

RŌPŪ TAKE MANENE, TAKE WHAKAMARU
AOTEAROA

Appellant: YI (Skilled Migrant)

Before: S Benson (Member)

Representative for the Appellant: T Delamere

Date of Decision: 16 December 2021

RESIDENCE DECISION

[1] The appellant is a 32-year-old citizen of China whose application for residence under the Skilled Migrant category was declined by Immigration New Zealand. The application includes her 34-year-old husband and their child (born in July 2020), both citizens of China.

THE ISSUE

[2] Immigration New Zealand declined the appellant's residence application because it determined that her employment as an office coordinator for a company providing IT support for hospitality businesses was not a substantial match to the *Australian and New Zealand Standard Classification of Occupations* (ANZSCO) occupation of Personal Assistant. Without points for skilled employment, her application could not succeed.

[3] The principal issue for the Tribunal is whether Immigration New Zealand was correct that the appellant did not perform core tasks of the occupation of Personal Assistant. For the reasons set out below, the Tribunal finds that Immigration New Zealand was not correct in its assessment of the appellant's performance of the core tasks of the occupation. The Tribunal therefore cancels the decision and refers the application back to Immigration New Zealand for a correct assessment.

BACKGROUND

[4] The appellant was born in China, where, in 2014, she completed a Bachelor of Management (Accounting) and, in November 2014, she married her husband.

[5] In March 2015, the couple arrived in New Zealand as the holders of visitor visas. Since that time, they have held a series of student, work and interim visas.

[6] From June 2015, the appellant's husband was employed as a horticultural technician. In April 2017, he started employment as a landscape gardener.

[7] The appellant attended a tertiary educational institution in Auckland. In February 2016, she completed English studies, and, in November 2017, she completed a Postgraduate Diploma in Business. Since October 2016, the appellant has held employment as an office assistant and an administrative assistant in Auckland. In October 2017, she was employed as an office coordinator for a company providing specialised POS (point of sale) systems for the hospitality industry, earning \$52,000 per year.

Application for Residence

[8] On 2 April 2019, the appellant lodged an Expression of Interest with Immigration New Zealand. On 4 April 2019, she was invited to apply for residence.

[9] On 4 July 2019, the appellant applied for residence, claiming 170 points, including 50 points for skilled employment. She claimed that her employment substantially matched the ANZSCO description and core tasks of a Personal Assistant (code 521111), a Skill Level 3 occupation under ANZSCO Unit Group 5211, Personal Assistants. The Tribunal sets out the ANZSCO occupation description and the core tasks of a Personal Assistant at [30].

[10] In a letter (12 May 2019), the appellant stated that her role was to ensure that the finance and operations manager had the assistance and support that she needed in her role, including: maintaining records of correspondence, confidential files and special reports (such as project reports, event reports, final sales reports, sales commission monthly reports, reseller and partner monthly and quarterly reports); liaising with clients and stakeholders; screening telephone calls and emails; controlling the number of her manager's meetings; organising events (such as new installations for clients), travel and accommodation; and compiling financial statements.

[11] In support of the application, the appellant provided:

- (a) A copy of her employment agreement (signed 13 November 2018), which included a job description.
- (b) National Security Check Forms completed by the appellant and her husband.
- (c) An Employer Supplementary Form (28 June 2019) completed by the finance and operations manager.
- (d) A letter (27 July 2020) from the general manager of the appellant's employer stating that her remuneration had increased to \$53,040 per year and enclosing a copy of her new employment agreement.

Verification by Immigration New Zealand

[12] On 3 February 2021, in reply to questions from Immigration New Zealand, the general manager stated that the appellant was on maternity leave from June 2020 to June 2021. The appellant's employment included the following duties: coordinating office activities and operations; arranging travel and accommodation for her manager; dealing with emails and queries and correspondence on behalf of her manager; and liaising between customers, suppliers and other stakeholders. Since July 2020, she no longer arranged meetings or took minutes.

[13] The general manager also explained that the employer had laid off four staff during the COVID-19 pandemic and had 10 remaining employees, that is: a chief executive officer and general manager (leadership and sales); finance and operations manager, operations coordinator (operations and finance); and four technical support engineers (technical support), a senior software developer and software developer (development).

Immigration New Zealand Raises Concerns

[14] On 22 March 2021, Immigration New Zealand wrote to the appellant with concerns that her employment may not be a substantial match to the ANZSCO occupation of Personal Assistant as there was no evidence to establish that she performed the core tasks of the occupation.

