IMMIGRATION AND PROTECTION TRIBUNAL NEW ZEALAND

[2020] NZIPT 205847

RŌPŪ TAKE MANENE, TAKE WHAKAMARU AOTEAROA

Appellant:	NZ (Skilled Migrant)
Before:	U R c O d
Counsel for the Appellant:	F J H
Date of Decision:	37 F e d 4242

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RESIDENCE DECISION

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]3_   V   c   c   c 57/ c /   e   K c   c   ec
         e   U   O   c   ec   c   e   d K   c
P   c c 0 V   c   ec   e   . c   54   c 0

THE ISSUE

]4_   K   c   P   c c   e   c   c   e c   ec
d ec   e   c   d c   c   c e
Australian and New Zealand Standard Classification of Occupations CP UEQ
     e   . e   e c   . c R   c C   c 0 Y
             . c   c   e   e   c
    U   O c   ec   0

]5_   V   V d c   c   K   c   P   c c   c
e   e   c   c   c   d c   c   c e
    CP UEQ   e   R   c C   c c .   .   c   c
CP UEQ ec   e   0

]6_   H   c   c   .   V d c   c K   c   P   c c
   c e   e   c   c   c   d c   c   c e
CP UEQ   e   . c   e   c   . c R   c C   c 0 J   .
    K   c   P   c c   c   c   e   c   c c   c

BACKGROUND

The First Assessment and Subsequent Appeal

CF (Skilled Migrant)

Immigration New Zealand's Concerns

c   c cd 0 V   c   c e c   c c 53 Oc e 4242

   d   c   c c   c   84.6 3305;   c   c

39.833083   c cd   0

]32_   Q   3; Oc   4242. K   c   P   c c   c   c   c

e   e   c   c   e c   0 K   c   P   c c   c   e   c

c   c   e c   c   c   e e   c

   d c   c   c e   CP UEQ   e   . e   e   c   .   c

R   c C   c 0

]33_   K   c   P   c c   c   c   c   c

 c   c   e   c   0 G   c . K   c

P   c c   c e e   c   c   c   cd   c

 c   d   c   .   e   c

   e   0

Response to Concerns

]34_   E   K   c   P   c c   d   45 L   4242 .

c   c   c   e   c   c   c   d c   c

  c e .   c   d c   c   c e . c   c   c   e   c

              d   0 K   c   c e   c   c

  ce   e   c   c   c   .   d

cee   c   0 E   d   c CP UEQ   c

      c   c   c   c   c   ] _d   c   e   c

  c   c   e   c   ec d   c   0 E   d   c   e e   c

U   e c   Oc c   d c   cd   c e .   c

       Y   ce   c   e   c c   c   e   c
       c   ec .   .   c   KP   c   d   c
        c   KP 0 K   .   e   e   d c
       c   c   c e .   KP   ec   e   c   ec   . c
       e   c   e   c d   cd 0

]35_   E   d   c   c   c   cd   c K   c   P   c c

c   e   e e   c   E   U   e   Oc c   . D

F   Oc c   U   e c   Oc c   P GE 0

]36_   V   c   c   c   e   c   c   c   c   c

e   e   e   c   L   4239 c   c   e   c   c   0 J

     e   e   e   ce   e   c

       e   d   c   e   e   e c

Immigration New Zealand Decision

]42_ K   c   P   c c   c c   c   c   c   c   : 7   .
    e   e   e   c   U   O   c   ec   0

STATUTORY GROUNDS

]43_ V   c   c   c   c c   e   3: 9 3   K   c
Ce 422;   Ce 0 U   e   3: 9 6   Ce

        6   V   c   c   c   e   c   c
            c   c   e   c   e   e   e
                    e   c   ecd c   c   c   ec
                c   c   c
            d   ec e e   c e   c   c   c   e   c
                e   c   c   e   e   e
                    d   e   0

]44_ V   e   e   e   3: 9 6 c   I
    e   e   e   c   K   c   P   c c   Q   c   c
Oc   c   0   c   0   0   0

THE APPELLANT'S CASE

]45_ Q   33 U   d   4242.   c   c   c   c   d
      e   3: 9 6   Ce 0

]46_ K   c   c   c   c . e   d   3; Qe   d   4242   c
K   c   P   c c   c e   c   d
            c   c   c
        c   e . c   e   ec
e   d   cee   c   c R   c   C   c 0 H   . e   d   c
K   c   P   c c   c   c   cee   c   c
e   c   c   CP   UEQ e   c . cee   .
    e   c   c   0 K   c   d   c   c   c   e e   c e   c
        e c   e   c   c   c   e   c   d   O   K   c   c   c
    e   e   e   0

