

RŌPŪ TAKE MANENE, TAKE WHAKAMARU  
AOTEAROA

Appellant: NZ (Skilled Migrant)

Before: UR c O d

Counsel for the Appellant: F J H

Date of Decision: 37 F e d 4242

aa

**RESIDENCE DECISION**

aa

]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 K c c e c ec  
d ec e c d c c ce  
*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 ce  
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 ce  
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

e ee c E U e Oc c . U ec  
 Oc c PGE D F Oc c c d e 0 V  
 V d c ec e e c dce K c  
 P cc ce ec 0

## BACKGROUND

]7\_ K c ec . c 3 F e d 4239. c c ec  
 3:2 . e 72 c d c c ce  
 CP UEQ ee c R c C c 0 V c c  
 c c e c c c l Ce ce e c c  
 c e c L 4238. ec d c c ec .  
 . c / c c 0 J c ec  
 c e c 0

]8\_ V c c e c c  
 c 32 P d 4238 c 44 F e d 4238 c c c  
 57 c c 42 c c e c c 0

## The First Assessment and Subsequent Appeal

]9\_ V c c c ec c c c  
 e e cc .c cc c .c c e c c 0 K  
 c c d K c P cc 423: 0 F  
 c . K c P cc d ec e e cd  
 d c c cd 0 V e e c c c . d  
 c c K c P cc c c ec c  
 e 0

]\_ V V d c e e c c c c .  
 CF (Skilled Migrant) ]423: \_P IRV 4272: 8. c K c P cc  
 c e c c . e  
 e c c ec c 0 V e c ec e c dce  
 K c P cc ce ec 0

## Immigration New Zealand's Concerns

]\_ K e c e c . K c P cc c  
 c c e cd c d

c c cd 0 V c c ec c c 53 Oc e 4242  
d c c c c 84.6335; c c  
39.83303 c cd 0

]32\_ Q 3; Oc 4242. K c P cc c c c  
e e c c ec 0 K c P cc c e c  
c c ec c c e e c  
d c c ce CP UEQ e . e e c . c  
R c C c 0

]33\_ K c P cc c c c c  
c c e c 0 G c . K c  
P cc c e e c c c cd c  
c d c . e c  
e 0

**Response to Concerns**

]34\_ E K c P cc d 45 L 4242 .  
c c c e c c c d c c  
ce . c d c c ce . c c c e c  
d 0 K c ce 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 ecd c 0 E d c ee c  
U ec Oc c d c cd ce . c  
Y ce c e c c c e c  
c ec . c K c d c  
c K 0 K . e e c d c  
c c ce . K ec e c ec . c  
e c e c d cd 0

]35\_ E d c c c cd c K c P cc  
c e ee c E U e Oc c . D  
F Oc c U ec Oc c PGE0

]36\_ V c c c e 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 ec

c c e c c c c e c  
c e c 0 J c d e d  
e c c c d 0

**Immigration New Zealand Decision**

]37\_ Q 5 C 4242. K c P cc e c c  
c ec d ec c c c d c c ce  
CP UEQ e R c C c 0 K . K c  
P cc c c e e c d c c 3; Oc 4242  
c c d c e c c 0  
J e c c c 45 L 4242 e e c  
c c c 0

]38\_ K c P cc c e c c c c  
c d c c c c c c  
e c CP UEQ e c R c C c .  
c 0

]39\_ K c . K c P cc c c c  
c d c . e c  
e e c c c c c c c  
e c e 0 K c ce c c c c e  
c e c e c d ce 0 J .  
c c c c c e c c .  
e c c c c c e c e 0

]3: \_ K c P cc c c CP UEQ c c  
R c C c ee c c e c c e .  
c c c d c 0 K c ce c  
c c e ec c c c c 0 J . e c  
c d c c  
e 0

]3: \_ C e e e . K c P cc c  
c c e c c e  
ee c E U e Oc c c D  
F Oc c 0 K c c c d  
c ee c 0

]42\_ K c P cc 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 3:93 K c  
Ce 422; Ce 0U e 3:96 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 ee ce c c c e c  
e c c e  
d e 0

]44\_ V e e e 3:96 c l  
e e e c K c P cc 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 3:96 Ce 0

]46\_ K c c c c.e d 3; Qe d 4242 c c  
K c P cc 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 cc c c cee c c  
e c c CP UEQ e c . cee .  
e c c 0 K c d c c c ee c e c  
ec 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 UO5082 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  
 e c e 0