[15] Immigration New Zealand invited the appellant to comment and to provide information in response to these concerns.

The Appellant's Reply

[16] In reply (6 May 2021), the appellant's then representative submitted that the appellant's employment was a substantial match for the ANZSCO occupation of Personal Assistant because her main role was to assist the finance and operations manager. The representative provided examples of the appellant's performance of core tasks of the occupation.

[17] The appellant stated (7 May 2021) that, in her employment role, she provided day-to-day support to the finance and operations manager. She gave examples of her duties in her role (with numerous supporting documents):

- (a) Each day she wrote important matters on a whiteboard for her manager's reference, such as advance notice of important meetings and deadlines.
- (b) She assisted her manager and other staff to coordinate office activities. For example, she obtained present cards for staff Christmas gifts and organised activities for staff birthdays, special occasions and shared lunches.
- (c) She checked, filed and prioritised emails for her manager. She followed up on emails on behalf of her manager, for example, notifying customers of the need for updated antivirus software licences. She answered the telephone for her manager. Important calls (including serious customer complaints) were transferred to the manager or the appellant took a message. If the call was not important (such as marketing calls) or not urgent, she dealt with the call or asked the caller to send an email.
- (d) She checked the employer's online customer service system. She responded to enquiries relevant to accounts or assigned the task to her manager. She followed up on discrepancies in time spent and charged by technicians and reported to her manager. Following a complaint by a customer, as instructed by her manager, she followed up with the technician who had installed the employer's system. She ensured that clients were invoiced correctly so the manager had up to date finance and operations data.
- (e) She filed paperwork according to company policy, with hard copy and digital files. This included confidential information, such as staff

payroll information (such as staff sickness and leave records), employer bank statements, business expense records, invoices from suppliers and client account information. She assisted her manager to prepare weekly payroll returns for the Inland Revenue Department.

- (f) As instructed by her manager, she entered invoices into the employer's accounting system. She did reconciliations of invoices and payments, provided reports to her manager as to overdue accounts and followed up overdue accounts (including making payment arrangements with customers). She communicated with clients to remedy errors in invoices. She had made a spreadsheet of customers who had requested fee support during the COVID-19 pandemic lockdown.
- (g) She liaised with customers and suppliers on behalf of her manager, including refunds, replacements, updates on status and licence renewals. On behalf of her manager, she communicated with suppliers (for example, as to hardware upgrades) and resellers. She updated customer information on the employer's database. She checked with suppliers on urgent orders and stock delivery times. At the request of her manager, she communicated relevant information to the technical team on installations and clients overdue more than three months on their account.
- (h) She responded to customer requests for products, such as thermal paper and network cables.
- (i) She assisted her manager to collect financial data for monthly reports, such as sales representative commissions, reseller reports and direct debit lists. Her manager used the information to prepare GST and consolidated monthly accounts. She did research at the request of her manager, such as: customer antivirus licences that were expiring or overdue (which could result in suspension of the licence); fees not charged for "Pocket Voucher" client accounts; hardware information; and flights and hotels for staff.
- (j) There was a monthly one-hour staff meeting. A staff member took minutes and notes. Before the meeting, she ensured that the board room was available and prepared briefing notes for her manager, such as data on accounts receivable, finance and operations. She scheduled the meeting in her manager's electronic diary. The

appellant also provided notes that she had taken at staff meetings in 2019.

- (k) She researched, arranged and booked travel and accommodation for staff.

[18] The representative provided various documents, including: notes between the appellant and the finance and operations manager communicating as to client accounts; emails from the appellant to clients; emails from staff to the appellant and her manager in respect of staff pay and leave; the appellant's notes of staff meetings (various dates April 2019 to April 2020); screenshots of two pages from the appellant's electronic diary; evidence of flights and accommodation arranged for staff; and three letters of support (all dated 6 May 2021) from staff.

Immigration New Zealand Decision

[19] On 30 June 2021, Immigration New Zealand declined the application on the basis that the appellant's employment was not a substantial match to the ANZSCO occupation of Personal Assistant. Although she assisted the finance and operations manager, she performed only one of the core tasks of the occupation, the core tasks did not comprise most of her role and her role was not in the nature of a Personal Assistant. Immigration New Zealand also considered that the appellant's role was not a substantial match to the alternative ANZSCO occupations of Office Manager (code 512111) or Information Officer (code 541211).

[20] Immigration New Zealand declined to award points for skilled employment. Without these points, the appellant's residence application could not succeed.