ASSESSMENT

]47_ V V d c c e   d   c   c c
c   c   c   e c   ec   e   c   d
d K   c   P   c c   0

]48_ C   c   c   K   c   P   c c   e
e   c   c   c   ec   c e   e   c   ecd   e
e   d   0

Whether the Decision is Correct

]49_ V   U   O   c   ec   e   c e c   4: C
42390 V   c   c   c   c   ec   c   c c   3 F e   d   4239 0
J   . d ec   G   K   c   e   U
O   c   ec   R   d   4: C   4239   39 L   4239 .   c   ec
c   d c   U   O   c   ec   e
e   49 C   4239   UO507082   c   e   .   e
4: C   42390

]4:_ K   c   P   c c   e   c ec   d ec   c   c
d c   c   c e   CP UEQ   e   c   c
ee c   c R   c C   c 0 K   c   c
c   . e   c   c   c   c   c c
e   c   e 0

]4;_ R c c   c   UO9082   e   e   c   c
e c   . e ec   c c   c   c
c   ee c   c   dc   CP UEQ

SM7.10 Skilled Employment

Note: V   e   e   e c   d   e   4: 12: 142390

c 0   U   c   ec . e ec
c c   d c

0   e   e   c   c ec

0   e   c   e   UO9082087 d

0   e   e   c   c ec   c
e 0

:

ANZSCO core tasks

]55_

]56_

]57_

]58_

e 0 V d c e c d
d / / c c c d ce e
c R c C c c c c
c . cd c c e 0

]59_ V V d c e c c CP UEQ
ee c R c C c *YT (Skilled Migrant)*]4237_P RV 424788.
c c

]62_ R c C c e Oc c c
R c d c . e c c c c 0 V e c c
Oc c c R c c c ec
c c d c c 0 K c
c . c . c c . c c . c c c
Oc c c R c c . e c . e
ec . c e e . c c c c c cd c
Oc c c R c 0

]5: _ V c c e d c K c
P c c d ec . c e c dce
c e ee c e . c e c c c c
c c e .
d ec e c d c d e
d e . c c cd c c c 0 V
V d c cee c CP UEQ c c c ce ce
ec c c 0 K ec . c c c c c
c ec e . c c c c c / / c
c d 0

]5; _ V V d c c K c P c c e e e
c dc c c c c e
c / / c e ec c c e ec e d . c c
e e 0 K e e c c
c c e c / / c c
c / ec d e e c c e 0 V
V d c c c c c c e ec e d
c c c e ec c d c e d
e c ce c e e 0 H .
c c . c ce e K c P c c
e e . c 45 L 4242. c c c e c c c
c e c d 0 V c
c c c c 0

Alternative ANZSCO occupations

]62_ V V d c c e   c .   e   d   c
c   ec   CP UEQ ee c   e   c   .
          c   c d   c   c   c   c   CP UEQ
 ee c   c   e   d c c   ec . K   c   P   c c   d
e   c   c   ee c   c   c   ec   c
       c   d c c   c e
c   c   ee c   *OK (Skilled Migrant)*]4235_P KRV 422: 8; c]55_0

]63_ K   ec . e   K   c   P   c c   e e
  c   c   c   c   c   d   . c   c
   e   c c c   e 0 E   d   c   d   c
              c .   c   c   c   c d   c
              e .   c   c   e   c
       d   c   c   c   c   e   ec   c   0
E   c K   c   P   c c   c   c   c
   c c   d c   c   c e   c   c E   U e Oc c   CP UEQ
36; 434 . D   F   Oc c   CP UEQ 353334   U e c
Oc c   CP UEQ 35; ; ; ; 0 K   c   P   c c   ce   c
e   c   c   d   c   e
     J   .   e   c   c   e   c
         e c c   c   c   c   d
     c   c   0]V c . 36; 434 c   353334_

]64_ K   e   c K   c   P   c c .   e   c
c   ec .   ce   cee   c e   e   c   c   c   c
   e C3C3Ge.   e   4; C   4234 0 T   c   ce   e   c
c   ec   e   c .   c   c   c   c
     e   c c   ec .   c   c   e   .
      c   c   c   e   . c   c   ec
          c   c   c   ec   c   c   c   cd
              c   c C37C0.   e   4; P   d   4232 0

