

RŌPŪ TAKE MANENE, TAKE WHAKAMARU
AOTEAROA

Appellant: AB (Skilled Migrant)

Before: Z N Pearson (Member)

Representative for the Appellant: T Delamere

Date of Decision: 24 January 2023

RESIDENCE DECISION

[1] The appellant is a 37-year-old citizen of Pakistan, whose application for residence under the Skilled Migrant category was declined by Immigration New Zealand. The application includes her 45-year-old husband and their 5-year-old son, both citizens of Pakistan.

THE ISSUE

[2] Immigration New Zealand declined the appellant's residence application because it considered that her offer of employment as a customer service manager of a property maintenance company was not a substantial match to the *Australian and New Zealand Standard Classification of Occupations* (ANZSCO) description, including core tasks, of a Customer Service Manager.

[3] The principal issue for the Tribunal is whether Immigration New Zealand's assessment of the appellant's application was correct. For the reasons that follow, the Tribunal finds that Immigration New Zealand's decision to decline the appellant's application was not procedurally fair and therefore not correct. Immigration New Zealand did not consider whether the appellant's employment was a substantial match to the alternative ANZSCO occupation of Hospitality, Retail and Service Managers NEC. The application is therefore referred back to Immigration New Zealand for a new assessment.

BACKGROUND

[4] The appellant made her application for residence under the Skilled Migrant category on 1 August 2019. She claimed 50 points for skilled employment in New Zealand. She claimed that her offer of employment as the customer service manager for a consulting firm substantially matched the ANZSCO description and core tasks of a Customer Service Manager. She also lodged an application for an essential skills work visa around the same time. In late 2019, the appellant discovered that the job offer was not genuine and a means to extort money from her. She advised Immigration New Zealand of this and withdrew her work visa application.

[5] The appellant secured a new offer of employment as a customer service manager with a property maintenance company (dated 31 December 2019), and advised Immigration New Zealand of this, presenting her new offer of employment on 2 January 2020 to support her residence application. The appellant's then counsel explained to Immigration New Zealand that the appellant had not yet commenced work with the employer. Another employee was in the customer service manager position, although this person wanted to leave and had agreed to stay on until the appellant arrived in New Zealand. The appellant, who was living in Australia at that point, could arrive within a fortnight if she was granted a visa.

[6] In May 2020, the appellant was advised that the processing of her application was paused as part of Immigration New Zealand's prioritisation of applications where the principal applicant was in New Zealand (due to the COVID-19 pandemic and New Zealand lockdowns).

[7] In May 2021, the appellant was advised that the processing of her application would commence again, as Immigration New Zealand was able to process applications from applicants living in Australia.

[8] Counsel provided Immigration New Zealand with confirmation from the appellant and from her prospective employer that her offer of employment was still open.

Immigration New Zealand's Verification

[9] On 9 June 2021, the appellant's prospective employer provided Immigration New Zealand with answers to its questions about the appellant's role. The employer explained that the company provided property services to homeowners,

investors and property managers, ranging from simple maintenance to full renovations. It also assisted owners of rental properties with compliance with the relevant legislation. The employer described the customer service manager as the “mother of our small business”, as she would be taking care of not only the clients but the contractors and the internal team. She would liaise with clients, review their needs, direct what needed to be done and keep the clients informed. She was to manage all the office tasks and direct the project administrator. This included following up on orders, dealing with retailers and wholesalers and liaising with contractors to ensure that the company’s operations went smoothly. She would work both in the office and out of the office with clients, as well as take care of all the accounts and the complaints processes. The employer subsequently provided further information, including financial statements for the company, when requested by Immigration New Zealand.

Immigration New Zealand’s Concerns

[10] On 2 February 2022, Immigration New Zealand advised the appellant that it had concerns with her application. It was not satisfied that her offer of employment substantially matched the ANZSCO description, including core tasks, of a Customer Service Manager. It explained that the overarching description of a Customer Service Manager was to plan, administer and review customer services and after-sales services and to maintain sound customer relations. This description implied providing overall strategic direction to the customer services provided by an organisation. Immigration New Zealand stated that this meant a Customer Service Manager should develop and implement appropriate policies and motivate and train staff to provide good customer services. However, the Customer Service Manager would not be expected to spend any significant amount of time involved in the day-to-day operations of the company.