STATUTORY GROUNDS

[21] The appellant's right of appeal arises from section 187(1) of the Immigration Act 2009 (the Act). Section 187(4) of the Act provides:

- (4) The grounds for an appeal under this section are that—
 - (a) the relevant decision was not correct in terms of the residence instructions applicable at the time the relevant application for the visa was made; or
 - (b) the special circumstances of the appellant are such that consideration of an exception to those residence instructions should be recommended.

[22] The residence instructions referred to in section 187(4) are the Government residence instructions contained in Immigration New Zealand's Operational Manual (see www.immigration.govt.nz).

THE APPELLANT'S CASE

[23] On 10 August 2021, the appellant lodged this appeal on both grounds in section 187(4).

[24] The appellant's newly-appointed representative submits (11 August 2021), in summary, that Immigration New Zealand did not properly consider evidence that the appellant performed core tasks of the occupation and did not undertake a holistic assessment of her role.

ASSESSMENT

[25] The Tribunal has considered the submissions and documents provided on appeal and the files in relation to the appellant's residence application which have been provided by Immigration New Zealand.

[26] An assessment as to whether the Immigration New Zealand decision to decline the appellant's application was correct in terms of the applicable residence instructions is set out below.

Whether the Decision is Correct

[27] The application was made on 4 July 2019 and the relevant criteria are those in residence instructions as at that time. Immigration New Zealand declined the application because the appellant's employment was not a substantial match to the ANZSCO occupation of Personal Assistant.

[28] The relevant instructions in this case are:

SM6.10 Skilled Employment

- a. Skilled employment is employment that meets a minimum remuneration threshold and requires specialist, technical or management expertise obtained through:
 - i. the completion of recognised relevant qualifications; or
 - ii. relevant work experience; or

- iii. the completion of recognised relevant qualifications and/or work experience.
- b. Assessment of whether employment is skilled for the purposes of the Skilled Migrant Category is primarily based on the Australian and New Zealand Standard Classification of Occupations (ANZSCO) which associates skill levels with each occupation, and the level of remuneration for the employment.

Note: The ANZSCO is available at www.immigration.govt.nz/ANZSCO

SM6.10.5 Skilled employment in an occupation included in the ANZSCO

Current employment in New Zealand or an offer of employment in New Zealand will be assessed as skilled if:

- a. the occupation is described in the ANZSCO as:
 - i. a skill level 1, 2 or 3 occupation and the remuneration for that employment is \$25.00 per hour or above (or the equivalent annual salary); or
 - ...
- b. the principal applicant can demonstrate that their employment substantially matches the description for that occupation as set out in the ANZSCO (see SM6.10.5.1); and
- ...

SM6.10.5.1 Assessment of 'substantial match'

- a. For the purpose of SM6.10.5 (b) above, assessment of 'substantial match' involves a determination of whether the applicant's employment is substantially consistent with the ANZSCO 'Occupation' (6-digit) level description for that occupation and with the tasks listed at the ANZSCO 'Unit Group' (4-digit) level description for that occupational group, excluding any tasks which are not relevant to the 'Occupation' description.
- b. To be considered a substantial match to an occupation, the tasks that are relevant to the applicant's employment role must comprise most of that role.

For example: An applicant's employment in the occupation 'Disabilities service officer' (411712) is not required to include the task set out at the ANZSCO Unit Group (4-digit) classification level for 'Welfare support workers' of "supervising offenders on probation and parole". Other listed tasks that are relevant to the role of a "Disabilities services officer" must comprise most of their role.

Note: Where no description is stated at the ANZSCO Occupation (6-digit) level, an immigration officer should refer to the ANZSCO Unit Group (4-digit) description or higher ANZSCO group (3-digit or 2-digit) level as necessary to determine a substantial match with the stated occupation. Similarly, where no ANZSCO core tasks are listed at the ANZSCO Unit Group (4-digit) level, an immigration officer should refer to a higher ANZSCO group (3-digit or 2-digit) level as necessary to locate core tasks ANZSCO associates with the stated occupation.

...

Effective 26/11/2018

[29] When deciding an application, Immigration New Zealand must act in accordance with the principles of fairness and natural justice (A1.1.c, effective 29 August 2012). Relevant factors include whether: an application is given proper consideration; the applicant is informed of information that might harm his or her case; the applicant is given a reasonable opportunity to respond to harmful information; only relevant information is considered; and all known relevant information is considered (A1.5, effective 29 November 2010).