]65_ K   ec . e   c   c   c   c   c
d e   c   c   CP UEQ ee c   0 V
K   c   P   c c   e   c c   c   ec
   c   c   c   CP UEQ ee c   c
c c cd   0 D ec   d c e e e   c   c   c   c
   e   e   d   d   c .   c

d   c   c   c   e   c   c   ee   c
E   U   e Oc c   D   F   Oc c   0

]66_   V   ee c   E   U   e Oc c   e   Rc   C
N   U   Qee   c   c C   8   e   e   0 V   CP UEQ
   e   c   c c E   U   e Oc c   ]_c .
c   c   e   e   c   c   / c   e . c
   c c   e   c   0 V e   c   c   d   c

            30   c   e .   c   c   e   ee
               e   c   c   c   e
            40   c   c   e   e   c ec e
            50   e   c   dce   c   d   c   c
               e
            60 c c   .   c   c   c   e   e
            70 c   c   c / c   e   e
               c ce   .   c e   e c . c   c
                   e
            80 c   c   c   c   .   e c   c   e
               c   e   e c
            90 c   c ec e

]67_   K   c   c   c cd   c   c   c   c d c d c   c
   c e   c CP UEQ   c c   ee c   c   c   c   c
        .   ec c   e   c   0

]68_   V   V d c   c K   c   P   c c   e
c   ec   c   c 0 K c   c   c c   c   d
e   CP UEQ ee c   d c d
c   c   0 V   e   c K   c
P   c c   c   c c d c c   c e c c
   CP UEQ ee c   . c e c   c   d e   0K
    c   c cd   c   c c
  ee c   . c   c   e e   c
       0 V   c e   c   C3V0

Conclusion as to correctness

]69_   V   V d c   c K   c   P   c c   e   e   e
c   c   c c   e c   CP UEQ ee c   R   c
C   c d ec   c   c d c   c   c e   e   c   e   c
    c   c ee c   0

]6:_   J   . K   c   P   c c   c   e d e   c
CP UEQ ee c   d e   c   c   c e

c   c   c   c   ec   0 K c   .   c   c
 c   e   c   c   c   e
    ec   c   c   c   d c
E   U   e Oc c   D   F   Oc c   0 V c
    e 0 K   c   c   c   c   ec   d   d
 c   c   e.   CP UEQ   ee   c   c   d
e   0

DETERMINATION

]6; _   V   c   c   c   e   3: : 3   K   c
Ce 422; 0 V   V d   c   e   e   c   c   c
dc   c   e   e c   c   ecd   e   e   0
J   .   V d   c   c   c   c   . d   c   e   e
c   . c   d   e   c
  c   c   c0

]72_   V   V d   c   ec e   e   K   c   P   c c   0
V   c   c   c   ec   dce   e   e   O
D   . K   c   c   G   c e   e c   d K   c
P   c c   c   ecd   e   e   . cee   c e
     e   d   0

Directions

]73_   K   d   c   e   d   d
K   c   P   c c   c   d   c   c   c
d   c   e   c   ec   e   c   .   c   d
e   c   0

    30   V   c   ec   d   c   d c K   c   P   c c
          e   c   ec   c   ec   cee   c e
                    e   e   c   c   e c   ec
          c   c   0 P   c cd   0

    40   K   c   P   c c   c   c   c
          c   ec   c   c   cd   c   .   0 V   c
                    c   d   c   c   e   c

d c   c   c e   CP UEQ ee   c

e c   0

50   K   c   P   c c   c   c   c   c   ec
                CP UEQ ee   c   E   U   e Oc c   c
D   F   Oc c   c   c   CP UEQ ee   c
   c e   e   c   e   0

60   K   c K   c   P   c c   c   d c   c   c e
        c CP UEQ ee   c   .   c   ec   d   c
c c   c   c   e   0

70   K c c   c . K   c   P   c c   c   e c
     c   e   d   c   c .   e c c
e   e   c   0 V   c   c   d   c   c   cd
            0

]74_   V   c   c   c   c   ee   c   c
  c c   c   c   ec   d   ee   .   c   d   d e
c   d K   c   P   c c   0

]75_   V   c   c   ee   cd   0

Order as to Depersonalised Research Copy

]76_   R   c   ec   3;   Ue   4   K   c   Ce 422; .
V d   c   c .   .   c e e   e   d
      c   d   c   c   c   c   c   c   c e c
   c   ec   c   c 0

U R c
U R c
O   d

E   d   T   c e
E   c   d ec   0

U R c
O   d