[11] Based on the information provided by the employer, it appeared that the role that the appellant had been offered would be a hands-on operational role. She would be responsible for a wide range of duties, including liaising with clients, reviewing clients’ needs and arranging for them to be kept informed, managing the office tasks, directing the project administrator, following up on orders, dealing with retailers and wholesalers, liaising with contractors, accounting, and dealing with complaints. Further, the hands-on nature of the role was emphasised by the business organisational chart, which showed just four employees including the employer. This meant that the small scale of the business did not support a customer service manager at the strategic level envisaged by the ANZSCO. It

appeared that, while it was an important operational role for the company, her role did not substantially match the ANZSCO description or core tasks of a Customer Service Manager.

[12] Immigration New Zealand also raised concerns about whether the offer of employment was genuine. The employer had offered the appellant the role because she had been referred by a family member who worked for the employer. The role had not been advertised. She had signed the offer of employment in December 2019 but she had not made an application for a temporary work visa to allow her to move to New Zealand to take up the role until July 2021. The employer had advised that they advertised the role in March 2020 but her work visa application was delayed. The employer then delayed seeking a replacement, despite the fact that the person in the role wanted to leave, because of the COVID-19 lockdowns. Immigration New Zealand was concerned that there was not a genuine need for a full-time customer service manager and there appeared to be no urgency to fill the position due to the length of time the offer of employment had been kept open. It did not appear credible that, if the offered role was key to the operational success of the business, the prospective employer would have been prepared to wait over two years for her to take up the role.

The Appellant's Response

[13] On 21 February 2022, counsel provided a letter from the appellant's prospective employer addressing the concerns. The employer advised that, while there was a small team of employees in the business, there were a number of contractors, which meant that the team was more than 11 individuals working either full-time or part-time. The business required a customer service manager because, while the employer and his wife had previously filled the role with a semi full-time employee over the years, they now had other business plans that were beginning and they were therefore seeking a full-time customer service manager to assist them with their business. COVID-19 had caused the business to slow down slightly, which meant that it was not urgent to cover the position. The business was still holding the offer for the appellant.

[14] Further, the employer explained that he had sought legal advice as to whether he could hire the appellant from a referral from a family member and was told that there was no requirement in a residence application to have tested the labour market. The employer considered that one of the best ways of hiring was

by referral. However, he had nevertheless interviewed the appellant and verified her skills, qualifications and previous employment.

[15] The employer requested that Immigration New Zealand consider the role in the context of his business. The role of the customer service manager would be tactical. It was not limited to managing office operations but required managing the contractors that worked with the company to achieve customer satisfaction. The role was not just about directing employees but guaranteeing that contractors would meet customer service standards to protect the organisation. This was where the job was substantially a role of a customer service manager because it required planning, administering and reviewing customer service, after-sales services and maintaining customer relations.

[16] On 21 March 2022, Immigration New Zealand requested further information from the employer about his and his wife's future plans to expand their other business interests (which would necessitate appointing a customer service manager to manage their property maintenance business). Immigration New Zealand also requested further information about the employing business, including further details of the role and a current organisation chart for the business. The further information requested was provided by the employer on 4 April 2022.

Immigration New Zealand's Decision

[17] On 22 April 2022, Immigration New Zealand declined the appellant's application. It was satisfied that the appellant's offer of employment was genuine; however, it was not satisfied that her employment was a substantial match to the ANZSCO occupation of Customer Service Manager.

[18] Immigration New Zealand noted that the employer was a small operation with four staff that undertook residential property maintenance or renovation jobs with a list of trade-related contractors. The business was mainly generated from the associated property management business that was owned by the employer. The evidence provided confirmed that the role would be focused on undertaking and managing office administrator functions together with directly liaising with clients and contractors to ensure customer satisfaction with the work undertaken. The tasks and responsibilities of the role appeared to be similar to those of the current customer service officer. It considered that the tasks for the role would be hands-on administration or customer service-related work.