ANZSCO Personal Assistant

[30] The appellant made her application for residence on the basis that her employment was a substantial match to a Personal Assistant (ANZSCO code 521111), an ANZSCO Skill Level 3 occupation. The description for this occupation requires such a person to perform “liaison, coordination and organisational tasks in support of Managers and Professionals”. The occupation of Personal Assistant is included in Unit Group 5211 (Personal Assistants) which lists the following core tasks (numbering added):

1. liaising with other staff on matters relating to the organisation's operations
2. researching and preparing reports, briefing notes, memoranda, correspondence and other routine documents
3. maintaining confidential files and documents
4. attending meetings and acting as secretary as required
5. maintaining appointment diaries and making travel arrangements
6. processing incoming and outgoing mail, filing correspondence and maintaining records
7. screening telephone calls and answering inquiries
8. taking and transcribing dictation of letters and other documents
9. may supervise other secretarial and clerical staff

[31] Immigration New Zealand found that the appellant performed core task 1, but it was not satisfied that she performed tasks 2 to 9. Further, although she assisted the finance and operations manager, the core tasks of the occupation did not comprise most of her role and her role was not in the nature of a Personal Assistant.

[32] The Tribunal finds below that Immigration New Zealand did not properly consider the appellant's performance of the core tasks of the occupation. Further, it failed to put to the appellant its concern that the core tasks did not comprise most of her role and it did not consider whether she performed her role in support of managers and professionals, as the occupation description requires.

Task 2 – researching and preparing reports, briefing notes, memoranda, correspondence and other routine documents

[33] Immigration New Zealand found that the appellant did not perform task 2, as follows:

As part of the response [dated 7 May 2021], you provided evidence such as email correspondence to staff, clients, and other business partners. You also provided meeting notes and email correspondence with your boss showing that you provide her with requested information. While we acknowledge your contribution in this regard, [this] evidence [is] not in the nature of research-based reports, briefing notes, memoranda or other routine documents.

[34] The Tribunal finds that Immigration New Zealand did not consider all known relevant information that the appellant performed task 2 in respect of her manager. Immigration New Zealand did not refer to or consider evidence that she undertook research and provided reports to her manager, such as in respect of customer antivirus licences, “pocket vouchers”, accounts receivable, finance and operations.

Task 3 – maintaining confidential files and documents

[35] Immigration New Zealand found that the appellant did not perform task 3, as follows:

As part of the response, you provided evidence such as email correspondence to staff, clients, and other business partners. You also provided meeting notes and calendars. While we acknowledge that you work with confidential information and keep files thereof, we also note that the work you do is largely operational in nature and not in support of your manager. As such, our concerns have not been mitigated and we are not satisfied that you are undertaking this task.

[36] The Tribunal finds that Immigration New Zealand did not properly consider the appellant’s performance of this task in respect of her manager. As it acknowledged, the appellant provided evidence that she kept confidential files and documents, for example, in respect of staff payroll, employer bank statements, business expenses, supplier invoices and client account information. There was no basis for Immigration New Zealand to conclude, without proper inquiry, that these financial records were not relevant to and not in support of the appellant’s manager in her role as finance officer.

[37] Immigration New Zealand found that the appellant did not perform task 3 in respect of her work in support of persons other than her manager. In the Tribunal’s view, Immigration New Zealand did not consider whether the appellant’s work in respect of other persons was, as stated by the description for the occupation of Personal Assistant, “in support of Managers and Professionals”.

The chief executive officer and general manager were both managers. Further, the four technical support engineers and two software development staff were arguably professionals, as understood by the ANZSCO, which states, in Major Group 2, that professionals perform:

... analytical, conceptual and creative tasks through the application of theoretical knowledge and experience in the fields of the arts, media, business, design, engineering, the physical and life sciences, transport, education, health, *information and communication technology*, the law, social sciences and social welfare. [Emphasis added]

Task 4 – attending meetings and acting as secretary as required

[38] Immigration New Zealand found that the appellant did not perform task 4, as follows:

As part of the response, you provided handwritten notes and a sample of your work calendar. While we acknowledge that there is evidence that you attend meetings, the same evidence does not show that you were acting as secretary, as required. As such, our concerns have not been mitigated and we are not satisfied that you are undertaking this task.

