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EXECUTIVE SUMMARY

This report presents the findings of a national survey of the immigration industry in New Zealand. Conducted during 1999, the study involved: (a) a postal survey (May-June) of companies and organisations in the industry to determine their characteristics, activities and current issues facing industry members; and (b) follow-up interviews (September-November) with selected companies to identify best practice features, policies and issues. For the postal survey, contact was successfully established with 114 companies or organisations of which 71 responded (a response rate of 62.3 per cent). For the follow-up interviews, the 15 companies purposively selected from the 40 that volunteered were chosen on the basis of criteria indicating they were representative of others in the industry.

The Postal Survey

- The majority of CEOs/managers were males (74.6 per cent), 30-49 years of age (62 per cent), overseas-born (57.7 per cent), of European ethnic origin (63.4 per cent) and well qualified with a university degree (70.4 per cent). Most had worked in the industry for either 5-9 years (36.6 per cent) or 9+ years (43.7 per cent) and it was the primary employment for 63.4 per cent. Among the 30 New Zealand-born CEOs/managers 56.7 per cent had previously worked overseas.

- Two features illustrate the small business character of the industry: (a) in 16 cases (22.5 per cent) respondents were self-employed with no other employees; and (b) a further 36 companies (50.7 per cent) employed 1-8 staff, typically on a casual or part-time basis.

- Of the 55 companies/organisations employing staff only 27 (49.1 per cent) had a recruitment policy, which in most cases emphasised the employment of staff who had the particular skills required as well as an ability to empathise with migrants. The majority of these 55 companies (67.3 per cent) did not consciously seek to employ immigrant personnel, but 45 (81.8 per cent) did in fact have immigrant employees. Among the latter companies, the majority were said to make use of the language skills (80 per cent) and the cultural background (75 per cent) of their immigrant staff but less use was made of their business connections (57.5 per cent). Only 16 out of 55 (29.1 per cent) employed New Zealand-born staff with non-English language skills and often cultural background knowledge, both of which were generally utilised. A need for staff with non-English language skills and/or knowledge of other cultural backgrounds was indicated by 43.6 per cent of all participating companies.
• Only 13 (18.3 per cent) of the participating companies were identified as having a working relationship with at least one ethnic/immigrant organisation or group in New Zealand, and of these 11 specialised in services to potential migrants from the ethnic group(s) concerned. The birthplace or ethnic background of the CEO/manager and previous residence abroad were important factors underlying the relationship and service specialisation.

• Services were offered to clients seeking entry or residence in all immigration policy categories by 60 (84.5 per cent) of the participating companies. Of the remainder, almost all focussed upon the General Skills and/or Business Migrant categories. Of the 67 providing a service to General Skills Category clients, either as part of their broader business activities (60) or as a specialty area (7), only 6 specialised in certain types of professionals (e.g. in nursing, information technology).

• Pre-migration services relating to the lodgement of applications for entry or residence were offered in New Zealand by 61 (85.9 per cent) of the participating companies. Other pre-migration services relating to the settlement of immigrants (e.g. advice or assistance on education, banking, housing, international transportation and removals) were offered by 52 companies (73.2 per cent). Post-migration services, mirroring those offered as pre-migration services relating to immigrant settlement, were offered by 55 companies (77.5 per cent). Reasons for not offering certain services, especially post-migration services, included: a consideration of economic viability; lack of expertise (notably for employment assistance); a feeling that the company’s primary business was the provision of pre-migration services; and the presence in New Zealand of a client’s family or friends who obviated the need or demand for services.

• Offshore operations and/or connections with other companies abroad were not uncommon. Offshore operations were reported by 33 companies (46.5 per cent), of whom 29 offered pre-migration and 12 offered post-migration services through offices in one or more countries. These services were similar to if not the same as those offered in New Zealand. Connections with independent companies or operators based overseas were reported by 40 (56.3 per cent) of the 71 participating companies and for three-quarters of these cases the nature of the connection was simply one of “referrals” (usually informal).

• Links with other New Zealand companies providing services required by immigrants (e.g. in real estate, financial services, international travel and removals) were reported by 46 companies (64.7 per cent). These links were typically informal in nature but about one-third of the companies concerned indicated both formal and informal links.
• A disquieting feature of the survey results concerned difficulties with New Zealand’s immigration policy; 62 companies (87.3 per cent) reported the experience of such difficulties during the last ten years. Difficulties with the General Skills Category (75 per cent) were the most frequent, however about half also reported difficulties with the Business Migrant, Family Reunification and Humanitarian provisions. Problems with policy implementation (i.e. application processing) were acknowledged by 51 (82.3 per cent) of the 62 companies reporting difficulties. Only 29 (56.9 per cent) of these 51 companies were identified as being generally successful in addressing the difficulties, usually via direct discussions with the NZIS and/or access to more detailed information. An awareness of national and international variations in NZIS application processing was reported by 47 (66.2 per cent) and 36 (50.7 per cent) of all company respondents, respectively.

• Another disquieting feature concerned relationships with the NZIS. Only 41 (57.7 per cent) of the 71 respondents rated their company’s relationship with the NZIS as being very good or better, and while 63 (88.7 per cent) claimed their company actively sought a positive relationship with the NZIS only 20 (28.2 per cent) thought that the NZIS for its part actively sought a positive relationship with those working in the industry.

• Difficulties experienced with immigration policy, application processing and relationships appeared to colour attitudes with respect to policy development, implementation and operation. While only 22 (31 per cent) of the 71 companies had ever been consulted about proposed policy changes, 58 (81.7 per cent) were of the opinion that companies such as their own should be consulted and 60 (84.5 per cent) were opposed to the NZIS having an exclusive role or position with respect to policy development. The role of industry members with regard to application processing and decisions, however, was less clear cut. While only 12 (16.9 per cent) of the respondents were opposed to the NZIS retaining its (final) decision-making role, 37 (52.1 per cent) thought that some of the NZIS’s application processing role could be devolved to the private sector and 6 (8.5 per cent) thought that all of this role could be devolved.

• As a balance to criticisms of the NZIS, 45 company respondents (63.4 per cent) acknowledged that they were aware of cases in which prospective migrants had been exploited by industry members in New Zealand. Widely reported in the media, such cases prompted debate during the 1990s on the issue of industry regulation and registration.

• The majority were clearly in favour of: industry regulation (72.9 per cent), the registration of companies to practise (77.1 per cent), and of registration as a way of advancing professionalism in the industry (75.7 per cent). While these results may be interpreted as support for measures that would address unethical conduct and protect clients, it should also be
acknowledged that there was a substantial level of either opposition or uncertainty on the issue of regulation and registration.

- Overall, 48 (68.6 per cent) of the 70 participants whose current NZAMI membership status was known, felt that the NZAMI had a role to play in industry regulation, and of these: 28 out of 48 (58.3 per cent) supported the view that the NZAMI’s membership criteria provided a basis for company registration; and 28 out of 48 (58.3 per cent) were also of the opinion that the membership criteria provided a basis for industry regulation. It cannot be denied, therefore, that there was a substantial level of opposition to and uncertainty about both a role for the NZAMI and the utility of its membership criteria. This opposition and uncertainty was stronger among companies that were not members of the NZAMI.

The Follow-up Interviews

- Eight best practice features were identified on which there was general agreement among the 15 respondents from companies selected for follow-up interviews. These features were as follows:
  1. establish and maintain a reputation for professionalism, integrity and honesty;
  2. gain knowledge of clients and provide forthright assessments;
  3. facilitate informed decision-making by clients;
  4. get the documentation right for applications;
  5. use own or staff native speaker language skills;
  6. provide a client-focussed service;
  7. maintain contact with the New Zealand Immigration Service;
  8. provide clients with assistance on arrival.

- Opinion was divided on the desirability of two other best practice features. These were: the operation of a ‘one stop shop’ where all of the pre- and post-migration services required could be provided for the convenience of clients; and the promotion of New Zealand abroad.

- In general, the key issues and concerns raised mirrored those covered in the postal survey and can be broadly grouped as follows:
  1. the relationship between the private sector and the NZIS;
  2. policy formation, policy implementation and the ramifications of policy changes;
  3. promoting and “presenting a picture” of New Zealand;
  4. immigration for national development, border control and stakeholder interests.

Conclusions

It is concluded: (a) that there is a need for improvement in perceived relationships with the NZIS and the role, functions and responsibilities of
private sector companies and organisations with respect to the development, implementation and operation of immigration policy; (b) that there appear to be areas in which there is either a need or a potential for improvement in the services provided by industry members as well as in their policies and practices; and (c) that there is widespread support for industry regulation and registration, although there are differences of opinion as to how this might be achieved.

In essence, it is argued that a fully effective immigration industry has an important role to play in: the development of a balanced, well integrated institutional structure of immigration; the achievement of a marked reduction in the difficulties experienced by immigrants at different stages of the migration process; and the attainment of an increase in the benefits accruing to New Zealand from its immigration policy.
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgements</td>
<td>iii</td>
</tr>
<tr>
<td>Executive Summary</td>
<td>v</td>
</tr>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Methodology</td>
<td>4</td>
</tr>
<tr>
<td>Results of the National Survey</td>
<td>6</td>
</tr>
<tr>
<td>Follow-up Interviews with Selected Companies</td>
<td>32</td>
</tr>
<tr>
<td>Conclusion</td>
<td>40</td>
</tr>
<tr>
<td>References</td>
<td>46</td>
</tr>
<tr>
<td>Appendices</td>
<td>49</td>
</tr>
<tr>
<td>1. Mail Survey Questionnaire</td>
<td></td>
</tr>
<tr>
<td>2. Follow-up Interview Schedule</td>
<td></td>
</tr>
<tr>
<td>Authors</td>
<td>91</td>
</tr>
<tr>
<td>New Settlers Programme Publications</td>
<td>92</td>
</tr>
</tbody>
</table>
INTRODUCTION

The importance of immigration to New Zealand in both social and economic terms has been stressed by an increasing number of researchers, politicians and social observers during the last two decades (see Trlin and Spoonley, 1986, 1992, 1997). Some of the previous research and other literature has provided an insight into the nature of immigration policy, the institutional structures responsible for the development and implementation of policy and the relationship between policy, institutional practice and the realisation of immigration objectives. There is also a substantial body of research that considers the experiences and responses of immigrants to their new social and cultural surroundings and which explores questions about acculturation, assimilation and integration. However, with the exception of one small study by Downey (1998), there has been no research on contemporary ‘operators’ (companies or individuals) outside of the government bureaucracy who provide essential services to prospective immigrants seeking entry to and/or residence in New Zealand.

Since the time of colonial settlement there have always been ‘operators’ who have targeted both the need for immigrants and the needs of immigrants. In the early years of colonial settlement the most visible examples were the immigration agents. Initially these agents acted on behalf of the provinces, but under the terms of an 1871 amendment to the Immigration and Public Works Act (1870) were contracted by central government to assist in the selection, conveyance and settlement of immigrants according to the numbers and classes of immigrants required. Remunerated with “head money” for each adult selected (Borrie, 1991: 55), these agents played a key role in ‘educating’ potential migrants about conditions and opportunities in the colony, actively recruited immigrants, facilitated their migration and also provided links with people in the colony.

In more recent times, immigration agents (or ‘consultants’ as they are now known) have reappeared within New Zealand’s ‘immigration industry’, defined here as the commercial provision of services for people applying for residency and assisting such people with migration to and settlement in New Zealand and/or the provision of investment advice and associated services for business migrants. However, aside from sporadic media attention that tends to focus on unethical practices within this industry, a paper which described the practices of one consultancy firm (Malcolm, 1989) and a brief consideration in a working party report (Wilson et.al., 1991), only a small study by Downey (1998) has examined the role of contemporary immigration consultants. Drawing on interviews with consultants and lawyers in Auckland, Downey focussed in particular on their role in relation to Asian immigration.
Despite the lack of research attention, it is generally acknowledged that those engaged in the immigration industry play a pivotal role: in providing information or in some cases misinformation to immigrants (Department of Internal Affairs, 1996); in promoting the need for the immigration of people with professional skills and capital for investment; and in interpreting policy and advising and assisting applicants with their residency applications. Indeed, it is estimated that of the total successful residency applications processed in the mid 1990s by the New Zealand Immigration Service (NZIS), 40 per cent were filed by immigration consultants in New Zealand (Downey, 1998: 6).

Against this background, this study seeks to redress the paucity of research on the nature of New Zealand’s contemporary immigration industry, its functions, business activities and practices, and to explore key issues it faces. The need for research becomes all the more obvious when it is recognised that those involved in the industry operate at the interface between policy, the government bureaucracy and individual migrants. They are essentially ‘gatekeepers’ and arguably have a central role to play with respect to the inflow of migrants, migrant perceptions of the host society and (ultimately) contribute to the migrant’s settlement experience. While this ‘gatekeeper’ role is undeniably constrained by policy and policy interpretation, the practice of industry members involves the negotiation of such constraints for both their own advantage and that of potential migrants.

In focussing on the immigration industry it is important to recognise that contemporary social, political and economic objectives have shaped immigration objectives and that these objectives in turn have both precipitated and shaped responses in the private sector. Accordingly, it should first be noted that over the last two decades there have been a number of shifts in immigration policy which have entailed a move from a focus on labour market demands (1986-1991) toward increasing the overall level of human capital (1991-1995) and most recently toward a goal of economic growth with social cohesion (NZIS, 1995a, 1995b; Trlin, 1992, 1997). These policy shifts, constantly reiterating the need to attract immigrants with the skills necessary for New Zealand’s economic growth and development in an era of economic globalisation, and marked in particular by the advent of the Business Immigration Policy (1986) and the General Category points system (1991), led to a response in the private sector. An increasing number of consultants sought to attract skilled immigrants and investors and to provide both pre-migration and post-migration services. Indeed, government’s policy initiatives created not only a niche for immigration consultants and investment advisers (in banks, finance companies and legal firms) but also encouraged the establishment of links with real estate agents and others providing services for immigrants.

Overall, the information in this report contributes to our understanding of:
• the scope, structure and operation of the industry;
• the nature of commercial links and processes, and the interface between industry organisations and the government agency responsible for the implementation of policy;

• industry policies and practices which affect services for immigrants and ultimately shape their experience of migration and settlement; and

• the issue of industry regulation and registration.

It should be noted here also that as part of the New Settlers Programme (NSP), the above contributions of this project relate directly to the NSP's general aim; namely, to contribute to the attainment of three broad, interrelated outcomes:

• the development of a balanced, well integrated institutional structure of immigration (see Trlin, 1993 for a definition and discussion of this concept);

• a reduction in the difficulties experienced by immigrants in the process of settlement;

• and an increase in the benefits accruing to New Zealand from its targeted immigration programme.

For further information on the NSP, see Trlin, North et al. (1998) and the NSP publications listed at the end of this report.
METHODOLOGY

This project has involved: (a) a postal survey of companies and organisations engaged in the immigration industry in New Zealand, in order to determine its nature, functions, activities and current issues facing industry members; and (b) follow-up interviews with selected CEOs/managers of companies participating in the survey to identify best practice features, policies and issues.

Survey of New Zealand Companies and Organisations

A 69-item questionnaire was devised by the authors with additional input and advice from members of the New Zealand Association for Migration and Investment (NZAMI) and also from Associate Professor Noel Watts who carried out two previous surveys for the New Settlers Programme (see Watts and Trllin, 1999, 2000). The questionnaire was pilot tested with three companies. After piloting, 136 companies and organisations throughout New Zealand were sent the questionnaire by post in May-June 1999 (see Appendix 1). These 136 companies and organisations were targeted on the basis of: (a) their listing in the Telecom New Zealand Yellow Pages; and (b) a current membership list provided by the NZAMI. Taken together, these two sources provided a comprehensive, up to date list of industry members.

The companies and organisations identified were invited to fill in the questionnaire and to return it in the Freepost envelope provided. They were also asked if they would be agreeable to participating in an interview which would explore their views on best practice features of the industry in New Zealand. A total of 71 questionnaires were returned completed. A further 22 questionnaires were returned with notes indicating “whereabouts unknown” or “business closed”. The latter 22 were then removed from the original mailing list of 136 companies and organisations as they were clearly no longer in business. Of the 43 non-respondents remaining, 6 were reputedly “cowboys” who did not respond to messages either left by telephone or sent by post. The overall response rate for the survey was therefore 62.3 per cent (71 out of the 114 companies currently in operation) though it could be argued that a response rate of 65.7 per cent was achieved if the 6 “cowboys” were also deleted from the list of possible respondents.