[19] While the role would also involve managing policies and procedures for the team, based these largely covered basic standards relating to customer contracts. Based on the information provided, the appellant's role was key to the smooth running of the business but it would not be planning, administering or reviewing customer services and after-sales services and maintaining sound customer relations in the business at the strategic level expected by the ANZSCO. She would be working in a small business without a dedicated customer service team and she would be involved in hands-on administration and customer services tasks. The small scale of the business did not support a customer service manager at the strategic level implied by the ANZSCO and therefore was not a substantial match to that ANZSCO occupation. The appellant was therefore not entitled to points for skilled employment. Without points for skilled employment, the application could not succeed under the Skilled Migrant category.

STATUTORY GROUNDS

[20] 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.

[21] 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

[22] On 3 June 2022, the appellant lodged this appeal on the ground that the decision of Immigration New Zealand was not correct in terms of the applicable residence instructions.

[23] On appeal, the appellant appoints a new representative, who makes submissions (3 June 2022) as to why the appellant's employment substantially matches the ANZSCO occupation of a Customer Service Manager. In addition to documents already on the Immigration New Zealand file, the representative provides definitions of a Customer Service Manager as found in a Google search (5 November 2019), a paper by the representative (20 April 2012) on the definition of relevant business experience, and seven previous decisions of the Tribunal. These documents are considered in the nature of the submissions and can be considered, as relevant, by the Tribunal.

ASSESSMENT

[24] The Tribunal has considered the submissions and documents provided on appeal, the files provided by Immigration New Zealand in relation to the appellant's residence application and its relevant electronic records.

[25] 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

[26] The application was made on 1 August 2019 and the relevant criteria are those in residence instructions as at that time. Immigration New Zealand declined the appellant's application because it did not consider that her employment as a customer service manager for a property maintenance company was a substantial match to the ANZSCO description, including core tasks, of a Customer Service Manager.

Relevant instructions

[27] When deciding an application, instructions require that Immigration New Zealand must act in accordance with the principles of fairness and natural justice (A1.1.c, effective 29 August 2012). Instruction A1.5.a (effective 29 November 2010) sets out the relevant factors relating to fairness, including whether an application is given proper consideration, and whether all known relevant information is considered.

[28] The other relevant instructions in this case concern the assessment of skilled employment. The residence instructions relevant to the assessment of skilled employment are SM6.10, SM6.10.5 and SM6.10.5.1 (all effective 26 November 2018).

[29] Instruction SM6.10 defines skilled employment as employment that meets a minimum remuneration threshold and requires specialist, technical or management expertise obtained through the completion of recognised relevant qualifications and/or relevant work experience (SM6.10.a). Assessment of whether employment is skilled is primarily based on the ANZSCO and the level of remuneration for the employment (SM6.10.b).

[30] Instruction SM6.10.5 sets out the requirements for employment to be assessed as skilled. Instruction SM6.10.5.a sets the remuneration levels that must be met for the different ANZSCO occupations in order to be considered skilled. Instruction SM6.10.5.b provides that current employment will be assessed as skilled if (among other things) an applicant can demonstrate that their employment substantially matches the description for that occupation as set out in the ANZSCO.

[31] More detailed instructions, at SM6.10.5.1, explain that an assessment of 'substantial match' requires Immigration New Zealand to determine whether the appellant's employment is 'substantially consistent' with the description and core tasks of the relevant ANZSCO occupation, and that this may require consideration of the scope and scale of the employing business:

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.

...

Note: Determining whether an applicant's employment substantially matches an ANZSCO occupation description may require consideration of the scope and scale of the employer's organisation and operation (the size of the operation, the number of staff and managers, and whether management functions are centralised at a head office or undertaken by other managers).

Effective 26/11/2018

The ANZSCO occupation of Customer Service Manager

[32] The ANZSCO description of the occupation of a Customer Service Manager (ANZSCO code 149212), a skill level 2 occupation, is that he or she “[p]lans, administers and reviews customer services and after-sales services, and maintains sound customer relations”.