[39] The Tribunal finds that Immigration New Zealand was correct to find that the appellant did not perform task 4. It appears that she attended staff meetings. She also performed some tasks in support of her manager in respect of these meetings, such as ensuring that the boardroom was available, scheduling the meeting in her manager's diary and preparing briefing notes for her manager. She also took notes at meetings. However, it was not clear that she attended as secretary, given the general manager's statement (3 February 2021) that she no longer took minutes and her statement (7 May 2021) that other persons performed secretarial tasks of taking notes and minutes.

Task 5 – maintaining appointment diaries and making travel arrangements

[40] Immigration New Zealand stated that:

As part of the response, you provided a sample of your work calendar and email correspondence to clients informing them of installation technicians going to their business premises. While we acknowledge the evidence provided, it still does not show that you are the one maintaining appointment diaries and making travel arrangements. As such, our concerns have not been mitigated and we are not satisfied that you are undertaking this task.

[41] The Tribunal finds that Immigration New Zealand did not properly consider the appellant's performance of this task. It did not consider relevant statements by the appellant that she controlled the number of her manager's meetings (12 May 2019) and scheduled meetings for her manager (7 May 2021). Further, it failed to

consider whether travel arrangements for staff were in support of managers or professionals.

Task 6 – processing incoming and outgoing mail, filing correspondence and maintaining records

[42] Immigration New Zealand found that the appellant did not perform task 6, as follows:

As part of the response, you provided various email correspondence to clients and other external business partners on a scope of operational and logistical matters. While we acknowledge the evidence provided, it does not show that you process incoming and outgoing mail; that you file said correspondence; and maintain records thereof. What it shows is that you correspond directly to clients and business partners as part of regular business operations. As such, our concerns have not been mitigated and we are not satisfied that you are undertaking this task.

[43] The Tribunal finds that Immigration New Zealand did not consider relevant information that could demonstrate the appellant's performance of task 6. For example, she stated that she checked, filed and prioritised emails for her manager, maintained physical and digital files and records and updated client information.

Task 7 – screening telephone calls and answering inquiries

[44] Immigration New Zealand found that the appellant did not perform task 7, as follows:

As part of the response, you provided a number of emails wherein you responded to queries from clients and other staff. However, we noted that these were in connection with regular business operations and not in support of your manager. As such, our concerns have not been mitigated and we are not satisfied that you are undertaking this task.

[45] The Tribunal finds that Immigration New Zealand did not consider relevant information or properly consider whether the appellant screened telephone calls and answered inquiries. In her statement (7 May 2021), she stated that she answered telephone calls for her manager, transferred important calls to her manager or took a message and, for calls that were not important or urgent, she dealt with the call or asked the caller to send an email. She gave similar evidence in respect of emails.

Task 8 – taking and transcribing dictation of letters and other documents

[46] Immigration New Zealand was not satisfied that the appellant performed task 8 because there was no evidence that she took and transcribed dictation of

letters and other documents. The Tribunal agrees that no such evidence was provided. Immigration New Zealand was correct to find that the appellant did not perform this task.

[47] In the appellant's case, a relevant inquiry was whether her office had dictation facilities and, if so, whether the appellant (or someone else) used them to take and transcribe dictation. It would have little bearing on whether the appellant's role was a substantial match to the occupation of Personal Assistant if, for example, her office had no dictation facilities or staff used a dictation programme on a computer. As submitted by the appellant's representative, dictation of letters is now an outdated office practice.

Task 9 – may supervise other secretarial and clerical staff

[48] Immigration New Zealand stated that the appellant had not demonstrated that she supervised other secretarial or clerical staff. The Tribunal finds that Immigration New Zealand was correct to find that the appellant did not perform this task. This finding was consistent with the list of employees provided by the general manager (3 February 2021), which did not refer to any other clerical or secretarial staff.

Comprise most of the role

[49] Residence instructions require the appellant to spend the majority of her time engaged in the relevant ANZSCO core tasks. As the Tribunal, differently constituted, stated in *YR (Skilled Migrant)* [2018] NZIPT 204965 at [31]:

Instruction SM6.10.5.1.b provides that “the tasks that are relevant to the applicant's employment role must *comprise most of that role*” (emphasis added) and later, in discussing an example, SM6.10.5.1 states (verbatim):

“Other listed tasks that are relevant to the role of a “Disabilities services officer” must comprise most of their role”.

“Comprise” in both of those expressions appears to be used in a manner that is not entirely standard English. A sensible interpretation of both expressions is that, to be a substantial match to an ANZSCO occupation, an applicant's employment must mostly consist of the relevant ANZSCO core tasks (as opposed to other work unrelated to those tasks). The “most”, in “most of that role”, means that, at a minimum, the majority of the applicant's time is spent undertaking ANZSCO core tasks.