Babbie (1998: 262) describes a response rate of 60 per cent as “good” and 70 per cent as “very good” for analysis and reporting, but points out that a “lack of response bias is far more important than a high response rate”. With this point in mind it may be noted that NZAMI members and affiliates accounted for: 89 (65.4 per cent) of the original mailing list of 136 companies and organisations; and for 53 (74.6 per cent) of the 71 completed questionnaires. Overall, a response rate of 59.5 per cent (53 out of 89) for NZAMI members and affiliates was achieved as compared with the total response rate of 62.3
per cent. This result is quite satisfactory and we are not aware of any other response bias in terms of respondent characteristics.

Interviews with CEOs/Managers

The second stage of this study involved follow-up interviews with 15 CEOs/managers of participating companies/organisations to identify best practice features and to determine policies/practices that affect services for migrants and their early settlement experience. Purposively selected from 40 that volunteered for this part of the project, the 15 companies were chosen on the basis of criteria (staff size, geographic location, services offered and the niche occupied in the industry) indicating that they were representative of those operating within the industry. Face-to-face, tape recorded interviews with the CEOs/managers of these companies were conducted during their business hours over the period September to November 1999 in Auckland, Wellington and Christchurch. A copy of the interview schedule is presented in Appendix 2.
RESULTS OF THE NATIONAL SURVEY

Profile of the CEOs/Managers

The majority of the 71 CEOs/managers were: males (74.6 per cent); aged 30-49 years (62 per cent); and held either a Bachelors or postgraduate degree (70.4 per cent), which in nearly two-thirds of the cases was gained from a New Zealand university (32 out of 50). The majority were also identified as being: of either 'European' (63.4 per cent) or Chinese ethnic origin (18.3 per cent); and overseas-born (57.7 per cent).

Table 1. Selected characteristics of CEOs/managers of companies and organisations participating in the survey, 1999

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Number (N=71)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>53</td>
<td>74.6</td>
</tr>
<tr>
<td>Female</td>
<td>18</td>
<td>25.4</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20-29 years</td>
<td>2</td>
<td>2.8</td>
</tr>
<tr>
<td>30-39 years</td>
<td>20</td>
<td>28.2</td>
</tr>
<tr>
<td>40-49 years</td>
<td>24</td>
<td>33.8</td>
</tr>
<tr>
<td>50+ years</td>
<td>25</td>
<td>35.2</td>
</tr>
<tr>
<td>Ethnicity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>'European'</td>
<td>45</td>
<td>63.4</td>
</tr>
<tr>
<td>Other</td>
<td>26</td>
<td>36.6</td>
</tr>
<tr>
<td>Birthplace</td>
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<td></td>
</tr>
<tr>
<td>New Zealand</td>
<td>30</td>
<td>42.3</td>
</tr>
<tr>
<td>Other (incl. 1 not specified)</td>
<td>41</td>
<td>57.7</td>
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<tr>
<td>Qualifications</td>
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</tr>
<tr>
<td>Secondary school</td>
<td>8</td>
<td>11.3</td>
</tr>
<tr>
<td>Diploma/certificate</td>
<td>11</td>
<td>15.5</td>
</tr>
<tr>
<td>Bachelors degree</td>
<td>28</td>
<td>39.4</td>
</tr>
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<td>Postgrad. degree/diploma</td>
<td>22</td>
<td>31.0</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>2.8</td>
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</table>

Of the immigrant CEOs/managers, 26 out of 41 (63.4 per cent) had resided in New Zealand for more than nine years. Immigrant CEOs/managers typically
had native speaker fluency in the language(s)/dialect(s) of their birthplace, and in their business activities either concentrated on migrants from their country of birth or at least included such migrants as part of their target clientele. Among the 30 New Zealand-born CEOs/managers, 17 (56.7 per cent) had gained some familiarity with other cultures via previous employment overseas but 28 (93.3 per cent) were monolingual.

Relatively few of the CEOs/managers were new to the immigration industry, the majority having been employed as consultants and/or investment advisors for at least 5 years (80.3 per cent). Their decision to become involved in the industry was prompted by a number of factors, but the two main ones were: (a) their perceived need for consultation services (cited by 59.2 per cent); and (b) their personal experience of migration (noted by 49.3 per cent). Obviously these two factors are related to the background characteristics of the CEO/managers (i.e. being foreign-born or having worked abroad) which also underlie or account for another factor - the desire to help members of a particular ethnic group. That said, there was nevertheless evidence of a fairly pragmatic approach to life; a living could be earned by responding to perceived opportunities in the market for consultation services and/or investment advice and management services (see Table 2).

Table 2. Duration of employment and factors that prompted the involvement of CEOs/managers in the industry: participating companies and organisations, 1999

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Number (N=71)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment in the industry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>under 1 year</td>
<td>3</td>
<td>4.2</td>
</tr>
<tr>
<td>1-4 years</td>
<td>11</td>
<td>15.5</td>
</tr>
<tr>
<td>5-9 years</td>
<td>26</td>
<td>36.6</td>
</tr>
<tr>
<td>9+ years</td>
<td>31</td>
<td>43.7</td>
</tr>
<tr>
<td>Factors prompting involvement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>28</td>
<td>39.4</td>
</tr>
<tr>
<td>Personal experience of migration</td>
<td>35</td>
<td>49.3</td>
</tr>
<tr>
<td>Need for consultation services</td>
<td>42</td>
<td>59.2</td>
</tr>
<tr>
<td>Need for investment advice</td>
<td>22</td>
<td>31.0</td>
</tr>
<tr>
<td>Desire to assist an ethnic group</td>
<td>24</td>
<td>33.8</td>
</tr>
<tr>
<td>Other</td>
<td>19</td>
<td>26.8</td>
</tr>
</tbody>
</table>

Working in the immigration industry was the primary employment of 45 (63.4 per cent) of the CEOs/managers, of whom 16 (35.5 per cent) were New Zealand-born and 29 (64.4 per cent) foreign-born. The over-representation of
migrants suggests that the industry may provide a niche or perhaps a fall-back position for some skilled workers who were unable to find suitable employment elsewhere. Among the 26 CEOs/managers primarily employed in other industries, 21 (80.7 per cent) reported that they generally worked on “immigration related business” for less than 15 hours per week while the rest put in up to 24 hours per week. For example: 5 were in companies or organisations offering business and/or investment advice with immigrants as part of their actual or potential clientele; another 6 provided legal services in commercial or property law; and one other was engaged in personnel recruitment.

The Companies/Organisations and Their Personnel

To provide an initial overview of the companies/organisations participating in the survey, respondents were asked to identify the legal status of the company and to provide details on the number of staff and their type of employment. A number of questions then followed on company policy and experience with regard to personnel recruitment, especially the recruitment of immigrant staff and the use of their linguistic skills, cultural background and business connections.

In 42 cases (59.2 per cent) respondents identified their organisation as a limited liability company, while partnerships accounted for a further 13 cases (18.8 per cent) and most of the remainder were variously described as “sole proprietor, trader or practice”. The small business character of participating companies was evident in the findings that: (a) in 16 cases (22.5 per cent) respondents were self-employed with no other employees; and (b) a further 36 (50.7 per cent or 65.5 per cent of the 55 with staff) employed between 1 and 8 people, typically on a casual or part-time basis to provide support services to the CEO/manager. Nearly all of the largest employers (i.e. with more than 20 personnel) were companies providing legal, accountancy or business investment services. In these larger companies, the staff were generally full-time workers and a higher proportion were professionals and related support staff. Finally, of the 55 companies and organisations employing staff only 27 (49.1 per cent) were reported to have a recruitment policy. In most cases this policy emphasised the need to employ staff who not only had the skills to do the job under offer but also the ability to empathise with migrants. It should be noted, however, that in a number of cases the respondent completing the questionnaire on behalf of their company (particularly those in the larger companies) did not participate in staff recruitment and were unaware of policy in this area.

Employment of immigrants

When respondents for the 55 companies that employed staff were asked if their company consciously sought to employ immigrant personnel, 37 (67.3 per cent) replied “No” and 5 (9.1 per cent) “Don’t know”. There was no
significant difference according to company size (1-8 vs 9+ employees). The majority of those who replied “No” stressed that while migrants do have language skills, cultural knowledge and the experience of migration, these attributes can also serve as a constraint; individually, immigrants typically have knowledge of only their own culture and language, and a particular niche within that culture. They tend also to have a limited and/or at times an overly negative knowledge of New Zealand culture and society. Indeed, it was argued by many that multi-lingual New Zealanders with overseas experience and first-hand knowledge of their own culture and society were best suited for this type of employment. On the other hand, among the 23.6 per cent of companies that did consciously seek to recruit immigrants, most respondents emphasised that their company sought the language skills and cultural knowledge of immigrants and also considered them better suited to employment in the industry because of their personal experience of migration.

Although the majority of the 55 companies employing staff did not consciously seek to employ immigrant personnel, 45 (81.8 per cent) did in fact have immigrant employees. Again there was no significant difference by company size (1-8 vs 9+ staff). And of these 45 companies, 40 (88.9 per cent) were reported to have staff who were native speakers of non-English languages (notably Chinese languages/dialects and Afrikaans). But were these language skills and other attributes of the immigrant personnel actively utilised?

As shown in Table 3 the great majority of these companies were reported to make use of the native speaker language skills (80 per cent) and the cultural background (75 per cent) of immigrant staff, but less use was made of their business connections (57.5 per cent). In terms of company size, only one marked difference was found; small businesses (1-8 staff) made more use of the cultural background of immigrant staff than larger companies. In accord with these findings it was found, irrespective of company size and despite the reservations noted above, that the great majority of respondents (37 out of 45, or 82.2 per cent) for companies that actually employed immigrants believed that such personnel were more likely to have valuable cultural knowledge than non-immigrants.

To better understand these results, including those that may appear to be contradictory, it should be remembered that more than half of the CEOs and managers were immigrants themselves. In such cases, the immigrant staff employed were typically either members of the CEO/manager’s own family and/or members of their own ethnic group. They were not consciously seeking immigrant personnel, rather they were providing employment for family members and/or making use of contacts within their own ethnic community to cater for target clientele of the same ethnicity. This was particularly the case for smaller firms with 1-8 staff. However, there were exceptions to this pattern. In the case of some larger firms the recruitment of
immigrant personnel was a conscious strategy in order to cater for specific target markets.

Table 3: Utilisation of immigrant language skills, cultural background(s) and business connections by company size: participating companies and organisations, 1999 (percentages)

<table>
<thead>
<tr>
<th></th>
<th>1-8 staff (N=24)</th>
<th>9+ staff (N=16)</th>
<th>Total (N=40)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are native speaker language skills of immigrant staff actively utilised?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>83.3</td>
<td>75.0</td>
<td>80.0</td>
</tr>
<tr>
<td>No</td>
<td>16.7</td>
<td>25.0</td>
<td>20.0</td>
</tr>
<tr>
<td>Is use made of the cultural background(s) of immigrant staff?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>83.3</td>
<td>62.5</td>
<td>75.0</td>
</tr>
<tr>
<td>No/don’t know etc.</td>
<td>16.7</td>
<td>37.5</td>
<td>25.0</td>
</tr>
<tr>
<td>Is use made of business connections of immigrant staff?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>58.3</td>
<td>56.2</td>
<td>57.5</td>
</tr>
<tr>
<td>No/don’t know etc.</td>
<td>41.7</td>
<td>43.8</td>
<td>42.5</td>
</tr>
</tbody>
</table>

Employment of New Zealand-born staff

For the 55 firms employing staff, the survey included questions that complemented those on the employment of immigrants. The respondent was asked: (a) if the staff included anyone who was New Zealand-born with non-English language skills and/or cultural background knowledge of countries where English was not the first language; and (b) if the skills and/or knowledge were utilised. Only 16 out of 55 (29.1 per cent) reported the employment of such staff, while a further 2 (3.6 per cent) replied "Don't know". Most of these New Zealand-born staff (10 out of 16 or 62.5 per cent) were reported to have both language skills and cultural knowledge, and in the majority of cases the skills and/or knowledge were utilised (68.7 per cent).

These results were somewhat surprising on two counts, but may be readily explained. First, it had been anticipated that the pool of employees would include a higher proportion of New Zealand-born staff with the skills and/or knowledge in question, given the role (assumed) of consultants in relation to the migrant inflow from diverse ethnic and national origins during the first
half of the 1990s (see Bedford, 1996; Bedford and Lidgard, 1996; Lidgard et al., 1998). Here it need only be noted that the downturn in immigration after 1995, coupled with the new English language requirements for prospective migrants in the General Skills and Business categories, probably negated or reduced the need for such staff in an industry that had been down-sized. Second, it was found that the larger (9+ staff) rather than the small (1-8 staff) firms disproportionally accounted for the majority (10 out of 16) with linguistically skilled and/or culturally knowledgeable New Zealand-born personnel. It may perhaps be argued here that such staff would have other professional/specialist skills that could more easily fit in larger companies, but it should also be remembered that the foreign-born CEOs/managers (often employing family members or others from their own ethnic group) headed just over half of the small firms.

Table 4: The need for particular staff and recruitment difficulties: participating companies and organisations, 1999

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does company need staff with non-English language skills and/or knowledge of other cultural back-grounds?</td>
<td>(N=71)</td>
<td>(%=100)</td>
</tr>
<tr>
<td>Yes, non-English language skills needed</td>
<td>14</td>
<td>19.7</td>
</tr>
<tr>
<td>Yes, knowledge of other cultural backgrounds needed</td>
<td>2</td>
<td>2.8</td>
</tr>
<tr>
<td>Yes, language skills, knowledge other cultural backgrounds needed</td>
<td>15</td>
<td>21.1</td>
</tr>
<tr>
<td>No</td>
<td>20</td>
<td>28.2</td>
</tr>
<tr>
<td>Don’t know</td>
<td>8</td>
<td>11.3</td>
</tr>
<tr>
<td>Not applicable</td>
<td>12</td>
<td>16.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does company experience difficulty recruiting staff when language and cultural skills are required?</th>
<th>(N=31)</th>
<th>(%=100)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, language and cultural skills</td>
<td>6</td>
<td>19.4</td>
</tr>
<tr>
<td>Yes, language skills only</td>
<td>1</td>
<td>3.2</td>
</tr>
<tr>
<td>No</td>
<td>9</td>
<td>29.0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>6</td>
<td>19.4</td>
</tr>
<tr>
<td>Not applicable</td>
<td>9</td>
<td>29.0</td>
</tr>
</tbody>
</table>
Staff required and recruitment

All respondents were asked two key questions. Did their firm need staff with non-English language skills and/or knowledge of other cultural backgrounds, and if so did the firm experience any difficulty in recruiting them? The results are presented in Table 4.

Overall, a need was indicated by 31 out of 71 respondents (43.6 per cent), particularly for staff with both language skills and cultural background knowledge as well as for those with language skills alone. Of the remaining businesses, half of the respondents replied "No" (usually the clients spoke adequate English) while the balance was accounted for by those who either didn’t know whether or not there was a need or who (for various reasons) defined their firm’s situation as “Not applicable” (typically a small business or self-employed proprietor). Only 7 (22.6 per cent) of those indicating a need acknowledged any recruitment difficulty, and for most of the others it was not an issue as they had not yet attempted to recruit staff.

Company Operations and the Provision of Services

A key objective of the survey questionnaire was to determine the nature and scope of company operations, including the types of services offered to clients at different stages of migration. Attention was therefore directed to the following topics: (a) connections with and services for particular ethnic and migrant organisations; (b) the categories of migrants catered for, including specialisation; (c) pre-migration and post-migration services; (d) offshore operations and the services offered; and (e) connections with both overseas-based and other New Zealand companies. For more precise details on the breadth and depth of information sought and collected, readers should refer to Appendix 1.

