible, should direct the client to another provider.
44. The adviser must make a written note of the adviser, if any, who has taken over the client's case.

Referral fees

45. A regulated person must not demand or accept from any person a fee, commission or any other compensation for referring or recommending a client.
46. A regulated person must not offer or accept an inducement for taking on a client or offer such for referring a client to another person.
47. Where a client requests that their file be transferred while they owe money to the adviser, the adviser should not seek to retain the client's file and/or documents in lieu of payment owing to them. They should instead seek civil remedies.

Complaints

48. Advisers must have in place a written procedure for the handling of complaints, including a complaints log detailing the complaints received, resolution timescales and complaint outcomes.
49. Where a complaint arises, an adviser should attempt to resolve the situation themselves. Any such attempt at resolution must be evidenced in writing and a note placed on the client's file.
50. Code 33 requires the adviser's client care letter to include details of their complaint-handling processes. In addition, if a client makes a complaint, the adviser must again provide the client with details of those processes, which must include:
 - (a) that any complaint will be properly addressed within defined timescales, as agreed with the client;
 - (b) the name of the person responsible for handling any complaint; and
 - (c) details of the OISC and its Complaints Scheme.
51. In every case, the client must be informed that, if they are not satisfied with the outcome of the complaint or if they do not wish to complain direct to the regulated person, a complaint may, at any time, be made to the Commissioner directly.

RUNNING THE ORGANISATION

Management policies and structures

52. An adviser must have in place management policies and structures. All policies and structures must be reviewed annually and be available for inspection. The policies must be accessible to the adviser's staff and must be dated, with any changes made to them recorded. These policies and structures should include, where appropriate:
 - (a) a statement showing how their service is organised, including the decision-making structure;
 - (b) a statement showing their service's key objectives and what they aim to achieve within the current year and the subsequent two years;
 - (c) a statement showing how financial control of the service is exercised and who is responsible for financial management;
 - (d) job descriptions and person specifications for all staff, including volunteers, who provide advice; and
 - (e) an induction programme for all new staff, which must cover, among other matters, the client information requirements as detailed in Codes 32 and 33.

All policies and structures must reflect equality of opportunity and impartiality.

53. All advice organisations must have an annual business plan with a cash flow/funding projection. Exempt organisations must explain how their service will be adequately funded.
54. A regulated adviser must notify the Commissioner of the address(es) of all the premises from which their business is carried out, and must notify clients and the Commissioner of any change to those addresses within ten working days.

People management

55. Advisers must notify the Commissioner of changes in their organisation's immigration advice-giving staff within ten working days of such staff joining or leaving.

Management of staff

56. In organisations where staff are employed to provide immigration advice and/or services, there must be adequate management and oversight of such staff, including:
 - (a) Organisations must identify and nominate a person to act as manager of immigration advice staff. Operational management arrangements, and any significant changes thereto, must be notified to the Commissioner.
 - (b) Where there is more than one staff manager within an organisation, one person should be identified as having responsibility for overseeing supervision.
57. In all organisations where staff are employed to provide immigration advice and/or services, there must be the following written procedures, statements and documents, detailing:
 - (a) a system for managing and overseeing staff to ensure their continued competence and fitness, including how such staff's work will be monitored or audited;
 - (b) details of the respective skills, knowledge and competencies of those assisting advisers, their performance reviews and associated feedback;
 - (c) how training needs are identified, and training plans recorded and delivered;
 - (d) the organisation's internal disciplinary procedures; and
 - (e) an induction plan as detailed in Code 52(e).
58. Advisers must maintain records that demonstrate that the processes outlined in Codes 56 and 57 are adhered to and must ensure the provision of competent immigration advice or services.

Allocation of cases

59. Advisers must maintain a system for the allocation of cases to staff, according to their authorised levels of competence.

Fees and accounts

60. No exempt adviser should charge for the provision of immigration advice or immigration services.
61. An adviser who charges for their advice or services must only charge a fee for which they are legally entitled.
62. Where monies or fees are taken, an adviser must keep accounts, including a distinct written record of the transactions undertaken for each client.
63. Wherever possible, payment of fees to government departments, tribunals, local authorities and similar bodies should be made by the client direct to the authorities. Where it is necessary to hold client money, either in respect of future payments to be made on behalf of the client or in respect of fees paid for work not yet done, or for any other purpose, the money:
 - (a) must be held in a client account distinct and separate from their business bank account; and
 - (b) it must be made clear that the funds remain the client's.
64. With respect to the client account:
 - (a) transfers into and out of a client account must have supporting documentation;
 - (b) clients must be given a financial statement showing their account balance, if they so request; and
 - (c) there must be a direct co-relation between work done and monies charged.
65. An adviser must have audited or certified and otherwise verified business accounts to which the following apply:
 - (a) Accounts and records must comply with current legislation.
 - (b) The Commissioner's Rules and Code of Standards do not replace any obligations/requirements of any UK law or institution (e.g. VAT, HM Revenue and Customs, the Companies Act, the Charities Commission, Companies House).
 - (c) Advisers must give access of historic and day-to-day records to the Commissioner upon request.
66. Upon request, an adviser must produce to the Commissioner their latest set of accounts.

