

Skilled Migration Services Fraud Policy

Version: 2

Date: 1 November 2024

SMS002

Skilled Migration Services Fraud Policy

1. Purpose

This policy defines the management of confirmed or suspected fraud in ANMAC migration skills assessments.

2. Scope

This policy applies to all stakeholders involved in the skilled migration assessment process and includes applicants, migration agents, employers and ANMAC staff.

3. Key definitions

Ahpra	Australian Health Practitioner Regulation Agency
ANMAC	Australian Nursing and Midwifery Accreditation Council
ANZSCO	Australian and New Zealand Standard Classification of Occupations
DEWR	Department of Employment and Workplace Relations
DoHA	Department of Home Affairs
Fraud	Dishonest obtaining a benefit or cause a loss by deception or other means.
Fraudulent documents	Documents that are and may lead to information that is false and misleading.
Natural Justice	Procedural fairness measures are employed, whereby an opportunity is granted by the Assessing Authority to applicant to provide explanation.
NMBA	Nursing and Midwifery Board of Australia
Non-genuine	Provision of bogus documents or information that is false or misleading.
Outcome letter	An official letter provided by ANMAC to an applicant detailing their suitability for migration purposes.
Skills assessment	The designated assessing authority assesses the skills of the applicant to determine suitability for migration based on skills and qualifications.
SMS	Skilled Migration Services
Staff	Includes all ANMAC paid employees with ongoing fulltime or part-time positions, contractors, casual workers, consultants, and volunteers

4. Policy

4.1 Overview

As per the Australian Government's 'Guidelines for Skilled Migration Assessing Authorities,' ANMAC must have fraud management processes in place to deter, detect and respond to fraud. Fraud within the ANMAC skills assessment application process represents a threat to the integrity of the skilled migration program. Moreover, fraud has the potential to compromise the safety of the Australian public.

ANMAC therefore has the responsibility to ensure that nurses, midwives and healthcare workers wanting to migrate to Australia only provide genuine information and documentation in their skills assessment application. ANMAC has zero tolerance for fraud and for the submission of non-genuine documents.

Fraudulent claims exist when a skills assessment applicant makes false or deliberately misleading claims in an application.

Examples include:

- Providing a false statement or misrepresenting the truth in an application
- Not declaring previous relevant adverse information
- Deliberately not answering application related questions, or
- Attempts to fabricate or manipulate their identity.

(Guidelines for Skilled Migration Assessing Authorities, 2021)

Where fraud has been confirmed, applicants will be found unsuitable for the purposes of skilled migration, ineligible for another skill assessment for two years and the relevant authorities will be notified (Department of Home Affairs and the Australian Health Practitioner Regulation Agency).

4.2. Fraud Detection Processes

4.2.1 ANMAC undertakes the following to support a robust assessment process to detect fraud:

- i. Comparability of overseas qualifications with the Australian Qualifications Framework (AQF) using the Country Education Profiles (CEP) database.
- ii. Assessment of the relevance, authenticity, and scope of the applicant's work history, utilising various verification measures to verify claims directly with employers.
- iii. Visual comparison of the applicant's photo against all other images of the applicant, including the passport.
- iv. Visa Entitlement Verification Online (VEVO) check to cross reference visa details provided by the applicant.

- v. Verification of English language test scores direct with the English language test provider.
- vi. All information presented in a skills assessment application is considered including the alignment of timeframes and work claims.
- vii. ANMAC assessment staff will complete regular DoHA fraud detection training and any other training considered relevant.

4.3. Process when fraud is suspected or confirmed

When ANMAC detects irregularities in documentation/information or receives confirmation that fraud exists, the following will occur:

- i. A natural justice process will be applied, and the applicant will be provided with an opportunity to explain the reason for the confirmed fraud. If no response is received within 20 business days, the assessment will be finalised.
- ii. The Assessor determines the outcome of the assessment and generates the outcome letter. The outcome letter will be reviewed by a Senior Assessor and signed by the Manager.
- iii. Where the outcome is 'unsuitable' the letter will be emailed to the applicant and provided with relevant information about the Skilled Migration Services: Complaints and Dispute process, including a hyperlink to the relevant policy document.
- iv. All correspondence will be saved to the applicant's NetSuite file and the file updated as required to complete the skills assessment.
- v. The Economic Skilled Visa Assurance Team at the Department of Home Affairs will be emailed at Economic.Skilled.Visa.Assurance@homeaffairs.gov.au and informed of the following:
 - a. Applicant name
 - b. Applicant date of birth
 - c. Applicant passport country and number
 - d. Type of fraud - confirmed or suspected
 - e. Outcome of skills assessment and confirmation of natural justice steps.
- vi. The Australian Health Practitioner Regulation Agency (Ahpra) will be notified via their reporting page after ANMAC has confirmation from the employer that fraud has taken place. <https://www.ahpra.gov.au/Notifications/Concerned-about-a-health-practitioner.aspx>
- vii. Where a migration agent has been representing an applicant and the information pertaining to the fraud purports to be related to the actions of the migration agent, the following will occur:
 - a. Where the migration agent is a registered migration agent in Australia a complaint will be lodged against the migration agent at www.mara.gov.au
 - b. Where the migration agent is not registered in Australia a formal report will be submitted to the DoHA via the [Border Watch Online Report](#) form.
 - c. Where the migration agent is a registered legal practitioner, they will be reported to the relevant state or territory licensing board.

4 Related documents, legislation, and standards

External
SMS Complaints and Dispute Policy
SMS Migration Skills Assessment Process Policy
Internal

5 Document management

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Signed	Greg Cantwell	

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