Connections with ethnic or migrant organisations

Overall, only 13 (18.3 per cent) of the participating companies were identified by respondents as having a working relationship with at least one ethnic and/or migrant organisation or group in New Zealand, and of these 11 indicated that they specialised in offering services to potential migrants from the particular ethnic group(s) concerned. In one case the firm focussed upon Korean clients and in another case 60 per cent were South Africans. As expected, the main reasons for this specialisation were: the birthplace or ethnic background of the CEO or manager (hence the necessary cultural and language skills); previous residence in the place(s) of origin of the migrants; and, largely because of these reasons, having a personal understanding and commitment or well-established relationship with the particular group(s) identified. With more than half of the 71 firms headed by CEOs or managers born overseas, a much higher proportion of the participating companies could have been expected to have ethnic/migrant connections and business
specialisation, but this appears to have been limited by the relatively small size of New Zealand’s annual immigrant inflow and the numbers from particular origins.

**Services by category of migrant**

The limited opportunity to specialise in service provision was evident also in relation to the programme categories specified in immigration policy (i.e General Skills Category, Business Migrants, Family Reunification etc.). Services were offered to clients seeking entry or residence in *all* categories by 60 (84.5 per cent) of the participating companies. Of the remainder, almost all concentrated upon those in the General Skills and/or Business Migrant categories. Furthermore, of the 67 companies providing a service to General Skills Category clients, either as part of their broader business activities (60) or as a specialty area (7), only 6 were identified by respondents as specialising in certain types of professionals (e.g. in nursing and information technology). This seems to suggest the existence of potential niche market opportunities for those industry members equipped to respond to shortages in particular areas arising from New Zealand’s persistent and substantial emigration of skilled workers.

**New Zealand-based pre-migration, post-migration and other services**

Pre-migration services relating to the lodgement of applications for entry or residence were offered in New Zealand by 61 (85.9 per cent) of the participating companies, and no significant variation was found across company staff size categories (Table 5). The basic business of most of the companies, these services included: providing an initial assessment of whether or not a prospective applicant would be successful; coordinating the collection, verification and collation of the various documents required; filling in and lodging an application; and follow-up with the NZIS after lodgement.

Another set of pre-migration services relating to the settlement of migrants were offered in New Zealand by 52 (73.2 per cent) of the participating companies and organisations. These services included advice and/or assistance on various aspects of New Zealand society (e.g. education, taxes, welfare, the political system, citizenship, banking, housing for sale and rental, car rental and purchase, driver’s licence and employment), international transportation and removal (of belongings and pets), and insurance. Other services included in this category were the provision of literature as well as seminar presentations and videos on life in New Zealand. As shown in Table 5, there was a small (non-significant) difference in the provision of such services between companies categorised by staff size; the single person enterprise and larger companies were more likely to offer these services than companies with 1-8 staff. Larger operators might be expected to have the resources or specialised staff needed for these services, whereas the sole
consultant frequently offered a 'service package' to either attract business or to meet the needs of clients from particular ethnic or national backgrounds.

Table 5: Provision of pre-migration, post-migration and other services in New Zealand by staff size of company: participating companies and organisations, 1999 (percentages)

<table>
<thead>
<tr>
<th>Are pre-migration services offered in NZ relating to the lodgement of applications?</th>
<th>Self-employed, no staff (N=16)</th>
<th>Employer 1-8 staff (N=36)</th>
<th>Employer 9+ staff (N=19)</th>
<th>Total (N=71)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>87.5</td>
<td>86.1</td>
<td>84.2</td>
<td>85.9</td>
</tr>
<tr>
<td>No</td>
<td>12.5</td>
<td>8.3</td>
<td>10.5</td>
<td>9.9</td>
</tr>
<tr>
<td>Not applic./no response</td>
<td>--</td>
<td>5.6</td>
<td>5.3</td>
<td>4.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Are pre-migration services offered in NZ relating to the settlement of immigrants?</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>81.2</td>
<td>66.7</td>
<td>78.9</td>
<td>73.3</td>
</tr>
<tr>
<td>No</td>
<td>18.8</td>
<td>25.0</td>
<td>15.8</td>
<td>21.1</td>
</tr>
<tr>
<td>Not applic./no response</td>
<td>--</td>
<td>8.3</td>
<td>5.3</td>
<td>5.6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Are post-migration services offered in NZ? (e.g. advice or assistance on education, banking)</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>93.7</td>
<td>77.8</td>
<td>63.2</td>
<td>77.5</td>
</tr>
<tr>
<td>No</td>
<td>6.3</td>
<td>22.2</td>
<td>36.8</td>
<td>22.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does company offer any other services in NZ?</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>43.7</td>
<td>58.3</td>
<td>73.7</td>
<td>59.2</td>
</tr>
<tr>
<td>No</td>
<td>56.3</td>
<td>36.1</td>
<td>21.0</td>
<td>36.6</td>
</tr>
<tr>
<td>Not applic./no response</td>
<td>--</td>
<td>5.6</td>
<td>5.3</td>
<td>4.2</td>
</tr>
</tbody>
</table>

Post-migration services were offered in New Zealand by 55 (77.5 per cent) of the participating companies. These services mirrored those offered as pre-migration services relating to the settlement of immigrants (see above) but also included: the collection of clients from the airport; showing new arrivals the city; and close contact with the immigrants during the first weeks after
arrival. Here an inverse relationship was apparent between companies categorised by staff size and the provision of such services (see Table 5), presumably for reasons similar to those suggested in relation to the provision of pre-migration services.

In addition to pre- and post-migration services, 42 (59.2 per cent) of the participating companies and organisations were reported to offer other services. The positive relationship between company staff size and the provision of other services (see Table 5) indicates that involvement in the immigration industry was often an 'extra' among the largest companies (especially those with 20+ staff) and 'supplemented' with other sources of income in the case of smaller firms. Among the 'other services' identified by respondents were: legal, management, investment and secretarial services, the provision of business advice and referral for business advice - all of which would be relevant to the needs of the general population rather than immigrants alone.

Assuming that there would be some variation in the provision of services, a question was included in the survey to get the companies to explain why certain types of services (pre- and post-migration) were not offered in New Zealand. Overall, 23 (32.4 per cent) acknowledged specific reasons for certain services not being offered, and their explanations enhance our understanding of the results presented in Table 5. First, it was stressed that the provision of employment services (i.e. searching for employment for immigrant clients) was not an economically viable activity. The point was made by these companies that they did not have the necessary expertise in all fields and that when necessary they referred their clients to those who did. Second, a number of these companies considered that their primary business was providing pre-migration services (for both the lodgement of applications and immigrant settlement) and that thorough service provision at this stage of the process ensured that post-migration services would not be necessary. On this point also it was noted that a possible need or demand for services was frequently obviated by the fact that many clients already have family in New Zealand from whom they receive post-migration support.

**Offshore operations and services offered**

Almost half (33 out of 71 or 46.5 per cent) of the participating companies had offshore operations with offices in one or more of the five following countries: Germany, England, South Africa, Taiwan and Switzerland. Pre-migration services were offered overseas by 29 (87.9 per cent) of the 33 companies with offshore operations and 12 out of 33 (36.4 per cent) offered post-migration services. The pre- and post-migration services offered were similar to if not exactly the same as those offered in New Zealand (see above). Other services, offered by 6 (18.2 per cent) of the 33 companies with offshore operations, included the provision of literature and seminar and video presentations on life in New Zealand. Finally, as shown in Table 6, it appears
that offshore operations were primarily the domain of companies employing staff rather than the self-employed sole operator. This difference was statistically significant ($\chi^2$ 3.59, 1df, p<.05). Among these employers it was those with 9+ staff that appeared to be more likely to offer both pre-migration and post-migration services. However, none of the differences between companies categorised by staff size were statistically significant. Nor were there any statistically significant differences found between the participating companies when categorised by the CEO/manager’s birthplace (New Zealand-born versus foreign-born).

### Table 6: Offshore operations and services offered: participating companies and organisations, 1999 (percentages)

<table>
<thead>
<tr>
<th></th>
<th>Self-employed, no staff</th>
<th>Employer 1-8 staff</th>
<th>Employer 9+ staff</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does company have any offshore operations?</td>
<td>(N=16)</td>
<td>(N=36)</td>
<td>(N=19)</td>
<td>(N=71)</td>
</tr>
<tr>
<td>Yes</td>
<td>25.0</td>
<td>50.0</td>
<td>57.9</td>
<td>46.5</td>
</tr>
<tr>
<td>No</td>
<td>75.0</td>
<td>50.0</td>
<td>42.1</td>
<td>53.5</td>
</tr>
<tr>
<td>If company has offshore operations, are pre-migration services offered offshore?</td>
<td>(N=4)</td>
<td>(N=18)</td>
<td>(N=11)</td>
<td>(N=33)</td>
</tr>
<tr>
<td>Yes</td>
<td>100.0</td>
<td>83.3</td>
<td>90.9</td>
<td>87.9</td>
</tr>
<tr>
<td>No</td>
<td>--</td>
<td>16.7</td>
<td>9.1</td>
<td>12.1</td>
</tr>
<tr>
<td>If company has offshore operations, are post-migration services offered offshore?</td>
<td>(N=4)</td>
<td>(N=18)</td>
<td>(N=11)</td>
<td>(N=33)</td>
</tr>
<tr>
<td>Yes</td>
<td>50.0</td>
<td>27.8</td>
<td>45.5</td>
<td>36.4</td>
</tr>
<tr>
<td>No</td>
<td>50.0</td>
<td>72.2</td>
<td>54.5</td>
<td>63.6</td>
</tr>
<tr>
<td>If company has offshore operations, are any other services offered offshore?</td>
<td>(N=4)</td>
<td>(N=18)</td>
<td>(N=11)</td>
<td>(N=33)</td>
</tr>
<tr>
<td>Yes</td>
<td>--</td>
<td>27.8</td>
<td>9.1</td>
<td>18.2</td>
</tr>
<tr>
<td>No</td>
<td>100.0</td>
<td>72.2</td>
<td>90.9</td>
<td>81.8</td>
</tr>
</tbody>
</table>

Only a handful of the respondents from companies with offshore operations provided reasons for not offering certain pre- and/or post-migration services.
In the main, services were not offered when immigration comprised only a small part of a company's overall business operations.

**Connections with other companies: overseas and in New Zealand**

In terms of meeting client needs and business advantage, the mutual value of formal and/or informal connections with other companies is well known. For the immigration industry, dominated by relatively small businesses, such connections may be particularly important given the international scope of its operations and the diverse needs of clients at different stages of the migration process. Accordingly, the survey included questions to gauge the extent and nature of connections with other companies both at home and abroad.

**Table 7:** Connections with other companies (overseas-based and in New Zealand) by company staff size: participating companies and organisations, 1999 (percentages)

<table>
<thead>
<tr>
<th></th>
<th>Self-employed, no staff (N=16)</th>
<th>Employer 1-8 staff (N=36)</th>
<th>Employer 9+ staff (N=19)</th>
<th>Total (N=71)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does company have formal or informal connections with <strong>overseas-based</strong> companies?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>31.2</td>
<td>66.7</td>
<td>57.9</td>
<td>56.3</td>
</tr>
<tr>
<td>No</td>
<td>62.5</td>
<td>25.0</td>
<td>36.8</td>
<td>36.6</td>
</tr>
<tr>
<td>Not applicable/no response</td>
<td>6.3</td>
<td>8.3</td>
<td>5.3</td>
<td>7.1</td>
</tr>
<tr>
<td>Does company have formal or informal links with other <strong>NZ-based</strong> companies?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes - formal links only</td>
<td>12.5</td>
<td>8.4</td>
<td>--</td>
<td>7.0</td>
</tr>
<tr>
<td>Yes - informal links only</td>
<td>37.5</td>
<td>44.4</td>
<td>15.8</td>
<td>35.2</td>
</tr>
<tr>
<td>Yes - formal &amp; informal links</td>
<td>12.5</td>
<td>19.4</td>
<td>36.8</td>
<td>22.6</td>
</tr>
<tr>
<td>No/no response</td>
<td>37.5</td>
<td>27.8</td>
<td>47.4</td>
<td>35.2</td>
</tr>
</tbody>
</table>

Forty of the 71 participating companies (56.3 per cent) had connections with independent companies or operators based overseas (Table 7). While the proportion with these connections was significantly higher among companies employing staff as compared with the self-employed single person businesses ($\chi^2$ 6.05, 1df, p<.01), no significant difference was found between companies categorised according to the CEO/manager's birthplace. For 75 per cent of
the companies concerned, the nature of the overseas connection(s) was simply one of "referrals" (usually informal) while the bulk of the remainder were accounted for by what were described as a "formal relationship" (12.5 per cent), a "strategic alliance" and a "joint venture agreement".

Links with other New Zealand companies providing services required by immigrants were reported by 46 (64.7 per cent) of the respondents (Table 7). These links tended to be more common among the smaller companies and the differences between staff size categories were statistically significant ($\chi^2 7.83$, 3df, $p<.05$). No statistically significant differences were found between companies headed by New Zealand-born as compared with foreign-born CEOs or managers. Again the links were typically informal in nature (25 cases), although 16 respondents reported both formal and informal links.

Results obtained with respect to both the existence and nature of links with other New Zealand companies may warrant a measure of caution in the light of earlier information provided by respondents on the pre- and post-migration services offered by their companies. In particular, the relatively high proportion reporting no links with other New Zealand companies suggests that the question may have been too narrowly interpreted by some respondents to refer to: (a) only links with other immigration consultants in New Zealand; and/or (b) only links other New Zealand companies which involved a financial arrangement. With regard to the latter possibility it should be noted that there is a legal requirement in the field of commercial practice to disclose any financial interest when clients are referred to other companies. If this requirement was indeed a key factor underlying the interpretation of the question by some respondents, then it would have to be conceded that the extent of (usually informal) links with no financial interest has been understated.

Difficulties with New Zealand's Immigration Policy

Given the major role of industry members in the provision of both information and assistance to prospective immigrants, a disquieting feature of the survey results concerned the extent and nature of difficulties experienced with New Zealand's immigration policy. As shown in Table 8, 62 of the 71 respondents (87.3 per cent) reported that their company had experienced such difficulties during the last ten years. The area these respondents most frequently identified for difficulties was the General Skills Category (75 per cent), hardly surprising in the light of the new policy and points system implemented in 1991 and subsequent modifications in 1995 and 1998 (see Trin, 1997; Bedford and Ho, 1998). However, about half of the participants also reported difficulties with the Business Migrant, Family Reunification and Humanitarian provisions (Table 8).

The following examples illustrate the nature of the difficulties experienced:
a) constant differences in the interpretation of policy by the New Zealand Immigration Service (NZIS);
b) New Zealand Qualifications Authority (NZQA) requirements and the delays produced;
c) ethnocentric assessments of qualifications by the NZQA in cases where New Zealand has no equivalent qualification;
d) the definition of a ‘successful business’ for Business Migrant applicants;
e) the definition of a ‘genuine and stable relationship’ for applicants seeking Family Reunification and how this definition is applied by NZIS officers;
f) unrealistic English language requirements for applicants under both the Business Migrant and General Skills Category provisions;
g) the sponsor restriction for applicants under the Humanitarian provisions.

<table>
<thead>
<tr>
<th>Table 8: Difficulties experienced with immigration policy: participating companies and organisations, 1999</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Has company experienced any particular difficulties with NZ’s immigration policy during 1990s? (N=71) (%=100)</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>62</td>
</tr>
<tr>
<td>87.3</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>12.7</td>
</tr>
<tr>
<td>Areas in which difficulties have been experienced. (N=&quot;Yes&quot;) ( %= &quot;Yes&quot;) out of 62</td>
</tr>
<tr>
<td>General Skills category</td>
</tr>
<tr>
<td>47</td>
</tr>
<tr>
<td>75.8</td>
</tr>
<tr>
<td>Business Migrants</td>
</tr>
<tr>
<td>32</td>
</tr>
<tr>
<td>51.6</td>
</tr>
<tr>
<td>Family Reunification</td>
</tr>
<tr>
<td>33</td>
</tr>
<tr>
<td>53.2</td>
</tr>
<tr>
<td>Humanitarian provisions</td>
</tr>
<tr>
<td>28</td>
</tr>
<tr>
<td>45.2</td>
</tr>
<tr>
<td>Refugee provisions</td>
</tr>
<tr>
<td>12</td>
</tr>
<tr>
<td>19.3</td>
</tr>
<tr>
<td>Other provisions</td>
</tr>
<tr>
<td>18</td>
</tr>
<tr>
<td>29.0</td>
</tr>
<tr>
<td>Has company experienced any problems with implementation of policy (processing applications)? (N=62) (%=100)</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>51</td>
</tr>
<tr>
<td>82.3</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>11</td>
</tr>
<tr>
<td>17.7</td>
</tr>
<tr>
<td>Has company been successful in addressing difficulties? (N=51) (%=100)</td>
</tr>
<tr>
<td>Yes, generally</td>
</tr>
<tr>
<td>29</td>
</tr>
<tr>
<td>56.9</td>
</tr>
<tr>
<td>Yes, sometimes</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>13.7</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>15</td>
</tr>
<tr>
<td>29.4</td>
</tr>
</tbody>
</table>
Problems with policy implementation (i.e. the processing of applications) were acknowledged by 51 (82.3 per cent) of the 62 company respondents reporting the experience of difficulties.