[33] The list of core tasks for the Unit Group 1492 Call or Contact Centre and Customer Service Managers include the following relevant core tasks (numbered for ease of reference):

1. developing and reviewing policies, programs and procedures concerning customer relations and goods and services provided
2. ...
3. providing direction and feedback to team members and assisting with recruitment
4. managing, motivating and developing staff providing customer services
5. planning and implementing after-sales services to follow up customer satisfaction, ensure performance of goods purchased, and modify and improve services provided
6. liaising with other organisational units, service agents and customers to identify and respond to customer expectations
7. ...

The nature of the ANZSCO occupation

[34] The Tribunal acknowledges that the parameters of the ANZSCO occupation of a Customer Service Manager are not easy to understand. Appellants commonly argue that they are customer service managers because they manage staff who serve customers. Where serving and interacting with customers is a fundamental part of the operational focus of a company (as it is in most service or retail focused businesses), it can be hard to understand why such a managerial role fails to meet the ANZSCO requirements, particularly because some of the tasks can be interpreted to have an operational focus. It can be hard to understand why an ANZSCO Customer Service Manager would not be necessarily intricately linked to the operations of a company that provides customer service.

[35] However, the description for the occupation makes it clear that the focus of the Customer Service Manager role is broader than managing individual staff in their customer service roles, which is, in essence, simply monitoring the operations of a company — making sure that staff serve customers correctly within the guidelines developed by that company. The ANZSCO description provides that a Customer Service Manager plans, administers and reviews customer services and after-sales services, and maintains sound customer relations. This

shows that to successfully demonstrate that his or her employment is comparable to the occupation, an applicant must display that they are involved at the level of setting the strategic direction to the customer services offered by their employing organisation. This occupation therefore occupies a higher level in the hierarchy of an organisation, which by its nature, is steps removed from the operations of the company. For this reason, it is unlikely that a Customer Service Manager would have major involvement in the day-to-day operations. As the Tribunal explained in *XJ (Skilled Migrant)* [2015] NZIPT 202675 at [28]:

To be a substantial match to the occupation description of a Customer Service Manager, the appellant must plan, administer and review customer services and after-sales services. It is a role that provides strategic direction to the customer services offered by an organisation. The occupation description also requires a Customer Service Manager to maintain sound customer relations. This does not imply that the Customer Service Manager has day-to-day contact with customers; rather, the Customer Service Manager should develop and implement appropriate policies and motivate and train staff to provide good customer service. The focus of the role is such that a Customer Service Manager would not be expected to have major involvement in the day-to-day operations of the company.

[36] Thus, for there to be a substantial match to the ANZSCO description of a Customer Service Manager, it must be demonstrated that the majority of an applicant's time is spent in the performance of the broader strategic objectives of "*planning, administering and reviewing customer services*" rather than in the performance of the actual customer service as part of the general operations of a business themselves, or even directly managing the staff undertaking customer service according to company guidelines.

Assessment of the appellant's role

[37] There are a number of aspects of the appellant's employment that support Immigration New Zealand's finding that the appellant's role was primarily focused on the operations of the company, and therefore did not show sufficient involvement in the strategic direction of the company's customer service to substantially match the ANZSCO occupation of Customer Service Manager.

[38] The appellant presented an offer of employment as a customer service manager with a property maintenance company. A job description, provided with her offer of employment, indicated that a key part of the role was managing the day-to-day operation of the business, including administration (correspondence, financial and data reports, customer files and records), managing the facilities (including the office computers and equipment), vehicles and equipment, scheduling, and liaising with customers and contractors. In addition, the appellant

would have responsibility for planning and monitoring the services offered by the business, maintaining good customer relations, and developing policies and procedures to ensure customer satisfaction.

[39] It was clear from the evidence provided that the appellant would be managing the overall operations of the company, particularly given that her employer and his wife were embarking on new business ventures. The employer described the appellant's role as "the mother" of the business, given the many different aspects to the role. He emphasised that the job required planning, administering and reviewing customer service, after-sales services and maintaining customer relations. The role was not just about directing employees but, in doing so, guaranteeing that contractors would meet customer service standards, which was ultimately to protect the company and ensure its continued success. However, the breadth of the role and the small-scale nature of the business (with four employees, and contractors brought in as necessary to work on renovation and maintenance projects) meant that the appellant's role focused on ensuring the smooth operations of the business as a whole rather than just customer service. The breadth of the role and the size and scale of the company also indicated the focus of the appellant's role was operational rather than strategic. It appears that the employer himself undertook the more strategic planning for the company, particularly in terms of how the property maintenance business was linked to his other businesses (a property management business, a cleaning business and a real estate business).