Indemnity insurance

67. All advisers must have current and adequate professional indemnity insurance cover in respect of any civil liability that may be incurred in relation to their work and advice services. The OISC will not grant authorisation to practise to any adviser without such insurance being in place.
68. If such insurance cover lapses, an adviser must inform the OISC within five working days of becoming aware of the lapse. They must also indicate what immediate action they are taking to remedy the situation. While there is no cover, the Commissioner will seek to suspend the adviser's authority to provide immigration advice or immigration services with immediate effect, until such time as cover is restored.
69. The lapse of professional indemnity insurance cover is sufficient to cause the withdrawal by the OISC of authority to provide immigration advice or immigration services.

Use of the OISC reference number and the OISC logo

70. All directly regulated organisations must display their unique OISC reference number on all printed and electronic publications, including websites,

advertisements, publicity material, letterheads and business cards.

71. The OISC logo must be used in accordance with guidance contained in the adviser's approval letter.

Promotional material and general information provided by the adviser

72. Description of the advice and services offered, as well as the qualifications and competence levels of those providing advice and services, must not be misleading. It is a criminal offence⁹ for an adviser in their promotional material or by other means to offer to provide immigration advice and/or services at a level or in an area for which they are not authorised by the Commissioner.
73. Advisers in their literature, website and other promotional materials must not criticise other advisers either directly or indirectly or make statements about success rates.
74. All information published by an adviser, whether in printed or electronic format, such as websites, must accurately reflect the adviser's authorised OISC level. The requirement to ensure that advertising and promotional material comply with the Code of Standards is the personal responsibility of the adviser, and this cannot be delegated.
75. The name of any advice organisation must not suggest connection with, or approval by, government.
76. The advice organisation's name must not have the potential to confuse or mislead clients.
77. In either instance mentioned in Codes 74 or 75, the OISC may require that the advice organisation change its name.
78. No adviser must claim they have a qualification to which they are not entitled.

Business promotion

79. An adviser must not promote their business directly or indirectly by unsolicited approaches to prospective clients either in person, by means of telephone calls or in writing. This provision does not include approaches to a current or former client of the adviser acting without inducement, referrals made in accordance with the Code or approaches to a commercial organisation or public body.
80. Advisers must not tout for clients at ports or detention or accommodation centres.

Records and case management

81. An adviser must keep clear, orderly and accurate records of contacts, dealings with clients and dealings with third parties such as government departments.
82. An adviser's record-keeping and information systems must be appropriate to the levels of service they provide. An adviser must use systems that enable information to be organised and accessible, with each client's records kept separate.
83. When an adviser asks to retain possession of a client's documents for whatever reason, they must immediately provide that client with a photocopy of all such retained documents.
84. In respect of each client, advisers must identify and record key information and dates and enter these in a file management system. This is to ensure that actions are taken at the correct time. These records must detail the background of the client's case, records of meetings, action taken and by whom, advice given and by whom and any other relevant matters.
85. Client records must be maintained in an orderly manner with the progress of each case clearly recorded. Such records must be accessible to, and be capable of being easily understood by, colleagues and others.
86. Client records must be retained for at least six years.

The client's documents and file

87. A client's records must be made accessible to the client upon their request.
88. An adviser must, without delay, having regard to the urgency of the client's business and to ensure that the client's affairs are not prejudiced, give or send the client's documents to the client or such other third party as they may request in writing.
89. If a matter is referred on and a properly authorised request for the file is made, the client's file must be transferred as soon as possible and, in the case of a client who is in detention or where their removal is imminent, the relevant documents must be forwarded no later than three working days after receipt of the request.
90. An adviser must not give or send a client's documents to any person other than the client unless the client has given written authorisation. This does not apply where there is a legal requirement.

Engaging experts

91. An adviser must have a written procedure for selecting experts such as interpreters or doctors. The procedure must use relevant objective criteria such as membership of a recognised accreditation body. Interpreters and country experts
92. An adviser must use an interpreter if there are language difficulties. An adviser must explain to an interpreter their precise role and responsibilities, and, in particular, that they should act impartially, respect client confidentiality and not distort information stated by the client.
93. An adviser must have regard to the fact that clients may not be best served by choosing a family member to act as an interpreter, as there may be instances where the client is required to disclose matters of a sensitive or personal nature or may require objectivity.
94. An adviser must be mindful of the fact that, while clients and interpreters or country experts may share a common language, they may have significantly different cultural, political or religious beliefs.
95. Advisers must be vigilant in observing any unease on the part of their client regarding the interpreter employed.

1 Section 84, the Act

2 Section 82, the Act

3 Section 82, the Act, and section 123 of the Nationality, Immigration and Asylum Act 2002

4 Section 82, the Act

5 See Codes 49 and 50

6 Section 39, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004



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For further information on the Migration Bureau, please visit us at www.migrationbureau.com or phone the Migration Bureau office nearest you to complete a FREE initial Quick Check migration evaluation.

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