Were the difficulties and problems experienced able to be successfully addressed and if so by what means? Among the 51 companies that had experienced both difficulties with policy and problems in the processing of applications, 29 (56.9 per cent) were identified as being generally successful and 7 (13.7 per cent) as sometimes successful in addressing the difficulties (Table 8). Two or more methods were typically used by these companies. As expected, the most common methods were (a) direct discussions with the NZIS (35 of the 36 companies, 97.2 per cent) and/or (b) access to more detailed information on policy requirements and criteria (16 companies, 44.4 per cent). Advice from the NZAMI was also important (9 companies, 25 per cent) but in some cases the nature of the difficulties or problems involved was such that they had to be referred to the Ombudsman and/or lawyers for resolution (12 companies, 33.3 per cent). Nevertheless, the fact remains that for 15 companies (29.4 per cent of those that had experienced difficulties or 21 per cent of all of the survey participants) the respondents reported no success in the resolution of difficulties. This finding, coupled with the extent and nature of difficulties and problems experienced, suggests an urgent need for dialogue between the industry and the NZIS if New Zealand's immigration policy is to yield the human capital and international linkages desired by government for its programmes of economic and social development.

Relationships with the New Zealand Immigration Service

The difficulties or problems noted above and the methods used to resolve them highlight the importance of a positive relationship between industry members and the NZIS. It was disappointing, therefore, to find that these relationships were perceived to be an area in need of improvement.

Only 41 (57.7 per cent) of the 71 companies rated their relationship with the NZIS as being very good or better, and while 63 (88.7 per cent) claimed they actively sought a positive relationship with the NZIS only 20 (28.2 per cent) thought that the NZIS for its part actively sought a positive relationship with those working in the immigration industry (see Table 9). To be fair, however, a number of the company respondents did point out that much depended on the particular NZIS office and officers that they dealt with. Finally, when the responses were analysed in relation to the birthplace of CEOs/managers an interesting difference (not quite within the .05 level of statistical significance) was found. Companies with a foreign-born CEO/manager were less likely to be rated as having a relationship with the NZIS that was very good or better (48.8 per cent) than those with a New Zealand-born CEO/manager (70 per cent).
Table 9: Relationships with the New Zealand Immigration Service: participating companies and organisations, 1999

<table>
<thead>
<tr>
<th></th>
<th>Number (N=71)</th>
<th>Percentage (%=100)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rating of company’s relationship with NZIS.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excellent</td>
<td>13</td>
<td>18.3</td>
</tr>
<tr>
<td>Very good</td>
<td>28</td>
<td>39.5</td>
</tr>
<tr>
<td>Good</td>
<td>13</td>
<td>18.3</td>
</tr>
<tr>
<td>Fair</td>
<td>11</td>
<td>15.5</td>
</tr>
<tr>
<td>Poor</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td>Totally unsatisfactory</td>
<td>2</td>
<td>2.8</td>
</tr>
<tr>
<td>Other/no response</td>
<td>3</td>
<td>4.2</td>
</tr>
<tr>
<td>Does company actively seek positive relationship with NZIS?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>63</td>
<td>88.7</td>
</tr>
<tr>
<td>No</td>
<td>4</td>
<td>5.6</td>
</tr>
<tr>
<td>Not applicable/no response</td>
<td>4</td>
<td>5.6</td>
</tr>
<tr>
<td>Does NZIS actively seek positive relationship with industry members?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>20</td>
<td>28.2</td>
</tr>
<tr>
<td>Sometimes</td>
<td>7</td>
<td>9.8</td>
</tr>
<tr>
<td>No</td>
<td>31</td>
<td>43.7</td>
</tr>
<tr>
<td>Don’t know</td>
<td>13</td>
<td>18.3</td>
</tr>
</tbody>
</table>

Variations in the NZIS processing of applications

A particular relationship problem concerned the existence, nature and impact of national and international variations with respect to the NZIS processing of applications. Of the 71 company respondents, 47 (66.2 per cent) and 36 (50.7 per cent) indicated they were aware of national (regional) and international variations, respectively.

(a) National (regional) variations

At the national (regional) level the most significant variation, noted by 19 (40.4 per cent) of the 47 companies concerned, related to differences in the interpretation of policy between one NZIS office and another and also between officers within a particular regional branch. Differences in the
length of time taken to process applications, especially in the Auckland office, were also noted. However it was the variation in policy interpretation that was emphasised and perceived as a significant operational issue that impacted on: the ability of respondents and companies to provide advice to applicants; the professional reputation of respondents and/or companies; relationships between the NZIS and private sector companies; and ultimately on immigrant perceptions of New Zealand. A number of participants provided examples where an application had been lodged and refused in one NZIS office and subsequently accepted in another.

Three key factors were believed to underlie these variations. First, regional differences in the quality of regional managers; while some were capable, others appeared to be poorly informed on policy and lacking in their performance of management responsibilities. Second, regional differences in the quality and ability of NZIS staff, some of whom were perceived to be uninformed on matters of policy and/or lacking in empathy towards immigrants in general and in some cases toward specific groups, notably the Chinese. These differences in the quality of managerial and other staff were believed to stem in part from the third factor - organisational deficiencies. The NZIS was perceived to be under-resourced, its staff overworked and underpaid in occupations with a relatively low status in the public service. Consequently the NZIS was thought to be unable to attract and retain high quality staff.

(b) International variations

Differences between overseas offices of the NZIS included variations in: (a) the interpretation of policy (in some cases the reading of policy by one office was contradicted by another); (b) the interpretation of qualification and English language requirements (the latter had become an issue even when English was the applicant’s first language); (c) the interpretation of visitor visa requirements; and (d) decisions on student visas and in particular “risk profiling” (one respondent claimed that “risk profiling” was in fact “a euphemism for a policy applied on the basis of race”).

Offices or other locations singled out by respondents in their comments were those of Beijing, Manila, New Delhi and Suva. The Beijing office was described as being generally unapproachable with a “fortress mentality”, “hostile toward Chinese” and “totally out of control”. Application processing in the Philippines was perceived as being unprofessional; in the absence of a proper office and trained officers “decisions were made by the sherry circuit”. Finally, a number of participants noted that bribery and corruption was common in New Delhi and the Philippines, so much so that in many cases the only way of guaranteeing “real results” was to make the payments required.
Table 10: Policy change consultation and responsibility for policy development, decision-making and application processing: participating companies and organisations, 1999

<table>
<thead>
<tr>
<th>Has company been consulted on proposed policy changes?</th>
<th>Number (N=71)</th>
<th>Percentages (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>22</td>
<td>31.0</td>
</tr>
<tr>
<td>No</td>
<td>46</td>
<td>64.8</td>
</tr>
<tr>
<td>No response/not applicable</td>
<td>3</td>
<td>4.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Should government consult companies on policy changes?</th>
<th>Number (N=71)</th>
<th>Percentages (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>58</td>
<td>81.7</td>
</tr>
<tr>
<td>No</td>
<td>5</td>
<td>7.0</td>
</tr>
<tr>
<td>Don’t know/no response</td>
<td>6</td>
<td>8.5</td>
</tr>
<tr>
<td>Not applicable</td>
<td>2</td>
<td>2.8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Should policy development lie exclusively with NZIS?</th>
<th>Number (N=71)</th>
<th>Percentages (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>8</td>
<td>11.3</td>
</tr>
<tr>
<td>No</td>
<td>60</td>
<td>84.5</td>
</tr>
<tr>
<td>Don’t know/no response</td>
<td>3</td>
<td>4.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Should NZIS retain decision-making role?</th>
<th>Number (N=71)</th>
<th>Percentages (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>51</td>
<td>71.8</td>
</tr>
<tr>
<td>No</td>
<td>12</td>
<td>16.9</td>
</tr>
<tr>
<td>Don’t know/no response</td>
<td>8</td>
<td>11.3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Could some or all of application processing be devolved to private sector companies?</th>
<th>Number (N=71)</th>
<th>Percentages (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, some</td>
<td>37</td>
<td>52.1</td>
</tr>
<tr>
<td>Yes, all</td>
<td>6</td>
<td>8.5</td>
</tr>
<tr>
<td>No</td>
<td>25</td>
<td>35.2</td>
</tr>
<tr>
<td>Don’t know/no response</td>
<td>3</td>
<td>4.2</td>
</tr>
</tbody>
</table>

Policy Development, Consultation and Decision-making

The difficulties experienced with immigration policy, application processing and relationships with the NZIS appear to have coloured the attitudes of
companies with respect to the development, implementation and operation of immigration policy. In essence, there was a general feeling that government should give the private sector greater recognition for its expertise and more responsibility.

Only 22 (31 per cent) of the 71 participating companies indicated that they had ever been consulted about proposed policy changes by the NZIS or some representative of the Minister of Immigration. Nevertheless, a number of the others indicated that while their opinions had not been "officially" invited they had frequently volunteered them in writing and verbally. Needless to say, 58 (81.7 per cent) were of the opinion that companies such as their own should be consulted by government and the great majority (84.5 per cent) were also opposed to the NZIS having an exclusive role or position with respect to the development of immigration policy (Table 10).

The role of industry members with regard to application processing and decisions was less clear cut. Only 12 (16.9 per cent) of the 71 company respondents were opposed to the NZIS retaining its (final) decision-making role. On the other hand, 6 (8.5 per cent) and 37 (52.1 per cent), respectively, thought that all or some of the application processing role could be devolved to the private sector. Contracting out this task was seen by a number of the companies as a way of reducing the delays that they and their clients had experienced.

Exploitation and Misconduct in the Industry

To balance criticisms of the NZIS (and the consequent arguments for greater industry recognition and responsibility) it is appropriate to take note of failings in the conduct of industry members. These failings, well publicised in the media from time to time, were acknowledged by 45 (63.4 per cent) company respondents who were aware of cases in which clients had been exploited by industry members in New Zealand.

The following are among the many examples of client exploitation and other forms of misconduct that these company respondents claimed to know of:

a) the charging of exorbitant fees for either minimal or no service at all (e.g. charging around $20,000 to secure a permanent residence visa);

b) holding passports and other documents without consent as security against the payment of fees;

c) false advertising;

d) obtaining documents under false pretences and/or forging passport visas;

e) encouraging unqualified persons to proceed with applications that had no chance of being successful;

f) providing guarantees that applicants will gain employment in their profession without disclosing NZQA requirements;

g) finding or arranging 'false' jobs for applicants in order to get work visas;

h) bribery of NZIS staff overseas;
i) promoting New Zealand as a country that readily provides social welfare benefits;

j) arranging marriages to secure entry to and/or residence in New Zealand;

k) providing poor quality investment advice and taking advantage of the applicant;

l) being involved in the employment of people on visitor visas at cheaper wage rates;

m) making false refugee or asylum claims;

n) extortion by some consultants who tell clients (of the same ethnicity and/or country of origin) that if they do not use their services and pay the fees that the application process will be sabotaged and the application declined.

The Issue of Industry Regulation and Registration

Prompted at least in part by media reports of scams and dubious practices by immigration consultants in New Zealand and abroad, industry regulation and registration emerged as a major issue during the 1990s. Recognising the need for information to facilitate an informed debate on this issue, a number of questions on the topic were included in the survey. The results obtained, distinguishing between current members and non-members of the New Zealand Association for Migration and Investment (NZAMI), are presented and discussed below.

As shown in Table 11 the majority of the participating companies and organisations were clearly in favour of: industry regulation (72.9 per cent); the registration of companies to practise (77.1 per cent); and of registration as a way of advancing professionalism in the industry (75.7 per cent). Overall, these results may be interpreted as support for measures that would address unethical conduct, protect clients and raise or protect the public standing of industry members. Nevertheless, it should also be acknowledged that there was a substantial level of either opposition or uncertainty. Although the numbers involved are small, it appears that this 'negative' view was generally stronger among non-members as compared with current members of NZAMI.

There were various reasons for this opposition and uncertainty. For some it was a case of a matter to which not much thought had been given while others had reservations about the viability or utility of the models for regulation and registration that had been discussed in different contexts by industry members. Concern was expressed that registration could lead to some companies securing a monopoly in service provision and that newcomers to the industry could be disadvantaged. The point was also made that while regulation and registration might offer a means of dealing with unethical operators in New Zealand they left unanswered the matter of unethical conduct by operators abroad, the extent of which is largely unknown. Finally, some participants were concerned that registration would
not work unless mechanisms were in place to ensure that standards could be enforced.

Table 11: Attitudes on industry regulation, company registration and professionalism by NZAMI membership: participating companies and organisations, 1999 (percentages)

<table>
<thead>
<tr>
<th></th>
<th>Members, incl. Affiliates (N=53)</th>
<th>Non-members (N=17)</th>
<th>Total (N=70)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should the industry be regulated?</td>
<td>77.3 58.8</td>
<td></td>
<td>72.9</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>13.2</td>
<td>23.5</td>
<td>15.7</td>
</tr>
<tr>
<td>Don’t know/no response</td>
<td>9.4</td>
<td>17.7</td>
<td>11.4</td>
</tr>
<tr>
<td>Should companies offering immigration services be registered to practise?</td>
<td></td>
<td></td>
<td>77.1</td>
</tr>
<tr>
<td>Yes</td>
<td>81.1</td>
<td>64.7</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>9.4</td>
<td>23.5</td>
<td>12.9</td>
</tr>
<tr>
<td>Don’t know/no response</td>
<td>9.4</td>
<td>11.8</td>
<td>10.0</td>
</tr>
<tr>
<td>Would registration be a means of advancing professionalism in the industry?</td>
<td>79.2</td>
<td>64.7</td>
<td>75.7</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>11.3</td>
<td>17.6</td>
<td>12.9</td>
</tr>
<tr>
<td>Don’t know/no response</td>
<td>9.4</td>
<td>17.6</td>
<td>11.4</td>
</tr>
</tbody>
</table>

* Excludes one case where NZAMI membership status was not specified.

Was there a role for the NZAMI? As shown in Table 12, 68.6 per cent of all the participants felt that the NZAMI did have a role to play in industry regulation, and of these: 28 out of 48 (58.3 per cent) supported the view that its membership criteria provided a basis for company registration; and 28 out of 48 (58.3 per cent) were also of the opinion that the membership criteria provided a basis for industry regulation. On the other hand, it cannot be denied that there was still a substantial level of opposition to and uncertainty about both a role for the NZAMI and the utility of its membership criteria (see Table 12). This opposition and uncertainty was significantly stronger among non-members as compared with current members of the Association.

26
with regard to the NZAMI playing an active role in industry regulation ($\chi^2$ 13.6, 1df, $p<.001$).

### Table 12: Attitudes on NZAMI role and membership criteria in relation to industry regulation and company registration by NZAMI membership: participating companies and organisations, 1999 (percentages)

<table>
<thead>
<tr>
<th></th>
<th>Members, incl. Affiliates</th>
<th>Non-members</th>
<th>Total (N=70)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should NZAMI play an active role in the regulation of the industry?</td>
<td>(N=53)</td>
<td>(N=17)</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>79.2</td>
<td>35.3</td>
<td>68.6</td>
</tr>
<tr>
<td>No</td>
<td>11.3</td>
<td>47.0</td>
<td>20.0</td>
</tr>
<tr>
<td>Don’t know/no response</td>
<td>9.4</td>
<td>17.7</td>
<td>11.4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Do current NZAMI membership criteria provide a basis for company registration and/or industry regulation?</th>
<th>(N=42)**</th>
<th>(N=6)**</th>
<th>(N=48)**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes (company registration)</td>
<td>11.9</td>
<td>16.7</td>
<td>12.5</td>
</tr>
<tr>
<td>Yes (industry regulation)</td>
<td>14.3</td>
<td>--</td>
<td>12.5</td>
</tr>
<tr>
<td>Yes (registration &amp; regulation)</td>
<td>47.6</td>
<td>33.3</td>
<td>45.8</td>
</tr>
<tr>
<td>No</td>
<td>16.7</td>
<td>33.3</td>
<td>18.8</td>
</tr>
<tr>
<td>Unsure/no response</td>
<td>9.5</td>
<td>16.7</td>
<td>10.4</td>
</tr>
</tbody>
</table>

* Excludes one case where NZAMI membership status was not specified.