[40] The Tribunal finds that Immigration New Zealand's assessment of the appellant's role was correct. The appellant's role was primarily focused on the operations of the company, particularly to oversee the property maintenance undertaken by the staff and to resolve any difficulties with the service they had provided to customers as they arose. Part of the role would be to improve or streamline aspects of the service offered by the company. Her role was therefore operations-based and supervisory in nature and did not entail providing strategic direction for the customer services offered by the business

Failure to consider alternative occupation — Hospitality, Retail and Service Managers NEC

[41] Previous decisions of the Tribunal have discussed the circumstances in which it may be necessary for Immigration New Zealand, as part of its obligation to consider an applicant's application fairly, to turn its mind to whether an applicant's

employment, while not a substantial match to their ANZSCO-nominated occupation, might require assessment against a different occupation. In *WM (Skilled Migrant)* [2017] NZIPT 203766 the Tribunal (differently constituted) stated at [42]:

Any obligation on Immigration New Zealand's part to assess an applicant's employment under an ANZSCO classification other than the one nominated by the applicant arises, not from a specific instruction requiring it to do so, but from its generic obligation to consider all applications fairly. Where the evidence supplied by an applicant and/or his or her employer clearly warrants an assessment under an alternative ANZSCO classification, the fairness principle will require Immigration New Zealand to substantively assess the employment position against the more relevant classification. Skilled Migrant category case officers will have a good deal more experience than an ordinary applicant in the identification and assessment of ANZSCO classifications and tasks. Therefore, where the evidence clearly points to an alternative classification being more relevant, Immigration New Zealand may not simply rely on the erroneous selection of an ANZSCO code by the applicant.

[42] The Tribunal notes that there is an ANZSCO occupation group of Hospitality, Retail and Service Managers NEC. The ANZSCO provides the following information for this occupation group:

149999 HOSPITALITY, RETAIL AND SERVICE MANAGERS NEC

This occupation group covers Hospitality, Retail and Service Managers not elsewhere classified. Registration or licensing may be required.

Skill Level: 2

Occupations in this group include:

- Abattoir Manager
- Brothel Keeper
- Laundrette Owner
- Marina Manager
- Nursing Agency Manager
- Taxi Proprietor
- Weight Loss Centre Manager

[43] There is no overall occupation description in the ANZSCO for the Unit Group 1499 Other Hospitality, Retail and Service Managers or for the occupation group Hospitality, Retail and Service Managers NEC and there is little assistance from the descriptions in occupations at broader levels: see *BM (Skilled Migrant)* [2017] NZIPT 203946 at [49]:

Faced with the difficulties that arise in performing a substantial match assessment in the absence of any descriptions and core tasks for the occupation group, Unit Group and Minor Group, some consideration can be given to the description and core tasks found in the Sub-Major Group 14 Hospitality, Retail and Service Managers. However, given that the core tasks of the Sub-Major Group address a wide array of different occupations found in the Unit Groups, the Tribunal considers that the core tasks of the Sub-Major Group were of little assistance in assessing whether the appellant's role was a substantial match to the occupations; see *VN (Skilled Migrant)* [2015] NZIPT 202407, at [28] and [29].

[44] The Unit Group includes occupations that provide services to members of the public or industry customers, and consideration of these occupations (as listed above) indicates that organisation and control (management) of the operations of service-related establishments is required. The assessment of a substantial match therefore focuses on whether there is a sufficient level of management in the appellant's role: see *BM (Skilled Migrant)* at [51]:

Consideration of the ANZSCO descriptions of the occupations found in the Unit Group 1499 Other Hospitality, Retail and Service Managers and the other Unit Groups in the Minor Group 149 Miscellaneous Hospitality, Retail and Service Managers indicate that there must be a level of management demonstrated through an ability to *organise and control* the business operations. Notwithstanding the nature of the service, the occupations in the Hospitality, Retail and Service Managers NEC group have overall accountability for the operations of a business in the service industry. Irrespective of the nature of the service provided (such as for example, of laundrette services, marina management services or weight loss services) there is coordination and control over all aspects of service delivery, responsibility for ensuring that the service is planned, coordinated and delivered according to agreed standards and legal requirements relevant to the industry, and for maintenance of all relevant business records and reports, and some involvement in the finances of the business. It may often involve managing a "service team".