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

**SM7.10 Skilled Employment**


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

c0 U c c d c c ec . e ec  
 0 e e c c ec  
 0 e c e UO9082087 d  
 0 e e c c ec c  
 e 0

d0 C c ee c  
 U O c Ec UOE c dc C c c c  
 P c c U c c E c ec Qee c CP UEQ e  
 c ec ce ee c 0

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Note: V CP UEQ c c cd c 0 c 0 0 1CP UEQ

**SM7.10.1 Assessment of whether employment is skilled**

e0 V ee c e c E N U Qee c  
 c C 8c e c c ec ec c c  
 c ee c e e c c ce e CP UEQ c  
 c  
 0 c c c c e e c c  
 c e c ec e c cd . P SH  
 P SH UO367 c c ec c P SH  
 d c Pc c E ec c P c c E ec  
 0 c c c c e e c  
 c e e  
 . c c c c dc cc c c P 67.222P H  
 c c e d. c c dc cc e  
 c c e . ec c e . cee c c  
 d ec e c dc 62 ) 0

*Effective 14/05/2013*

]52\_ V CP UEQ ee c R c C c e Rc E  
 N U Qee c c C 8 e e 0 Cee  
 CP UEQ e . c R c C c 743333 ] \_ c .  
 e c c c c c Oc c c R c 0

]53\_ V ee c R c C c e W I 7433.  
 R c C c . e e c d c  
 30 c c c c c c ) c  
 40 ce c c . d . c c.  
 e e c e  
 50 c c e c c e  
 60 c c ce c e c c  
 70 c c c c c c c c  
 80 e e c c . e e c c c  
 e  
 90 e ec c c  
 : 0 c c c e d ec c e  
 ; 0 c e c c c e ec c

]54\_ C c c c ec c d c c  
 ce c CP UEQ ee c ce d e ce c  
 d c . d d c e dc . c cee

:

e ee c ce e c ec c c c  
c c e 0

ANZSCO core tasks

]55\_ K e c ec . K c P cc c  
ce e c 0 V e e c CP UEQ  
ee c R c C c c c ec c c  
e c c e c c d 0  
K c P cc e c d e  
e ce e c R c C c ]\_  
c . e c c c c c c Oc c c  
R c 0

]56\_ K c c R c C c c c  
c c c c e ce c c c  
c c c c c e 0 J . c  
d e c c / / c c d cd  
d c c c c c c c  
c . c c c e 0 Q c dc .  
e ec c c c c CP UEQ ee c c  
d 0

]57\_ V d e . c c l Ce  
c e 0 V e c e ce  
c / . c . e c c 0 V  
c c c c e c c c 0 V  
c c e d c c c d .  
c ec c d c . c e 0 J c  
Kc ec c c 0 Kc  
d c c e . e c c e c e ec  
c ee c e c c e c 0

]58\_ K c P cc c c c c  
d c c c c c c c c  
e e c 0 V e c c  
d e c . c e c c  
e ce d c  
c c 0 E  
e c c c c ce c

;

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 IRV 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 ec  
c c d c c 0K c  
c . c c . c c c  
Oc c c R c c . e c . e  
ec . c e e . 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 0K ec . c c c c c  
c ec e . c c c c / / c  
c d 0

]5; \_ V V d c c K c P cc e e e  
c dc c c c c e  
c / / c e ec c c e ec e d . c c  
e e 0Ke 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 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 cc  
e e . c 45 L 4242. c c c e c c c  
c e c d 0V 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 cc d  
 e c c ee c c c ec c  
 c d c c ce  
 c c ee c *OK (Skilled Migrant)* ]4235\_P RV 422: 8; c ]55\_0

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

]64\_ K e c K c P cc . e c  
 c ec . ce cee c e e c c c c  
 e C300. 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 C300. 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 cc e c c c ec  
 c c c CP UEQ ee c c  
 c c cd 0 D ec dc ee 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 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 e e  
 e c c c e cec e  
 40 c c e e cec 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 e c  
 c ce . c e e c . c c  
 e  
 80 c c c c . e c c e  
 c c e ec  
 90 c cec e

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

]68\_ V V d c c K c P cc 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 cc c c c d c c ce cc  
 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 C3070

*Conclusion as to correctness*

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

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

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 ec c ecd e e 0  
 J . V d c c c c . d c e e  
 c . c d e c  
 c c c 0

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

## Directions

]73\_ K d c e d d  
 K c P cc 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 cc  
 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 cc 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  
ec 0

50 K c P cc 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 cc c d c c ce  
c CP UEQ ee c . c ec d c  
c c c c e 0

70 K c c c . K c P cc c ec  
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 cc 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 e c  
c ec c c 0

UR c  
UR c  
O d

E d T c e  
E c d ec 0  
  
UR c  
O d