** Excludes cases where the response was “No” or “Don’t know” or where there was no response to the previous question on the NZAMI’s role in industry regulation.

On the positive side, a number of the participating companies/organisations thought that the NZAMI was well positioned to advise on competence and ethical issues, to assist in monitoring compliance with registration requirements and to provide or at least play a part in the education of its members (possibly as part of registration requirements). NZAMI membership could be linked to registration, but the problem according to some respondents was that membership was far too easy to secure. A contrary view, however, was that NZAMI members were bound by a Code of Ethics and could therefore be disciplined or expelled. Finally, there was a feeling among a number of the participating companies and organisations that regulation and/or registration
would be better administered by government, as any industry involvement would lead to a conflict of interest.

The Debate on Registration and Regulation

The responses presented above warrant further discussion with respect to some aspects of the debate that has occurred in New Zealand since the early 1990s. Constrained to some degree by the space available, we focus our attention here on: (a) the report of a Working Party on Immigration (Wilson et al., 1991); (b) the concept of ‘market forces’ as a means of self-regulation; and (c) a variant of the market model.

The 1991 Working Party report

In December 1990 a working party was established by the Minister of Immigration. As part of its brief, it was to make recommendations on the role for consultants that would best assist in implementing the government’s immigration policies, and the appropriate form and mechanisms for the accreditation of consultants (Wilson et al., 1991: 1).

The report acknowledged the formation of the NZAMI in 1989 and its desire to improve the standards and ethics of consultants within the industry, but noted: that the Association was not fully representative of all immigration consultants in New Zealand (Wilson et al., 1991: 21); that malpractice existed within the industry; and that there were no mechanisms in place to protect potential migrants. The obvious conclusion reached was that (Wilson et al., 1991: 22):

There is... a clear need for some method of control of consultants to maintain ethical standards and to prevent inappropriate behaviour. Ideally, this control should come from self-regulation through an association to which all consultants belong. [emphasis added]

To date (September 2000), it is still not mandatory for all those operating in the industry (i.e. consultants, lawyers, investment advisors) to become members of the NZAMI. Nevertheless, as one sign of progress during the past decade, the Association has introduced a Code of Ethics that all members are required to observe, and some of those who have transgressed have resigned their membership (NZAMI, 1998: 14).

The question of accreditation was raised primarily because it was considered to be a means by which malpractice could be addressed. Unfortunately, it was an ambiguous concept which could be defined to embrace a variety of practices (Wilson et al., 1991: 22):

...the term accreditation has been used loosely by many of the organisations who have made submissions... It is important... to define
what is meant by accreditation in any particular context, because the term could extend from a freely-conferred “good housekeeping stamp of approval” to the delegation by the Government of some of its powers to a limited group of approved agents.

However, the Working Party did not provide a definitive definition of accreditation, nor did it outline how an accreditation system would work in practice. Rather, it outlined a number of difficulties that could arise with any system of accreditation by government. Issues of liability and cost accounted for half of the potential difficulties listed, while the remainder hinged on issues concerning the retention of state control, maintaining a clear separation between the private and public sector and more generally issues of trust. But in the absence of a definition, and details of the form, role and operation of a particular system of accreditation, these are merely conjectural problems and as such are difficult if not impossible to critically appraise.

The conclusion reached by the Working Party, and the recommendations it offered, were dictated by a belief that the issue of accreditation could be influenced by forthcoming changes in immigration policy (Wilson et al., 1991: 24):

... a decision on the accreditation of consultants should be deferred until the effects of the changes in immigration policy can be evaluated. In the interim, we recommend that the Immigration Service should encourage a well supported, fully representative association of consultants to emerge and should recognise that association as representing immigration consultants. In this way a high degree of accreditation or control could be implemented by the industry itself and professional standards achieved. ... a review should be undertaken twelve months after the introduction of new immigration policies and the Government should then decide either to retain the status quo or to introduce accreditation, having regard to the possible emergence of a fully representative association of immigration consultants and to the impact of new policies. Any system of accreditation which is implemented should preferably be based on self-regulation by the consultants themselves. If this is not possible, the Government should require high levels of qualification for accreditation and should itself retain the responsibility of deciding whether or not to grant an application for residence. [emphasis added]

There was no indication as to how changes in immigration policy (notably for skilled workers and business migrants) would or might impact on the basic issue of malpractice. Despite there being no link made, the forthcoming changes in policy were used as an excuse to defer action with respect to accreditation until an evaluation and review could be conducted. To the best of our knowledge neither an evaluation nor a review of policy changes in relation to industry malpractice was ever conducted. Finally, it would have to be said that the Working Party’s advocacy for a “fully representative
association of consultants” that could provide a basis for a “high degree of accreditation or control...by the industry itself” seems to have been overly optimistic given the survey results presented in Table 12 above.

'Market forces' and survival of the fittest

Some of the participating companies argued that malpractice would not necessarily be eradicated by the introduction of a system of accreditation or regulation because unethical operators will simply adapt to the requirements and processes of the new system and continue to behave as before. In its most extreme form the argument may be advanced to justify a decision to do nothing, and for some it becomes one where doing nothing is in fact doing something (as explained below). While only a minority view, it is worthy of closer consideration as it is the primary argument advanced (in one form or another) for rejecting a formal system of industry regulation or registration.

The argument that when choosing to do nothing something is in fact being done refers, of course, to the operation of ‘market forces’ which are believed to ‘weed out’ operators guilty of malpractice. In support of this argument reference is usually made to ‘the fact’ that a considerable amount of business in the industry is generated by ‘word of mouth’ or ‘reputation’ which can either make or break a company. Underpinning the argument is a common sense understanding of ‘natural selection’ which is seen to be analogous to the workings of ‘the market’. The selection mechanism, in this instance ‘word of mouth’ or ‘reputation’, ensures that the stronger (honest) operators are selected over weaker (dishonest) operators. Eventually, the honest prevail and the dishonest die out (though the time it takes for this to happen and the human costs involved are typically not addressed).

Obviously there are a number of problems with this argument, not least because it applies a theory of natural selection to a socially constructed, transmutable and historically variable social form such as the immigration industry. The important point, however, is that it justifies the do nothing approach by asserting that malpractice will take care of itself as clients act on word of mouth to take their business elsewhere. In essence it is problematic because it evades both: (a) the problem of immigrants who are exploited by members of the industry; and (b) the question of whether or not New Zealand has a responsibility to ensure that prospective residents and citizens are not exploited in the process of migrating here.

The preferred supplier: a variant of the market model

A variant of the above position was championed by a number of participants. This variant usually asserts that the problem of malpractice and the need for regulation or registration has been exaggerated. Models or systems of regulation and/or registration such as those in Canada and Australia are therefore rejected on the grounds that they are expensive, burdensome,
bureaucratic and have no impact on overseas operators who are held to be responsible for most cases of malpractice.

Based on the assumption that the NZIS knows who it can trust and who it can work with, this variant involves the negotiation of a formal relationship with the NZIS whereby an individual or company seeks to become a 'preferred supplier'. Members of the NZAMI may be preferred suppliers but there is no reason why those who are not members should be excluded. Once a preference has been established the operator and the NZIS enter into an agreement, usually a Memorandum of Understanding, that entitles the preferred supplier to guaranteed priority processing of residence applications (i.e. priority over prospective immigrants applying directly with the NZIS and those who apply with the assistance of a non-preferred supplier).

It is argued that a preferred supplier position would become necessary for survival in the industry and that this would motivate individuals or companies to maintain high standards with respect to their professional conduct and presentation of documentation. This in turn would lead to greater efficiency within the system. The difference between this position and the one outlined above is primarily the mechanism of state selection. While this model is often touted as one based on 'market forces', it is in fact at the other end of the spectrum as the state determines who will operate (at least successfully) in the market. Given that some proponents of this variant express reservations about state interference in the regulation of the industry, their advocacy of this approach is rather curious.

According to its advocates, in some respects the preferred supplier variant already exists within the wider industry. They cite as examples NZIS agreements with the NZQA (not a private sector body), psychiatrists and general practitioners (the two latter groups, of course, are highly regulated with strict registration criteria). They go on to argue that the NZIS could contract out further services, such as document verification, and that service standards etc. could be assured via payment of a bond and/or audit procedures while the NZAMI could play a role by working with the NZIS to develop both a Memorandum of Understanding and an acceptable Code of Practice for its members.

However, although this variant appears to offer a possible avenue for regulation and/or registration there are various issues and questions that need to be more fully explored at some point in the future. For example, on what basis would preference be established? Would objective measures be established upon which the NZIS could make its decision and would these measures be accessible to all those working in the industry? Should preferred suppliers be guaranteed priority in the processing of residence applications and what equity issues could arise as a result? And finally, what about the perennial issue of malpractice by overseas service providers? Would the preferred provider model embrace those based abroad?
FOLLOW-UP INTERVIEWS WITH SELECTED COMPANIES

Follow-up interviews were conducted between September and November 1999 with 15 companies selected from a total of 40 that volunteered. The companies selected are representative of the industry on the basis of staff size, geographic location, services offered and their duration of operation. The main purpose of these interviews was to identify what they considered to be the best practice features of their operations and to discuss more fully their perceptions of key issues facing the industry.

Best Practice Features

*Establish and maintain a reputation for professionalism, integrity and honesty*

In a business that relies heavily on ‘word of mouth’, all of the participants (irrespective of company size) stressed that a reputation for professionalism, integrity and honesty was central to their success. Once their reputation had been established they had no trouble attracting clients and maintaining links with the immigrant community. In all instances a substantial percentage of their business came in the form of referrals from former clients and in many instances these referrals occurred within extended family groups. Needless to say, the qualities of professionalism, integrity and honesty underpinned all areas of best practice ranging from the use of modern technologies to inform clients of services provided through to the provision of a service at a reasonable rate.

*Gain knowledge of clients and provide forthright assessments*

Best practice included establishing rapport and empathy with clients and learning about their background, family circumstances, history of employment, immigration history and anticipated future needs. Once this had been done a plan or strategy was worked out for each client, preferably on a face-to-face basis where possible otherwise via the telephone, email and correspondence. It was important to advise clients as early as possible of any difficulties they might encounter in the process, to be clear if they were unlikely to be successful and in such cases to advise them not to proceed. All of the participants provided examples of bad practice where consultants proceeded with an application despite knowing that the client would not qualify.

*Facilitate informed decision-making by clients*

Most of the companies provided services to people already in New Zealand and/or with family residing here. In these cases, as one participant stated, “they know what they are coming to”. However, in cases where a potential
immigrant resided abroad and had no family here, it was recommended that (if possible) the client be advised to visit New Zealand before making their final decision to migrate. Clients could also be provided with material on the migrant experience in New Zealand as part of a pre-migration service while information on the country’s political system, taxation, education and health services etc. could be presented via seminars held in target source countries.

**Get the documentation right for applications**

The success of an application was dependent on the provision of correct and authentic documentation. Best practice therefore included: ensuring that all relevant documentation was located; questioning the authenticity of this documentation where appropriate; and collating the documentation prior to application. Unnecessary delays could be avoided if this part of the process was carried out competently. Having a second person (usually a colleague) check all of the application before it was submitted was noted as a related best practice procedure. Finally it was recommended that copies of the documentation should be made in case of loss during the application process, and that all documentation should be either hand delivered or sent by courier to the NZIS.

**Use own or staff native speaker language skills**

A number of the participants either drew on their own language skills or employed personnel who spoke the language(s) of their dominant client groups. The ability to communicate in the client’s native language was stressed as a best practice feature because it prevented misunderstandings, expedited preparation of an application and facilitated the establishment of rapport with the client.

**Provide a client-focused service**

Because the residence application process can be lengthy, best practice included keeping the client briefed throughout the process and providing (from the outset) a client-focused service. The provision of such a service involved addressing the needs and concerns of clients and giving these priority. The participants typically contrasted this approach with that of the NZIS and the frustrations that people often experienced with the NZIS.

**Maintain contact with the New Zealand Immigration Service**

Best practice involved keeping in touch with the NZIS, ensuring that the application had been received and determining both the client number and processing officer in charge. Constant contact with the NZIS was considered to be unnecessary but it was stressed that contact should be made if it appeared that the process was taking longer than usual.
Maintain up-to-date knowledge of policy and seek advice as required

Companies stressed the need to be informed about policy and possible problems that might emerge. It was therefore important to keep up to date with policy changes and to maintain a sound knowledge of the immigration process, but those in the industry also needed to recognise their limitations. Seeking clarification through the NZIS was recommended as was client referral when specialised assistance was required (e.g. legal and business investment advice). Here best practice involved the establishment of a network of associates to whom the client could be referred.

Provide clients with assistance on arrival

Best practice involved: meeting clients at the airport; taking them to their accommodation; being available during the first week (sometimes longer) after their arrival to provide any information and/or assistance required; and making links with the local community via voluntary organisations.

The one stop shop?

Opinion was divided on the desirability of this feature. Although none of the companies operated as a ‘one stop shop’ where all pre- and post-migration services and specialist services were offered through one company, it was a best practice feature to which a number of companies aspired. This concept is obviously linked with other best practice features such as providing a client-focused service and client referrals for specialist advice and assistance.

Promoting New Zealand abroad?

Opinion was divided on this feature also. For some of the participants best practice definitely involved promoting New Zealand abroad, principally by providing information through seminars conducted in target source countries. Those opposing this practice, however, considered it to be a government responsibility, arguing that the promotion of New Zealand by consultants could be problematic if an unrealistic or misleading portrayal of life was provided. Furthermore, even when done professionally, promoting New Zealand as a destination involved a considerable outlay with no guarantee that the effort would be rewarded. In particular, a number of the participants mentioned the situation in the mid 1990s when consultants actively pursuing clients in Asia had their efforts “undermined” by NZIS policy changes in 1995 and by the election campaign of New Zealand First leader Winston Peters in 1996 (see Trlin et al., 1998).

Key Issues and Concerns

Participants in the follow-up interviews were asked to address a number of issues and concerns, including: changes experienced and/or observed in the
industry; difficulties that might face the industry in the future; and any other matters that they wished to raise with respect to operating in this industry. As expected, the key issues and concerns raised mirrored those covered in the national survey and can be broadly grouped as follows:

a) the relationship between the private sector and the NZIS
b) policy formation, policy implementation and the ramifications of policy changes
c) promoting and "presenting a picture" of New Zealand
d) immigration for national development, border control and stakeholder interests

The relationship between the private sector and the NZIS

One company respondent, referring to this relationship, declared "There is a natural tension." It was a view shared by others and emerged as a theme that permeated almost all discussion on the nature, scope and future of the immigration industry in New Zealand. The primary source of the tension was that government, while maintaining its monopoly over decision making, no longer monopolised the provision of services related to applications for entry or residency. A number of the participating companies thought that the provision of services in the private sector was distasteful to some of the more conservative NZIS staff who were perceived to believe that there was no place for private sector involvement. However, many acknowledged that there were those in the NZIS who appreciated the services provided and most believed that a greater degree of co-operation was desirable between the private sector and the NZIS as it would make the processing of applications more efficient.

