

VISA PAK ISSUE 400 — 10 MAY 2019

DOCUMENTING DECISIONS – FULL REASONS FOR DECISIONS REQUIRED WHEN DOWNGRADING ANZSCO CLASSIFICATION

The purpose of this advice is to ensure that immigration officers (IO) provide reasons where there is a downgrade in the ANZSCO classification where the application is approved at a lower level than what a client has claimed.

Immigration instruction E7.16 states that all decisions on applications for temporary entry must be properly documented, which includes stating full reasons for the decisions.

For instance, where a potentially prejudicial information (PPI) letter is sent to a client claiming a substantial match to an ANZSCO Skill Level 2 occupation for an Essential Skills work visa application, they are often pre-emptively asked to provide a Skills Match Report (SMR) if they agree with the IO's assessment that it is instead a Skill Level 4 occupation. In some cases, a client will respond to the PPI with further information to support their assertion that their position is a substantial match for the Skill Level 2 occupation, but they also provide a SMR. If the IO is still not satisfied based on the additional evidence provided that the position is a substantial match to the Skill Level 2 occupation, the application will be approved under the Skill Level 4 position, as the SMR has been provided (as required by instructions). In this case, an IO must provide reasons for the downgrade in ANZSCO classification in the decision letter to the client, as required by E7.16.a.iii.

Please note that PPI letter is not necessary in cases where there is a downgrade in the ANZSCO classification and there is *no adverse outcome* for the visa application as a result of the change, as per E7.15.5.