[45] In the Tribunal's view, Immigration New Zealand should have considered, as part of its obligations under A1.5 to properly consider an application, whether the appellant's employment was a substantial match to the occupation of Hospitality, Retail and Service Managers NEC. While her role was not an entirely obvious fit to a specific alternative occupation, her managerial responsibilities for the operations and activities of the business ought to have directed Immigration New Zealand's focus elsewhere and signalled the possibility of a more appropriate match. The evidence from the employer was that the business was primarily a service business, with the appellant managing day-to-day operations, interacting with customers and supervising staff, particularly given that the employer was engaged in other business interests.

Conclusion on correctness

[46] Immigration New Zealand was correct to find that the appellant had failed to demonstrate that her employment was a substantial match to an ANZSCO Customer Service Manager. The primary focus of the appellant's role was on the operations of the business, rather than undertaking a strategic role of planning, administering and reviewing customer services.

[47] However, the assessment of the appellant's application was not fair because Immigration New Zealand did not properly consider the application as required by instruction A1.5, namely whether her employment was a substantial match to the alternative ANZSCO occupation of Hospitality, Retail and Service Managers NEC. Immigration New Zealand failed to consider the evidence provided about the appellant's employment and, in doing so, failed to assess the extent to which the appellant had managerial responsibility in her role, and did not turn its mind to whether her employment was a substantial match to an alternative ANZSCO occupation.

[48] For these reasons, the Tribunal cannot be satisfied that Immigration New Zealand's assessment of the application was correct. The application is returned to Immigration New Zealand for a correct assessment.

DETERMINATION

[49] 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.

[50] 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

[51] 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 instructions in existence at the date the residence application was made. No further lodgement fee is payable.
2. The Tribunal notes that the appellant was granted an essential skills work visa to work in her offered position in October 2022, and arrived in New Zealand on 15 January 2023. Immigration New Zealand is to confirm with the appellant whether she has commenced her employment, on the same terms and conditions.
3. The appellant is to be afforded the opportunity to update her application within a reasonable timeframe, if she sees fit. This may involve providing detailed submissions and relevant evidence as to how her employment substantially matches the relevant ANZSCO occupation, including whether she organises and controls the operations of the business; evidence relating to the scope and scale of the operations of the business; the appellant's role; the roles of the employees that report to the appellant; and the employer's involvement in the operations of the business.
4. Immigration New Zealand shall undertake a new assessment, having regard to all of the information previously provided to it, the material produced to the Tribunal on appeal, and any additional material the appellant provides. Immigration New Zealand shall undertake any verification that it deems reasonably necessary or appropriate, bearing in mind that it is required to give proper consideration to the appellant's application (see A1.5). In this regard, Immigration New Zealand may wish to consider interviewing the employer.
5. Immigration New Zealand shall then determine whether the appellant's employment substantially matches the description of an occupation in the ANZSCO occupation group Hospitality, Retail and Service Managers NEC (ANZSCO code 149999), and consequently whether her employment is skilled employment according to instructions. It should also give consideration to other potentially relevant ANZSCO occupation(s), if any, that the evidence indicates the appellant's position may substantially match.

6. If, at any stage in its assessment of the application, Immigration New Zealand holds concerns or decides that there are potentially prejudicial matters, these must be put to the appellant in clear and concise terms with reasons. The appellant is to be given a reasonable opportunity to respond.
7. If the appellant's employment is found to be skilled employment according to instructions, the application is then to be assessed against the remaining relevant instructions.

[52] The appeal is successful in the above terms. The appellant is to understand that the success of this appeal does not guarantee that her application will be successful.

Order as to Depersonalised Research Copy

[53] 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 and her family members.

"Z N Pearson"
Z N Pearson
Member

Certified to be the Research
Copy released for publication.

Z N Pearson
Member