Many argued that the niche they occupied was in part created by policy changes in the mid 1980s but sustained because the service provided by the NZIS no longer met all of the needs of potential immigrants. If an ideal government service existed there would be no need for private sector involvement but because the service available was less than ideal private sector operators had a role to play. At an immigration symposium in 1989, a former Minister of Immigration and founder of Malcolm Consultants Limited, said (Malcolm, 1989: 61-62):

"as consultants, we see the migrant during the whole period, from before migration, through the process of interface with officialdom, and into the post-migration phase. We are the only people who get that total perspective....The officials' contact with migrants is almost entirely limited to reading forms which have extracted data from migrants in a way that suits official purposes, without necessarily reflecting the whole picture of the migrant; and to brief half hour interviews at a time when the migrant is totally overwhelmed by having to face a middle grade bureaucrat who holds in his or her hands the entire future of the applicant and his descendants."
Malcolm’s view was echoed by many of our participating companies. They claimed, among other points, that the NZIS no longer placed any emphasis on personal, face-to-face contact with immigrants. For example, interviews were no longer a standard requirement of the application process. It was argued that this “facelessness” of the NZIS, coupled with the shift toward annual immigration targets that also diverted attention from the provision of a client-focused service, gave private sector workers an opportunity to promote themselves as consultants/agents who offered expert advice and a personal service where “the immigrant is not just an application number”. In general, most clients are believed to seek out and employ such a person to manage the application process, to avoid the stress of having to deal with the official bureaucracy and to maximise their chances of success.

Another factor in favour of private sector consultants, according to our participating companies, is that many immigrants are fearful of making direct contact with the NZIS and have a mistrust of official bureaucracies because of experiences in their own countries. Approaching an agent to ascertain the likely success of an application before dealing with the bureaucracy and/or having somebody act as an intermediary with the bureaucracy, is their preferred option. They are aware that consultants/lawyers are outside the decision-making domain and that they can therefore discuss their application without damage to their prospects or impacting on the eventual decision.

**Policy formation, implementation and the ramifications of policy change**

All of the participants stressed the need for a more collaborative approach with respect to policy formulation, implementation and change. In particular, it was suggested that when policy is being formulated the NZIS needs to work more closely with other organisations to ensure that the post-arrival experience of new settlers more closely reflects the criteria on which they were approved for residence (i.e. their qualifications, skills and employment history). To achieve this the NZQA, professional bodies, employment agencies, educational institutions and other organisations need to be part of the overall planning process. More specifically, consultation with those in the immigration industry was considered to be fundamental to the development of “workable policy”.

In comparison with the policy changes of 1986 and 1991 (see Burke, 1986; Trlin, 1992; 1997), the 1995 policy changes, especially the English language requirements, were considered by 13 of the 15 companies to be “racist”, and were more generally described as “knee jerk” and primarily motivated by a “political agenda” (see also Henderson et al., 1997; Trlin et al., 1998). All discussed the impact that “opening and then shutting the door” had on their industry. Ironically, in the short-term the confusion over policy changes generated business and ensured that some consultants had a role to play in assisting those already in the process of applying. But in the long-term the
changes were damaging for the industry and New Zealand as a whole. While they acknowledged that subsequent policy changes in 1998 (see NZIS, 1998) went some way toward addressing the problems, in the interim significant damage had occurred. Some consultants who focussed on the Asian market went out of business while others withdrew from previously active programmes in that region.

Many stressed the need for more warning when policy changes were afoot. While their concerns were understandably shaped by the personal impact of previous changes, they felt that having to rely on Ministerial press releases and then wait for full documentation contributed to misinformation within the industry. At the time of the follow-up interviews in October 1999, for example, the Minister issued a press release announcing changes to the returning residents visa policy. One of our participating companies was concerned about the proposed changes but couldn't elaborate on the reason(s) for concern with any certainty because the only information readily available was the press release. The point being made, of course, is that the lack of forewarning and the delay in receiving full details of a policy change impacts on the ability of industry members to meet best practice standards; that is, to keep abreast of policy changes and to keep clients satisfactorily informed throughout the application process.

Promoting and “presenting a picture” of New Zealand

The business of attracting people into this country should not be left in the hands of immigration consultants. It's either a national priority or it is not.

...the private sector is not going to try and attract immigrants unless there is something in return. In the past we have been out there getting the numbers and then we have had the rug pulled out from under our feet.

As the above quotes indicate, the matter of marketing New Zealand to attract immigrants is a bit of a sore point. When the state signalled in the late 1980s and early 1990s that the immigration of skilled workers and entrepreneurs from Asia was desirable and necessary for national development, many in the industry actively sought business in the region. When immigration “became a political football” in the mid 1990s, however, industry members felt they were left “high and dry” or “had the rug pulled out from under [them]”.

At the time of the follow-up interviews a minority among the participating companies reported that they were not consciously marketing New Zealand, because their clients were skilled professionals who had already decided that they wanted to come here. Others no longer actively promoted New Zealand abroad because the expense was not justified by the returns. And finally there were those that said they were actively promoting New Zealand primarily because they were seeking to establish themselves in new markets.
and attempting to widen their client base. Overall, however, the accounts
given by the companies demonstrated a reluctance to promote New Zealand
as a destination. Despite this reluctance they nevertheless supplied material
to clients already considering migration, and were therefore to some degree
providing a “picture of New Zealand”.

Providing this “picture” was primarily a response to questions from clients
rather than an attempt to promote New Zealand or to recruit immigrants.
The questions asked most frequently concerned ‘race’ relations and the
standard of living. Invariably the companies stressed the need to be
“truthful” and “honest”. For example, one company respondent stated:

... we tell them the truth. You know...some people say you shouldn’t tell
them about racial tensions or whatever... We say there are racial
problems here, but we put it into perspective by [telling] them about the
scale..

And:

When Winston Peters was making all those comments [in 1996], it did
worry me quite a bit about how this was going to affect my business.
...[It was] very damaging because it’s very hard to convince people
overseas that this is not a reflection of what people in general think ...So,
race is in question, you know. Some immigrants say to me, “Well what’s
the story in New Zealand?” And I say it’s like any other country. You
are going to find people that don’t like you because you’ve got an
American accent...[or] who find you interesting because you’ve got an
American accent. So, it’s, you know, because you’re black, or because
you’re from Ethiopia. I look around the streets and I see Ethiopian women
covered from head to toe, and I think that is interesting...but there are
skinheads out there who think differently.

Others pointed out that questions were still asked in the United Kingdom
about “trouble with the Maoris” or that the need to provide a “picture” of
New Zealand was only necessary for particular immigrant groups such as the
South Africans “who are very wary and very mistrustful”.

As for questions on the standard of living, the stance of the companies was
well illustrated by a consultant who said:

...we are honest and say if you want to be a millionaire go to the [United]
States. You will not be a millionaire in New Zealand, unless you’re very
lucky. We push New Zealand as [having] a reasonably high standard of
middle-class living...You can make a good living if you work hard. You
can educate your kids as good as anywhere in the world. Housing is
expensive, compared to other parts of the world [and] in terms of salary
levels...We never say it’s a rose garden...
While the responses of those in the industry to such questions are important and undoubtedly shape immigrant perceptions, the responsibility for our national image ultimately rests with government and New Zealand society as a whole. How we address matters of ‘race’ relations, living standards, nuclear armaments or protection of the natural environment, and how our decisions are reported and subsequently transmitted to immigrant source countries will have a far greater impact than the day to day responses of immigration consultants to questions raised by their clients. This was aptly demonstrated by the fall-out from media reports of ‘anti-Asian’ feeling in 1995 and during the 1996 election campaign (see Trlin et al., 1998).

Immigration for national development, border control and stakeholder interests

All of the companies participating in the follow-up interviews stressed the importance of immigration for economic and social development. They emphasised the need for more immigrants and for co-ordinated planning and co-operation over immigration concerns and policy. More importantly, a number identified what they considered to be a key contradiction (or paradox) in the functions of the NZIS; namely, border control versus the management of immigration for national development. It was this issue that highlighted their position as stakeholders and distinguished this theme from those discussed above.

Some of these companies, unashamed stakeholders with a direct financial interest, thought that the NZIS was pre-occupied with issues of ‘border control and that national development took second place despite the setting of annual immigration targets and concern over the failure to meet them. For them the 1991 policy changes demonstrated a commitment to immigration for national development that government reneged on in its 1995 policy changes when domestic political agendas in essence restored border control as the central concern. While further changes made in 1998 (see NZIS, 1998; Bedford and Ho, 1998) were welcomed as a move back in the right direction, most felt apprehensive about future policy changes that could easily “close the door” again. As Bedford and Lidgard (1996: 40) have observed: “In the case of international migration, it is clear that the extent to which a border ‘vanishes’ or becomes highly visible is subject to considerable manipulation by policy makers” and this manipulation is shaped by the wider social response to immigration. In this context, members of the immigration industry have an important role to play and like any other stakeholder group their effectiveness will in part depend on their ability to achieve the status of a well organised, united and respected lobby group.
CONCLUSION

Three broad conclusions may be drawn from the results presented in this report. They are: (a) that there is a need for improvement in perceived relationships with the NZIS and hence the role, functions and responsibilities of private sector companies and organisations with respect to the development, implementation and operation of immigration policy; (b) that there appear to be areas in which there is either a need or a potential for improvement in the services provided by industry members as well as in their policies and practices; and (c) that there is widespread support for industry regulation and registration, although there are differences of opinion as to how this might be achieved.

Relationships, Role(s), Functions and Responsibilities

To bring the first conclusion into perspective, it must be understood that the immigration industry (in its current form) began to emerge in the mid 1980s when a programme of economic deregulation and restructuring, inspired by a free market economic philosophy, initiated an economic and social transformation of New Zealand society. As part of this transformation, major changes in immigration policy were introduced in 1986 and 1991 with the clear intention of contributing to the nation’s economic and social development (see Burke, 1986; Birch, 1991; Trlin, 1992, 1997). These changes in policy (the removal of a traditional source countries preference, the encouragement of business migrants with entrepreneurial skills and capital for investment, a points system for skilled workers to build New Zealand’s human capital, and the setting of annual targets) created a niche for immigration consultants and investment advisers.

Nourished by an upsurge in immigration to which it contributed, the industry grew quickly until its fragile, extremely vulnerable position was exposed by the impact of restrictive policy changes in October 1995. These changes reflected the influence of various social, economic and political factors beyond the control of industry members (see Henderson et al., 1997; Trlin, 1997; Trlin et al., 1998). Coupled with the onset of the Asian economic crisis during the second half of 1997 (Ho and Bedford, 1998: 75-88), the 1995 policy changes produced a sharp and progressive decline in the number of people approved for residence from 54,654 in 1995/96 to 30,583 in 1998/99 (NZIS, 2000: 1). Many small immigration consultancies that had focussed on the burgeoning Asian market went out of business while others down-sized their operations. For example, using consultants listed in the Auckland Yellow Pages for her telephone survey during September and October 1997, Downey (1998: 11) reported that:

...43 per cent had phones which were no longer connected, or were unattended, suggesting a significant number of businesses are no longer
operating full time or at all. In fact many of the remaining consultants who were contactable operated on a purely part time basis, many operating from home, operating other businesses, down-sizing or expecting to close within the next six months.

Similarly, 22 (16.2 per cent) of the original 136 questionnaires sent out for our postal survey in May-June 1999 were returned with notes indicating "whereabouts unknown" or "business closed".

Although subsequent policy changes in 1998 were welcomed, there was general agreement among companies participating in our survey that the effects of the 1995 policy changes were still being felt. In this context it is therefore disquieting but hardly surprising that: 87.3 per cent reported the experience of difficulties with New Zealand’s immigration policy during the previous ten years, especially with the General Skills Category introduced in 1991 and radically modified in 1995; and that 82.3 per cent of those which had experienced such difficulties also reported having problems with policy implementation (application processing). An awareness of national and international variations in NZIS application processing was reported by 66.2 per cent and 50.7 per cent of all companies, respectively. Rather more disquieting, however, are the findings that: only 57.7 per cent rated their relationship with the NZIS as very good or better; and that while 88.7 per cent claimed they actively sought a positive relationship with the NZIS, only 28.2 per cent thought that the NZIS for its part actively sought a positive relationship with those in the industry.

Difficulties experienced by companies with immigration policy, application processing and relationships seemed to colour their attitudes on the development, implementation and operation of immigration policy. While only 31 per cent had ever been consulted about proposed policy changes, 81.7 per cent were of the opinion that companies such as their own should be consulted and 84.5 per cent were opposed to the exclusive role or position of the NZIS with respect to policy development. However, the role of industry members with regard to application processing and decisions was less clear cut. Although only 16.9 per cent were opposed to the NZIS retaining its final decision-making role, 52.1 per cent thought that some of the application processing role could be devolved to the private sector and. 8.5 per cent thought that all of this role could be devolved.

The issues here are relatively straightforward. On one hand, it can be readily argued and accepted that both wider consultation by the NZIS on matters of policy and a more pro-active effort to establish positive relationships with industry members would facilitate the achievement of a better co-ordinated and more effective immigration programme. On the other hand, the desires of industry members for consultation and positive relationships with the NZIS - especially when coupled with a suggested devolution of operational responsibility - can easily be interpreted as an attempt by stakeholders to
protect (or enhance) their interests, to gain a (greater) measure of security and stability in their pursuit of (expanded) business interests by wresting some control of policy development and operation from a government agency. This is not to say, however, that the call for change can be dismissed.

There is a fundamental need to negotiate a better understanding and balance between the roles and functions of the public and private sectors. As it stands, the state (via the NZIS) retains a monopoly on the development of policy, its implementation, decision-making and regulation of the international border, roles and functions which largely prescribe the scope, structure and activities of the private sector. Effectively limited to the provision of a range of pre- and post-migration services, the relationship for the private sector is one of complete dependency. Such a relationship is inevitably a source of tensions (evident in issues raised during follow-up interviews) and one that offers little opportunity for the experience and expertise of the immigration industry to be tapped or for industry members to take (with confidence) a pro-active role in marketing New Zealand as a destination. It should be clear, however, that the achievement of a more productive, mutually beneficial relationship based on a better understanding and balance between the roles and functions of the two sectors will depend (at least in part) on the outcome of the industry regulation and registration debate.

Services, Policies and Practices

A positive feature of the industry concerns its employment of immigrant staff and the use of their particular attributes. Although about two-thirds of the 55 companies employing personnel did not consciously seek immigrant staff, 81.8 per cent did in fact have immigrant employees. Companies with immigrant staff usually made use of their language skills (80 per cent) and cultural background knowledge (75 per cent) but less use was made of immigrant business connections (57.5 per cent). These findings compare very favourably with the employment of immigrant staff and the use of their native speaker language skills, cultural background knowledge and business connections in New Zealand’s central and local government organisations (see Watts and Trlin, 2000) and in companies involved in international business, trade and tourism (see Watts and Trlin, 1999).

Nevertheless, there appear to be areas in which there is either a need or a potential for improvement in the services provided by industry members as well as in their policies and practices. To put this into perspective, however, the small business character of the industry should be acknowledged as a key feature; 22.5 per cent of the participating companies consisted of a self-employed sole proprietor while a further 50.7 per cent employed 1-8 staff, typically on a casual or part-time basis. This feature largely determines the character of company services, policies and practices as well as the need and/or potential for improvement.
Two areas warrant comment, the first of which concerns the type and range of services offered. Among the participating companies as a whole: 84.5 per cent catered for clients in all immigration policy categories; 85.9 per cent offered pre-migration services relating to the lodgement of applications; 73.2 per cent offered other pre-migration services relating to immigrant settlement (e.g. education, banking, housing); and post-migration services, mirroring pre-migration services relating to immigrant settlement, were offered by 77.5 per cent. The same types and range of services were identified by Downey (1998: 3-6) in her survey of Auckland’s immigration consultants.

Reasons for not offering particular services, especially post-migration settlement services, included: a consideration of economic viability; a lack of expertise (notably for employment assistance); a feeling that the company’s primary business was the provision of pre-migration services; and the presence in New Zealand of a client’s family or friends whose knowledge and experience negated the need or demand for services. These reasons are understandable, especially in the context of the industry’s small business character. Nevertheless, they indicate an area with a potential for improvement if the industry is to respond to the immigrant settlement needs identified by Ho et al. (2000). That is, the need for services that assist migrants: to cope with their everyday living; to improve English language skills; to gain employment in the labour market; and to build supportive networks in the new society.

