

Press Release

POOR ADVICE COSTS MIGRANTS DEARLY

The recent publicity about the difficulties migrant workers are encountering due to the changes in the New Zealand economy have raised a number of issues but much of the publicity and accompanying rhetoric misses the real point.

Any person who applies for any immigration requirement, or who is reliant upon maintaining their immigration status or progressing to New Zealand residence, should never underestimate the need for proper advice and planning. A move to another country, whether temporary or permanent, is a major undertaking at any time and obtaining, and retaining, the necessary immigration status is a fundamental requirement. The current immigration-related difficulties being faced by many migrants are a direct consequence of the fact that they did not seek professional advice or they sought (or more often simply relied upon) advice either too late or from the wrong sources.

The New Zealand Government has recognised the need and importance of migrants receiving expert and professional immigration advice and has, specifically for this purpose, enacted legislation which has required all immigration advisers practicing in New Zealand to be licensed (unless exempt) from May this year. The licensing of advisers is administered by the Immigration Advisers Authority in Auckland and the details of all licensed advisers, and the high standards which they must meet, are set out on the Authority website – www.iaa.govt.nz. Lawyers are exempt from licensing.

It is unfortunate when any person loses their job, let alone a migrant worker, however there can be no argument with the Government policy which requires employers to first offer employment opportunities to New Zealand workers. This policy has been in place for many years. While some positions have recently been removed from the skill shortage lists the underlying policy premise has not changed and migrants who had applied for work permits would, or should, have been aware at the outset of the basis on which their permits were first issued. This would have been the case if they were properly advised.

The Licensing Legislation was implemented to provide migrants with the ability to locate and select an expert immigration adviser who was able to advise them on their immigration matter. The fact that migrant lobby groups have taken it upon themselves to coordinate and publicise action to attract vulnerable migrants, and highlight their plight, does not serve any constructive purpose except in providing false hope to many people whose dreams of a life in New Zealand are already under threat. Efforts should instead be focussed on encouraging these people to seek a professional review of their individual circumstances from a licensed immigration adviser or an immigration lawyer. We note the Associate Minister of Immigration has commented on the ability of these lobby groups to give any immigration advice.

The best approach with any immigration applicant is to determine a long term strategy to achieve the end immigration objective and to work purposefully within policy to achieve this

outcome. Always, and especially in the current economic climate, every endeavour should be made with any application to research and prepare the application in a manner that provides the very best prospect of success. This is not a time for compromise. Alternative strategies should also be developed as immigration matters do not always go to plan!

Similarly if a person intends to obtain New Zealand residence then this opportunity should be taken at the earliest available opportunity. Some of the recent publicity surrounds people in New Zealand on long term work to residence permits under the accredited employer or LTSSL categories. We would be very surprised if many of these people were not eligible to apply directly for residence under the Skilled Migrant Category at the outset and this would have been the advice given by most advisers. This is now proving a costly oversight for these people.

There can often be several ways to address an adverse immigration situation and turn it to advantage. One of the more obvious ways is for the person concerned to enrol in a course of study and obtain a New Zealand qualification. While the person would enrol as an international student and pay international tuition fees, the benefits they would gain include a New Zealand qualification, an automatic work permit for 1 year on course completion and the right to a further 2 year work permit under graduate work permit policy – a total of 3 years of work permits. Their New Zealand qualification can also count towards a future residence application. If a person is seriously committed to a future in New Zealand the study pathway to residence is nearly always an option that can be considered.

The number of sad stories immigration advisers and lawyers see from migrants who did not originally seek professional immigration advice, or who compromised on the quality of their immigration advice, and who could have been helped if they had made contact earlier is frustrating and disappointing. While there will always be situations where some migrants have had an unfortunate immigration experience the opportunity now exists for them to directly select and appoint a licensed immigration adviser from the IAA public website who has the credentials to make a valuable contribution to the success of their immigration outcome. This would be a small price to pay to achieve the dream of living in New Zealand that so many people still have and to avoid many of the problems now being publicised.

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