

Skilled Migration Services Appeal Policy & Process for Applicants

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Skilled Migration Services Appeal Policy & Process for Applicants

1. Purpose

The purpose of this policy is to ensure the Australian Nursing and Midwifery Accreditation Council (ANMAC) processes all requests for an internal review and external appeal in a transparent and equitable way that is consistent with the requirements outlined in the Australian Government's Guidelines for Skilled Migration Assessing Authorities.

2. Scope

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

3. Policy Statement

Under the Australian Government's Guidelines for Skilled Migration Assessing Authorities, assessing authorities must maintain and make available a review and appeals process to the individuals they assess. These processes and the decision-making responsibilities must be transparent, fair, timely, and clearly articulated.

4. Key definitions

Key term	Definition
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.
Assessment Decisions	The outcome of the assessment and issued as a 'letter of determination'.
Migration Skills Assessment	An assessment of an applicant's nursing or midwifery qualifications and experience to determine suitability for skilled migration.
National Law	Refers to the <i>Health Practitioner Regulation National Law Act 2009</i>

5. Policy Details

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

ANMAC will accept requests for appeal from applicants who have had their skills assessed by ANMAC within 30 days of the initial determination.

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.

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.

ANMAC will respond to the request for an appeal within 30 days of receiving the request in writing.

An appeal will only be actioned upon receipt of the prescribed fee as detailed in the fee schedule on the ANMAC website.

6. Objectives and Principles

Natural justice – fair and proper procedures are used in decision-making.

Evidence-informed decision-making – decisions are founded on reliable, relevant, and appropriate evidence.

Effective communication – clear articulation of the roles and responsibilities of all entities involved.

The system process and decision-making **responsibilities are:**

- transparent
- fair
- timely
- clearly articulated
- consistent with the National Law

7. Roles and Responsibilities

The Manager of Skilled Migration Services is responsible for ensuring:

- i. the coordination of the external 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.

8. Appeals Processes

ANMAC will ensure that the original decision maker is not involved in the appeals processes.

8.1 Internal Appeal Process

1. ANMAC will accept requests for an internal review from applicants within 30 days of the initial determination.
2. Requests for an internal appeal should be addressed to the Director, Assessment Services and emailed to skilledmigration@anmac.org.au
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 review process.
4. An internal review will only be actioned upon receipt of the prescribed fee as detailed in the fee schedule on the ANMAC website.
5. The Director or Manager of Skilled Migration Services will conduct an independent review of the application and will assess all documentation against the assessment criteria.
6. The applicant will receive written notice of the review outcome decision. The applicant will also receive feedback about how their skills assessment outcome was determined and what options are now open to them.

8.2 External Appeal Process

1. ANMAC will accept requests for external appeal from applicants who have had their skills assessment outcome reviewed. The request for an external appeal must be received within 30 days of the outcome of the internal review.
2. Requests for an external appeal should be addressed to the Director, Skilled Migration Services and emailed to skilledmigration@anmac.org.au.
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 external appeal process.
4. An external appeal will only be actioned upon receipt of the prescribed fee as detailed in the fee schedule on the ANMAC website.
5. 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.
6. Applicants will be notified of the appeal outcome in writing.
7. The outcome of the external appeal is final.

8. Related Documents, Legislation, and Standards

External
<i>Privacy Act 1988 (Cth)</i>
<i>Health Practitioner Regulation National Law Act 2009</i>
Internal
Delegations of Authority Policy
Board Delegations of Authority Policy

9. Document Management

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