

Skilled Migration Services — Appeals Policy

Version Control

Version	Date	Amendments
1.0	January 2018	First version

Skilled Migration Services Appeals Policy

Name of Policy	Skilled Migration Services Appeals Policy	
Policy Number		
Description of Policy	This policy describes the principles surrounding the appeal of an assessment decision made by the Skilled Migration Services team.	
Category	Skilled Migration Services	
Scope	This policy applies to all migration skills assessments completed by Skilled Migration Services.	
Status	<input checked="" type="checkbox"/> New policy	<input type="checkbox"/> Revision of existing policy
Last Revised	Not applicable	
Next Review		

Cleared by	F. Stoker	Date: 9.1.2018
Responsible Officer	Manager, Skilled Migration Services	
Author	Kathryn Baird, Manager, Skilled Migration Services	
Approved by	Chief Executive Officer	Date: 10.1.2018
Signed	F. Stoker	

Related Documents	<ul style="list-style-type: none"> • Health Practitioners Regulation National Law Act 2009 (the National Law) • Privacy Act 1988 (cth)
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1. Purpose

- 1.1 The purpose of this policy is to ensure Australian Nursing and Midwifery Accreditation Council (ANMAC) processes appeals related to skills assessment outcomes in a transparent and equitable way that is consistent with the requirements of the National Law.

2. Scope

- 2.1 This policy applies to all migration skills assessments completed by Skilled Migration Services.

3. Policy statement

- 3.1 Under the Health Practitioners Regulations Act 2009 (the Law), assessing authorities must maintain and make available an appeals process to those individuals they assess.

4. Key Definitions

- 4.1 **National Law** – refers to the *Health Practitioner Regulation National Law Act 2009*
- 4.2 **Assessing authority** – ANMAC is an independent organisation authorised by law to conduct skills assessment on behalf of the Department of Immigration and Border Protection and Department of Education and Training
- 4.3 **Migration Skills Assessment** – is an assessment of an applicant’s nursing or midwifery qualifications and experience to determine suitability for skilled migration
- 4.4 **Assessment decision** – is the outcome of the assessment and issued as a ‘letter of determination
- 4.5 **Director of Accreditation Services** – Is a registered nurse working in an assessment role in the Accreditation Services team.

5. Appeal Process

- 5.1 ANMAC will accept requests for appeal from applicants who have had their skills assessed by ANMAC within 30 days of the initial determination.
- 5.2 Requests for an appeal should be directed to the Manager, Skilled Migration Services and can be emailed to skilledmigration@anmac.org.au or posted to GPO Box 400, Canberra City ACT 2601.
- 5.3 ANMAC observes the privacy principles set out in privacy legislation (Privacy Act 1988 (Cth)) when collecting, storing, using and disclosing personal information obtained throughout the appeals process.
- 5.4 ANMAC will respond to the request for an appeal within 5 business days of receiving the request in writing.
- 5.5 An appeal will only be actioned upon receipt of the prescribed fee as detailed in the fee schedule on the ANMAC website.
- 5.6 The Director of Accreditation Services will conduct an independent assessment of the applicant’s suitability for migration against assessment criteria.

Skilled Migration Services will provide all supporting documentation and any other documentation or information relevant to the assessment.

- 5.7 The outcome of this appeal is final. Applicants will be notified by email.

6. Objectives and Principles

- 6.1 Natural justice – fair and proper procedures are used in decision-making.
- 6.2 Evidence-informed decision-making – decisions are founded on reliable, relevant and appropriate evidence.
- 6.3 Effective communication – clear articulation of the roles and responsibilities of all entities involved.
- 6.5 The system process and decision-making responsibilities are:
- transparent
 - fair
 - timely
 - clearly articulated, and
 - consistent with the National Law.

7. Roles and Responsibilities

- 7.1 The Manager Skilled Migration Services is responsible for ensuring:
- i. the coordination of the review by the Director of Accreditation Services
 - ii. related guidelines are kept up to date and relevant
 - iii. that individuals have access to this Policy.