But how can small businesses provide such a diverse range of services? One possible solution is to specialise in particular services and to form a coherent grouping with other firms or organisations in a ‘one stop shop’ arrangement (see Ho et al., 2000: 35). Participants in the follow-up interviews were divided in their opinions on the desirability of the ‘one stop shop’ concept and yet it could be argued that the industry has already moved in this direction. Links (typically informal) with other New Zealand companies providing services required by immigrants were reported by 64.7 per cent of the companies participating in the survey. In accord with the best practice features of assisting clients on arrival and providing a client-focussed service, such links could be greatly increased as a first step and the establishment of ‘service clusters’ (i.e. with other providers in close proximity) could proceed as the opportunities arose. This strategy would probably be facilitated by a credible system for industry regulation and registration but may also require (or produce) some further rationalisation of consultancy services.

The second area for possible improvement concerns the actual or potential need for more companies to establish relationships with ethnic or migrant groups. Only 13 (18.3 per cent) of the companies were identified as having a working relationship with at least one ethnic/immigrant organisation or group in New Zealand, and of these 11 specialised in services to potential migrants from the group(s) concerned. These results, well short of the links
and specialisation implicit in Downey’s (1998: 6-7) survey findings, were surprising but may reflect the thinning out of consultants since the 1995 policy changes. Best practice reasons in favour of such connections include: (a) access to language skills and cultural knowledge of value in the provision of both pre- and post-migration services; (b) access to skills and resources required for marketing New Zealand in relatively ‘new’ migrant source areas; and (c) the availability of reliable referrals for post-migration services, especially to assist clients with everyday living needs and the development of supportive networks.

Regulation and Registration

The problem of malpractice has from time to time been noted in the media, addressed by commentators and accompanied by calls for some form of industry regulation and registration. For example, a report on the experience of recent immigrants claimed that consultants “often charge large sums for information” which is freely available from the NZIS, and recommended “...further work on requiring a Code of Ethics to be implemented for immigration consultants” (New Zealand Association of Citizens Advice Bureaux, 2000: 5). The problem is acknowledged in the industry. Almost two-thirds of the survey participants indicated they were aware of cases in which clients had been exploited. Against this background it was therefore gratifying to find majority support for industry regulation (72.9 per cent), for the registration of companies to practise (77.1 per cent) and for registration as a way of advancing professionalism in the industry (75.7 per cent). It cannot be denied, however, that there is still a substantial degree of opposition to such courses of action, and that the division of opinion extends to the role of the New Zealand Association for Migration and Investment (NZAMI) and to the utility of its membership criteria as a basis for company registration and industry regulation.

Although discussion of malpractice has resulted in the development and introduction of a Code of Ethics for the NZAMI, no clear consensus has to date (September 2000) emerged on how the issue of industry regulation and registration could or should be resolved. Indeed, the consideration of various models has contributed to a degree of divisiveness within the industry. The reasons are not difficult to find. During the 1990s the dominance of neoclassical economic theory and practice informed the critiques of various regulatory models. Yet these critiques, in which it it is usually argued that ‘the market’ should replace the state as the regulatory mechanism, are often contradicted when members of the industry consider how a model of self-regulation might proceed. Despite arguments to the contrary, the proposals invariably reveal that some form of government intervention is the primary mechanism for regulation, with ‘market forces’ assuming a secondary role. This situation (government deciding who should operate in the industry) is not surprising given the state’s monopoly with respect to policy develop-
ment, implementation and operational decision-making, a monopoly that places the immigration industry in a relationship of dependency on the state.

It cannot be stressed too strongly that a resolution of the issue of regulation and registration is of fundamental importance to the effectiveness of the industry and New Zealand’s immigration policy and programmes. The issue is at the heart of the industry’s relationship with the NZIS and its desire to be consulted with respect to matters of policy change, development and implementation. Furthermore, it is of importance to the way in which the industry responds to an actual or potential need for improvements in its services, policies and practices. For example, a credible system of regulation and registration would provide a measure of security for companies and organisations considering connections with members of the immigration industry in the development of ‘one stop shop’ arrangements. Needless to say the issue is also crucial to the establishment and/or maintenance of a key best practice feature; namely, a reputation for professionalism, integrity and honesty.

In essence, it is argued here that a fully effective immigration industry has an important role to play in:

- the development of a balanced, well integrated institutional structure of immigration which consists of (a) an immigration policy (regulating entry) that is well integrated with (b) an effective post-arrival immigrant policy (geared to the economic, social and cultural needs of migrants, assisting them to adjust and integrate), and with (c) an ethnic relations policy (that is appropriate to a situation of emerging multiculturalism);
- the achievement of a marked reduction in the difficulties experienced by immigrants at different stages of the migration process;
- and the attainment of an increase in the benefits accruing to New Zealand from its immigration policy.
REFERENCES


Trlin, A. D. and Spoonley, P. (eds.) 1986: New Zealand and International Migration: A Digest and Bibliography, Number 1, Department of Sociology, Massey University, Palmerston North.

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APPENDICES

- Appendix 1: Mail Survey Questionnaire
- Appendix 2: Follow-up Interview Schedule
Appendix 1: Mail Survey Questionnaire

NEW SETTLERS PROGRAMME
SCHOOL OF SOCIAL POLICY AND SOCIAL WORK
MASSEY UNIVERSITY
1999

THE IMMIGRATION INDUSTRY IN NEW ZEALAND

Please see Information Sheet on next page

Contact: Dr Kirsten Lovelock
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Immigration Industry Study
Department of Anthropology
University of Otago
P. O. Box 56
Dunedin.
NEW SETTLERS PROGRAMME
INFORMATION SHEET

THE IMMIGRATION INDUSTRY IN NEW ZEALAND

This project is part of the New Settlers Programme which explores the experiences of immigrants in New Zealand. The project is funded by the Foundation for Research, Science and Technology with a grant from the Public Good Science Fund. The aim of this survey is to explore the nature and operation of the immigration industry in New Zealand.

This is the first time that a national survey of this kind has been conducted in New Zealand. We expect that the results will facilitate a greater understanding of the immigration industry and of its relationship to the post-migration experiences and adjustments of new settlers.

We would be very pleased if you would participate in this survey. The questionnaire should take no more than 40 minutes. Your response is confidential and will not be traced to you. The code number on the first page of the questionnaire is simply to assist us with the administration of the survey and with any follow-up, if necessary. The raw data will be seen only by those closely involved in the research project. Findings from the postal survey will be reported in aggregated form only and published in professional journals. All other rights of participants are safeguarded. It is assumed that filling out the questionnaire implies consent. You have the right to decline to answer any particular question.

The principal researcher for this survey is Dr. Kirsten Lovelock and she can be contacted at: Department of Anthropology, University of Otago, P.O. Box 56, Dunedin. Telephone (03) 479 8744 Fax (03) 479 9095 Email: kirsten.lovelock@stonebow.otago.ac.nz

Thank you for taking the time to read this information sheet. If you wish to obtain a summary of the overall findings please indicate this in the section at the end of the questionnaire.

Please return the questionnaire by 26 May 1999 in the Freepost envelope supplied (whether or not it has been completed)
First we would like some information about yourself as the Chief Executive Officer or Manager of this company.

1. What is your gender?
   Male
   Female

2. What is your age group?
   Under 20 years
   20-29 years
   30-39 years
   40-49 years
   50-59 years
   60 and over

3(a) Please indicate the highest formal educational qualification that you have completed.
   Secondary School
   Diploma/Certificate
   Bachelors Degree
   Postgraduate Degree or Diploma
   Other:
   (Please specify)

For office use only

53
3(b) Where was your qualification gained?

Name of Institution: ..............................................
Country: .........................................................
Date: ............................................................... 

4. What ethnic group do you belong to?
.................................................................................

5. In what country were you born?

New Zealand □ 1  (Please go to Question 6)

Other country □ 2  (Please Specify) ........................................
(Please go to Question 8)

6. (If New Zealand-born) Have you worked or resided overseas?

Yes □ 1  (Please go to Question 7)
No □ 2  (Please go to Question 9)

7. (If you answered yes to Question 6) Please specify the countries overseas in which you have worked or resided.
.................................................................................
(Please go to Question 9)

8. (If overseas-born) How long have you lived in New Zealand?

Less than one year □ 1
1-4 years □ 2
5-9 years □ 3
More than 9 years □ 4
9. In how many languages/dialects apart from English do you have native speaker fluency?

- None □ 1  (Please go to Question 11)
- One □ 2  (Please go to Question 10)
- Two □ 3  (Please go to Question 10)
- Three □ 4  (Please go to Question 10)
- Four or more □ 5  (Please go to Question 10)

10. Please list the language(s)/dialect(s) other than English in which you have native speaker fluency.

- -

11. How long have you worked in the immigration industry? Note: for the purposes of this survey the immigration industry is defined as: the commercial provision of services for people applying for residency and assisting such people with migration to and resettlement in New Zealand and/or the provision of investment advice and associated services for business migrants in New Zealand.

- Less than one year □ 1
- 1-4 years □ 2
- 5-9 years □ 3
- More than 9 years □ 4

12. Is your work in the immigration industry your primary or main form of employment?

- Yes □ 1  (Please go to Question 17)
- No □ 2  (Please go to Question 13)
13. (If you answered no to Question 12) Please describe your primary or main form of employment.

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14. Please indicate how many hours per week you work on immigration related business?

   1-4 hours  □ 1
   5-9 hours  □ 2
   10-14 hours □ 3
   15-19 hours □ 4
   20-24 hours □ 5
   25 hours or more □ 6

15. If your work in the immigration industry is not your primary or main form of employment, does the work you do as your primary or main form of employment relate to either migrants or the immigration industry?

   Yes □ 1    (Please go to Question 16)
   No □ 2    (Please go to Question 17)

16. (If you answered yes to Question 15) Please briefly describe what this relationship with either migrants or the immigration industry entails.

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17. What prompted you to become involved in the immigration industry?
   (Tick all that apply)
   
   Income
   
   Personal experience of migration
   
   Perceived need for consultation services
   
   Perceived need for investment advice/management services
   
   Desire to assist members of a particular ethnic group
   (Please specify which ethnic group)
   
   .................................................................
   
   Other reason(s)
   (Please specify)
   
   .................................................................

Now we would like you to answer some questions about your company and its personnel.

18. How long has your company been involved in the immigration industry?
    
    Less than 1 year
    
    1-4 years
    
    5-9 years
    
    10 years or more
    
    .................................................................
    
    .................................................................

19. What is the legal status of your company? (for example: Limited Liability)
    
    .................................................................
    
    .................................................................

57
20(a) Does your company currently employ any people other than yourself?
   No (Self-employed with no employees)   ☐ 1
   (Please go to Question 30)
   Yes  ☐ 2
   (Please go to Question 20(b))

20(b) (If you answered yes to Question 20(a)) Please indicate the number of people employed by your company.
   Number of employees ...........

21. Please indicate the number of employees in your company in the following categories of employment.
   Full-time ............
   Part-Time ............
   On Call/Casual ...........
   Other ............

22. Please indicate the number of employees in each of the following areas.
   Managerial ............
   Professional ............
   Clerical ............
   Other ............

58
23(a) Do you have a company policy on recruiting personnel?

Yes       □ 1  (Please go to Question 23(b))

No        □ 2  (Please go to Question 24(a))

Don’t Know □ 3  (Please go to Question 24(a))

Not Applicable (Please explain why) □ 4  (Please go to Question 24(a))

23(b) (If you answered yes to Question 23(a)) Briefly describe your company’s personnel recruitment policy or append the policy document if available.

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24(a) Does your company consciously seek to employ personnel who are themselves immigrants?

Yes       □ 1  (Please go to Question 24(b))

No        □ 2  (Please go to Question 24 (c))

Don’t Know □ 3  (Please go to Question 25)
24(b) (If you answered yes to Question 24(a)) Briefly describe your company's **immigrant personnel** recruitment policy or append the policy document if available.

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24(c) (If you answered no to Question 24(a)) Briefly outline why you do not have a policy of recruiting personnel who are themselves migrants.

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25. Are any of your current employees immigrants?

   Yes  □ 1  
   (Please go to Question 26)

   No  □ 2  
   (Please go to Question 29 (c))

   Don't Know  □ 3  
   (Please go to Question 29 (c))

   Not Applicable (Please explain why)  □ 4  
   (Please go to Question 29 (c))
26. (If you answered yes to Question 25) Are any of these immigrant employees native speakers of languages other than English?

Yes ☐ 1
(Please go to Question 27(a))

No ☐ 2
(Please go to Question 29(b))

Don’t Know ☐ 3
(Please go to Question 29(b))

27(a). Please indicate the languages apart from English in which your employees who are themselves migrants have native speaker skills.

(Please tick all boxes that apply)

Arabic ☐

Chinese languages/dialects ☐
(Please specify if possible)

Dutch ☐

Filipino/Tagalog ☐

French ☐

German ☐

Indian languages/dialects ☐
(Please specify if possible)

Indonesian ☐

Japanese ☐

Korean ☐
Malay □
Samoa □
Spanish □
Thai □
Tongan □
Other (Please specify) □

27 (b) Are the native language skills of immigrant employees actively utilised by your company?

Yes □
No □
Don’t Know □
Not applicable (Please explain why) □

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62
28. Is use made in your company of immigrant employees’ **business connections** with their country of origin, where English is not normally spoken as a first language?

   Yes  □ 1  
   No  □ 2  
   Don’t Know  □ 3  
   Not applicable (Please explain why)  □ 4

   .........................................................

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29(a) Is use made in your company of the **cultural background(s)** of immigrant employees from countries where English is not normally spoken as a first language? (e.g. advice on greeting protocols, preparation of foods)

   Yes  □ 1  
   No  □ 2  
   Don’t know  □ 3  
   Not applicable (Please explain why)  □ 4

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29(b) Do you think immigrant personnel are more likely to have valuable cultural knowledge than are non-immigrant personnel?

Yes (Please explain why) □ 1

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No (Please explain why) □ 2

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Don’t Know □ 3

29(c) Does your company currently employ anyone born in New Zealand who has skills in a language(s) other than English and/or cultural background knowledge concerning countries where English is not normally spoken as the first language?

Yes – language skills only □ 1
(Please go to Question 29(d))

Yes – cultural background Knowledge only □ 2
(Please go to Question 29(e))

Yes – language skills and cultural background knowledge □ 3
(Please go to Question 29(d))

No □ 4
(Please go to Question 30(a))

Don’t Know □ 5
(Please go to Question 30(a))
29(d) (If you answered yes to Question 29(c)) Please indicate the languages apart from English in which your New Zealand born employees have speaker skills.

(Please tick all boxes that apply)

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<td>Other (Please specify)</td>
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100
29(e) Are the language skills and/or cultural background knowledge of the New Zealand-born employee(s) being utilised by your company?

Yes – language skills only □ 1

Yes – cultural background knowledge only □ 2

Yes – language skills and cultural background knowledge □ 3

No □ 4

Don't Know □ 5

30(a) Does your company need employees with skills in languages other than English and/or knowledge of other cultural backgrounds?

Yes (skills in languages other than English are needed) (Please go to Question 30(b)) □ 1

Yes (knowledge of other cultural backgrounds is needed) (Please go to Question 30(b)) □ 2

Yes (skills in languages other than English and knowledge of other cultural backgrounds are needed) (Please go to Question 30(b)) □ 3

No (Please explain why) □ 4

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................................................................. (Please go to Question 31)

Don't know □ 5

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Not applicable (Please explain why) □ 6

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(b) Does your company experience any difficulty in recruiting personnel when language and cultural knowledge skills are required?

Yes (when requiring language and cultural knowledge skills) (Please explain).

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Yes (when requiring language skills only) (Please explain) □ 2
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Yes (when requiring cultural knowledge skills only) (Please explain) □ 3
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Don’t Know □ 4

Not Applicable (Please explain why) □ 5
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Now we would like to ask you about your company’s operations and provision of services related to the immigration industry.

31. Does your company have a working relationship with any particular ethnic/migrant organisation(s) either nationally or locally?

Yes □ 1  (Please go to Question 32)

No □ 2  (Please go to Question 35)
32. (If you answered yes to Question 31) Please specify which ethnic/migrant organisation(s) your company has a working relationship with.

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33. Does your company specialise in providing services to potential migrants from this ethnic group/these ethnic groups?

   Ye  □ 1  (Please go to Question 34)
   No  □ 2  (Please go to Question 35)

34. (If you answered yes to Question 33) Please indicate why your company specialises in services for this group/these groups.

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35. Does your company offer services to all categories of migrants (i.e. General Skills Category, Business Migrants, Family Reunification etc.)?