[50] Immigration New Zealand found that the core tasks of the occupation of Personal Assistant did not comprise most of the appellant's role, as follows:

Under SM6.10.5.i.b, to be considered a substantial match to an occupation, the tasks that are relevant to the applicant's employment role must comprise most of

that role. In this case, all tasks are relevant and your role has been assessed against all of them. However, as explained above, we are not satisfied that said core tasks comprise most of your role. Thus, we are also not satisfied that the requirements under SM6.10 have been met and we are unable to award points for skilled employment.

[51] The Tribunal finds that Immigration New Zealand did not properly consider whether the core tasks of the occupation comprised most of the appellant's role. It did not properly consider evidence that the appellant performed the tasks in respect of her manager and other staff. Further, in its letter of concerns (22 March 2021), it expressed concern as to the appellant's performance of the core tasks of the occupation, but not that the core tasks did not comprise most of her role. The appellant was therefore not given a reasonable opportunity to respond to that concern before Immigration New Zealand's decision, as required by the principles of fairness (A1.5, 29 November 2010).

Conclusion as to correctness

[52] The Tribunal finds that Immigration New Zealand's decision to decline the application was not correct. It did not properly consider the appellant's performance of core tasks 2, 3, 5, 6 and 7 of the occupation, including whether work for staff other than the appellant's manager was in support of managers and professionals, and task 8 did not appear to be relevant to whether the appellant's role was a substantial match to the occupation of Personal Assistant.

[53] The appellant did not perform task 9. However, task 9 was a task that a Personal Assistant "may" perform. It was also not clear whether the appellant performed task 4. However, the appellant did not have to demonstrate an exact match to every core task; see *RV (Skilled Migrant)* [2018] NZIPT 204671 at [59].

[54] The Tribunal therefore cancels the decision and refers it back to Immigration New Zealand for a correct assessment in terms of the applicable residence instructions and the Tribunal's directions.

DETERMINATION

[55] This appeal is determined pursuant to section 188(1)(e) of the Immigration Act 2009. The Tribunal considers the decision to refuse the visa was made on the basis of an incorrect assessment in terms of the applicable residence instructions. However, the Tribunal is not satisfied the appellant would, but for that incorrect

assessment, have been entitled in terms of those instructions to the immediate grant of a visa.

[56] The Tribunal therefore cancels the decision of Immigration New Zealand. The appellant's application is referred back to the chief executive of the Ministry of Business, Innovation and Employment for a correct assessment by Immigration New Zealand in terms of the applicable residence instructions, in accordance with the directions set out below.

Directions

[57] It should be noted that while these directions must be followed by Immigration New Zealand, they are not intended to be exhaustive and there may be other aspects of the application which require further investigation, remain to be completed or require updating:

1. The application is to be reassessed by an Immigration New Zealand officer not previously associated with the application in accordance with the instructions in existence at the date the residence application was made. No further lodgement fee is payable.
2. Immigration New Zealand is to invite the appellant to update her application within a reasonable timeframe, if she sees fit.
3. Immigration New Zealand shall take into account any new evidence produced by the appellant, along with the relevant evidence submitted on appeal and already held on her residence application file.
4. Immigration New Zealand must ensure that its assessment is undertaken having regard to the Tribunal's findings as to the performance of the core tasks of the occupation of Personal Assistant (at [33]–[48]) and whether the core tasks of the occupation comprise most of her role (at [49]–[51]).
5. If, at any stage, Immigration New Zealand finds potentially prejudicial matters which must be put to the appellant, it is to do so in clear and concise terms with reasons. The appellant is to be given a reasonable opportunity to respond.

6. Having regard to the recent introduction of the 2021 Resident Visa category, it may be that the appellant is eligible to apply under that category. It will be for the appellant to confer with Immigration New Zealand in this regard.

[58] The appellant is to understand that the success of this appeal does not guarantee that her application will be successful, only that it will be subject to reassessment by Immigration New Zealand.

[59] The appeal is successful in the above terms.

Order as to Depersonalised Research Copy

[60] Pursuant to clause 19 of Schedule 2 of the Immigration Act 2009, the Tribunal orders that, until further order, the research copy of this decision is to be depersonalised by removal of the appellant's name and any particulars likely to lead to the identification of the appellant.

Certified to be the Research
Copy released for publication.

S Benson
Member

"S. Benson"
S Benson
Member