   Yes  □ 1  (Please go to Question 37)
   No   □ 2  (Please go to Question 36)
36. (If you answered no to Question 35) Please specify which of the following categories of migrants your company specialises in.
(Please tick all that apply)

- General Skills Category
- Business Migrants
- Family Reunification
- Other (Please specify)

37. If your company offers services to those who seek entry under the **General Skills Category**, does your company specialise in certain types of professionals? (e.g. health professionals, business management professionals, computer professionals, telecommunications)

- Yes
- No
- Not Applicable (Please explain why)

(Please go to Question 38)

38. (If you answered yes to Question 37) Please specify the types of professionals in which your company specialises.

(Please go to Question 39(a))
39(a). Does your company offer pre-migration services in New Zealand relevant to the lodging of applications? (Note: pre-migration services relevant to the lodgment of applications, providing information on New Zealand assessment and bureaucratic procedures)

Yes  □ 1
(Please go to Question 39(b))

No  □ 2
(Please go to Question 39(c))

Not Applicable (Please explain why)  □ 3

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(Please go to Question 39(c))

39(b) Please list the pre-migration services offered (relevant to the lodging of applications)

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(Please go to Question 39(c))

39(c) Does your company offer pre-migration services in New Zealand relevant to the settlement of migrants in New Zealand? (Note: advice on the New Zealand education system, employment assistance, referral to other specialists)

Yes  □
(Please go to Question 39(d))

No  □ 2
(Please go to Question 40(a))

Not Applicable (Please explain why)  □ 3

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(Please go to Question 40(a))
39(d) Please list the pre-migration services offered (relevant to advice on settling in New Zealand).

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(Please go to Question 40(a))

40(a) Does your company offer post-migration services in New Zealand? (Note: Post-migration services include services such as assistance and advice on education facilities, community organisations, banking facilities, settlement assistance)

Yes  □ 1
(Please go to Question 40(b))

No  □ 2
(Please go to Question 41(a))

Not Applicable (Please explain why)  □ 3
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(Please go to Question 41(a))

40(b) (If you answered yes to Question 40(a)) Please list the post-migration services offered.

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(Please go to Question 41(a))
41(a) Does your company offer any other services?

Yes □ 1 (Please go to Question 41(b))

No □ 2 (Please go to Question 42(a))

Not Applicable □ 3 (Please explain why)

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(Please go to Question 42(a))

41(b) (If you answered yes to Question 41(a)) Please list the other services offered.

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(Please go to Question 42(a))

42(a) Are there any specific reasons why certain pre-migration and/or post-migration services are not offered by your company in New Zealand?

Yes □ 1 (Please go to Question 42(b))

No □ 2 (Please go to Question 43)

42(b) (If you answered yes to Question 42(a)) Please explain why certain services are not offered.

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43. Does your company have any offshore operations?

Yes □ 1 (Please go to Question 44)

No □ 2 (Please go to Question 48(a))

72
44. (If you answered yes to Question 43) Please list the overseas countries in which your company has operational offices.

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45. Please indicate what services are offered by your company overseas? (Please tick all that apply)

Pre-migration services □
Post-migration services □
Other (please specify) □

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46(a) If your company offers pre-migration services overseas please list the types of services offered.
(If Not Applicable tick box □ and Please go to Question 46(b))

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46(b) If your company offers post-migration services overseas please list the types of services offered.
(If Not Applicable tick box □ and Please go to Question 47(a))

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47(a) Are there any specific reasons why certain pre-migration and/or post-migration services are not offered by your company overseas?

Yes  □ 1  (Please go to Question 47(b))
No   □ 2  (Please go to Question 48(a))
Not applicable as all services are offered □ 3 (Please go to Question 48(a))

47(b) (If you answered yes to Question 47(a)) Please give the reasons why certain services are not offered:

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(Please go to Question 48(a))

48(a) Does your company have any formal or informal connections with independent companies or operators who are based overseas?

Yes  □ 1  (Please go to Question 48(b))
No   □ 2  (Please go to Question 49)
Not applicable because: □ 3

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(Please go to Question 49)

48(b) (If you answered yes to Question 48(a)) Please specify the nature of these connections (for example, informal or formal referrals of potential applicants):

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(Please go to Question 49)
49. In your estimation what proportion of international migrants are being assisted by consultancies based abroad which have no New Zealand affiliation?

- Nil □ 1
- 1-4% □ 2
- 5-9% □ 3
- 10-19% □ 4
- 20-29% □ 5
- 30-39% □ 6
- 40-49% □ 7
- 50-74% □ 8
- Over 74% □ 9

50(a) Does your company have formal and/or informal links with other companies in New Zealand which provide services required by immigrants either before or after migration?

- Yes- formal links only □ 1 (Please go to Question 50(b))
- Yes- informal links only □ 2 (Please go to Question 50(b))
- Yes- formal and informal links □ 3 (Please go to Question 50(b))
- No □ 4 (Please go to Question 50(c))

50(b) (If you answered yes to Question 50(a)) Please specify the nature of the formal and/or informal connections (for example, provision of quotes for migration transportation costs).

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(Please go to Question 51(a))
50(c) (If you answered no to Question 50(a)) Please explain how your company responds to requests from migrants for advice on either pre-migration or post-migration services not normally provided by your company. (For example, airlines, removal and transportation companies, real estate agents, insurance companies, banks, schools).

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(Please go to Question 51(a))

51(a) Does your company have in place a policy for alerting clients about possible difficulties in relation to pre-migration and/or post-migration services provided by other companies in New Zealand and/or abroad?

Yes – Companies in New Zealand □ 1
(Please go to Question 51(b))

Yes – Companies abroad □ 2
(Please go to Question 51(b))

Yes – Companies in New Zealand and abroad □ 3
(Please go to Question 51(b))

No □ 4
(Please go to Question 51(c))

Not Applicable (Please explain why) □ 5
(Please go to Question 51(c))

□ □
51(b) (If you answered yes to Question 51(a)) Please specify the nature and terms of this policy (or attach document if available).

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(Please go to Question 52(a))

51(c) (If you answered no or not applicable to Question 51(a)) Has your company ever considered the need for such a policy?

Yes  □ 1
No   □ 2
Not Applicable □ 3
(Please explain why)

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Now we would like to ask you some questions about your company's experience with New Zealand's immigration policy and your company's relationship with the New Zealand Immigration Service.

52(a) Has your company experienced any particular difficulties with New Zealand's immigration policy during the last ten years?

Yes  □ 1
(Please go to Question 52(b))

No   □ 2
(Please go to Question 53)

Not Applicable (Please explain why) □ 3

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(Please go to Question 53)
52(b) (If you answered yes to Question 52(a)) Please indicate in which of the following categories your company has experienced difficulties. (Please tick all that apply)

- General Skills Category provisions
- Business Migrants provisions
- Family Reunification provisions
- Humanitarian provisions
- Refugee provisions
- Other (Please specify):

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52(c) Please specify the nature of the difficulties experienced and when they occurred (e.g. language requirements introduced in 1995).

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52(d) Has your company experienced any problems with the implementation of policy (processing applications)?

Yes (Please specify) □ 1

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(Please Go to Question 52(e))

No □ 2 (Please Go to Question 53)
52(e)) In general, has your company been successful in addressing these difficulties?

Yes □ 1 (Please go to Question 52(f))
No □ 2 (Please go to Question 53)

52(f) (If you answered yes to Question 52(e)) Were the difficulties resolved by one or more of the following means?

(Please tick all that apply)

Direct discussions with the New Zealand Immigration Service □
Access to more detailed information on policy requirements and criteria □
Advice from New Zealand Association for Migration and Investment Inc. □
Other (Please specify): □
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53. In general, how would you rate your company’s relationship with the New Zealand Immigration Service?

Excellent □ 1
Very Good □ 2
Good □ 3
Fair □ 4
Poor □ 5
Totally unsatisfactory □ 6
54(a). Does your company actively seek a positive relationship with the Immigration Service?

Yes ☐ 1
No ☐ 2
Not Applicable (Please explain why) ☐ 3

54(b) Do you think the New Zealand Immigration Service actively seeks a positive relationship with those working in the Immigration Industry?

Yes ☐ 1
No ☐ 2
Don’t Know ☐ 3

55(a) Are you aware of any national regional variations with respect to the processing of applications?

Yes ☐ 1
(Please go to Question 55(b))

No ☐ 2
(Please go to Question 55(a))

Don’t Know ☐ 3
(Please go to Question 55(a))

55(b) (If you answered yes to Question 55(a)) Please describe the variations and explain the implications

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(Please go to Question 55(a))
56(a)  Are you aware of any international variations with respect to the processing of applications?

Yes  □1  (Please go to Question 56(b))
No  □2  (Please go to Question 57)
Don’t Know  □3  (Please go to Question 57)

56(b)  (If you answered yes to Question 56(a)) Please describe these variations and explain the implications

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(Please go to Question 57)

57.  Has your company ever been consulted about proposed policy changes by the New Zealand Immigration Service or some representative of the Minister of Immigration?

Yes  □1
No  □2
Not Applicable (Please explain why)  □3

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58. Do you think that companies such as your own should be consulted by government over matters of proposed policy changes?

Yes  □ 1
No   □ 2
Don’t Know □ 3
Not Applicable (Please explain why) □ 4
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59. Do you think immigration policy development should lie exclusively with the New Zealand Immigration Service?

Yes  □ 1
No   □ 2
Don’t Know □ 3

60. Do you think the New Zealand Immigration Service should retain their decision making role?

Yes  □ 1
No   □ 2
Don’t Know □ 3

61. Do you think that some or all of the processing of immigration applications could be devolved to private sector companies?

Yes – some □ 1
Yes – all □ 2
No □ 3
Don’t Know □ 4
Now we would like to ask you some questions about the regulation of the New Zealand immigration industry and the New Zealand Association for Migration and Investment Inc.

62(a) Is your company aware of cases where prospective migrants have been exploited by individuals involved in the immigration industry in New Zealand?

Yes □ 1 (Please go to Question 62(b))
No □ 2 (Please go to Question 63)

62(b) (If you answered yes to Question 62(a)) Please give an example.
63. Do you think the immigration industry in New Zealand should be regulated?

- Yes □ 1
- No □ 2
- Don’t Know □ 3

64(a) Do you think that companies offering immigration services in New Zealand should be registered to practise?

- Yes □ 1 (Please go to Question 64(b))
- No □ 2 (Please go to Question 64(c))
- Don’t Know □ 3 (Please go to Question 66)
64(b) (If you answered yes to Question 64(a)) Please explain why you think New Zealand companies should be registered to practise?

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(Please go to Question 65)

64(c) (If you answered no to Question 64(a)) Please explain why you think New Zealand companies should not be registered to practise?

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(Please go to Question 66)

65. What do you think the role of the New Zealand Association for Migration and Investment Inc. should be with respect to the registration of companies offering immigration services?

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(Please go to Question 66)
66. Do you think that registration would be a means of advancing professionalism in the immigration industry?

Yes (Please explain why) □ 1

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No (Please explain why) □ 2

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Don’t Know □ 3

67. Do you think the New Zealand Association for Migration and Investment Inc. should play an active role in the regulation of the immigration industry in New Zealand?

Yes □ 1 (Please go to Question 68)

No □ 2 (Please go to Question 69)

Don’t Know □ 3 (Please go to Question 69)

68. Do you think the current criteria for membership of the New Zealand Association for Migration and Investment Inc. provides a basis for the registration of companies and/or the regulation of the immigration industry in New Zealand?

Yes (registration of companies) □ 1

Yes (regulation of industry) □ 2

Yes (registration and regulation) □ 3

No □ 4

Unsure □ 5
69. Are you currently or have you ever been a member of the New Zealand Association for Migration and Investment Inc.?

- Yes previously a member □ 1
- Yes current Affiliate member □ 2
- Yes current Full member □ 3
- No □ 4

*Please see important information on the next page*
AND FINALLY:

On the basis of this survey, we are hoping to identify some of the best practice features of the immigration industry in New Zealand. Would you be willing to do a possible follow-up interview to discuss further aspects of your company’s operation?

Yes ☐  No ☐

If yes, please give contact details below:

Name: ..........................................................

Address: ......................................................

..........................................................

..........................................................

Telephone (work): ........................................

Fax: .................  E-mail: .........................

Would you like a summary of the findings of the survey?

Yes ☐

No ☐

If yes, please write your name and address below.

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Thank you for taking the time to respond to this questionnaire.
Appendix 2: Follow-up Interview Schedule

1. Getting into the Industry
   - How did you get into the immigration industry and establish your business
   - What problems (if any) did you encounter in the process of establishing your business and how did you deal with them?

2. Day to Day Business Operation
   - How do you normally generate and maintain business?

   Prompts:
   - Methods used for advertising
   - Methods used for active recruitment in New Zealand and abroad
     (What do you do? How do you establish points of contact?)
   - Describe the materials you provide to prospective migrants?

   Prompts:
   - Do you have samples available for us to look at?
   - Are the same materials provided to all prospective migrants?
   - What picture or impression of New Zealand do you try to convey to prospective immigrants?
   - What impact do you think the materials actually have?

   - If you were asked to identify aspects of your own day to day operation that would stand as examples of ‘best practice’ for others in the industry, what features would you single out?

   Prompts:
   - Staffing policies and practices?
   - Pre-migration assistance or services for clients?
   - Post-migration assistance or services for clients?
   - Explain why these are examples of ‘best practice’?
   - How effective is the assistance/service for clients? Examples?
   - Importance of the assistance/service for getting clients or business?

3. Industry changes, difficulties and ‘ideal’ characteristics
• Describe the significant changes that you have experienced or observed in the immigration industry since you started in this business.

Prompt: What affects have these changes had on your business?

• What do you see as the major difficulties facing New Zealand’s immigration industry now and in the near future?

Prompts: Internal sources of difficulties (eg. Cowboys, level of professional training or skills of members)
External sources of difficulties (eg. Government policy, economic conditions, political party politics, public attitudes)?

• What do you think would be the characteristics of an ideal immigration industry in New Zealand?

Prompts: Regulation?
Registration?
Relationship with New Zealand Immigration Service
Anything we could learn from Australia, Canada or the USA?
Benefits to New Zealand society and economy?

• Describe what you think would be the characteristics of an ideal business in New Zealand’s immigration industry?

Prompts: Try to think ‘outside the square’ of your own business
Examples from New Zealand or overseas?
Implications for your own business?

• Is there anything else you would like to say about the immigration industry in New Zealand and your own business?
Kirsten Lovelock

Kirsten Lovelock is a Lecturer in the Department of Anthropology, School of Social Sciences, University of Otago, Dunedin. Kirsten's main research interests are in the areas of work, immigration and intercountry adoption. Awarded a Post-Doctoral Research Fellowship by the New Zealand Foundation for Research Science and Technology, Kirsten spent two years (1996-1997) at the Institute of Asian Research, University of British Columbia, Vancouver, engaged in research on intercountry adoptees from Hong Kong in New Zealand, Canada and the United States. A major book on this project is currently nearing completion. Her publications include: 'Intercountry adoption as a migratory practice: a comparative analysis of intercountry adoption and immigration policy and practice in the United States, Canada and New Zealand in the post-World War II period' *International Migration Review* (2000); and 'Men and machines: manufacturing work sites in Mataura, Southland' in *Masculinities in Aotearoa/New Zealand* (Dunmore Press, 1999).

Andrew Trlin

The Programme Leader for the New Settlers Programme, Andrew is an Associate Professor and Research Co-ordinator in the School of Social Policy and Social Work, College of Humanities and Social Sciences, Massey University, Palmerston North. His main research interests are in the areas of social demography, social policy and programme evaluation in contemporary New Zealand, but he is best known for his work on immigration policy and immigrant settlement. Andrew's publications on aspects of international migration include: (as author) *Now Respected, Once Despised: Yugoslavs in New Zealand* (Dunmore Press, 1979); and (as co-editor) *Immigrants in New Zealand* (Massey University Press, 1970) and the series *New Zealand and International Migration: A Digest and Bibliography* (Department of Sociology, Massey University, 1986, 1992, 1997). Currently President of the New Zealand Population Association, he also served on the Ministerial Committee for the report *Drawing on the Evidence: Social Science Research and Government Policy* (Ministry of Research, Science and Technology, 1996).
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