



13 May 2024

Majid GHASEMI
Unit 10, Nyayesh apartment, 19th Alley,
Modares Street,
Shiraz FARS 7157654141
IRAN

In reply quote:

Client name	Majid GHASEMI
Date of birth	24 July 1983
Date of visa application	15 March 2023
Application ID	800662276
Transaction reference number	EGOWTO4MB4
File number	BCC2023/1754252

Transmission method Email sent to info@selectvisa.onmicrosoft.com

Dear Majid GHASEMI

Invitation to comment on information for a Skilled - Nominated (subclass 190) visa application

Adverse information received

We are currently processing your application. During this process we received unfavourable information that may lead to a decision to refuse your application.

Follow the instructions in this letter on how to reply and the timeframe for you to respond.

The Department has conducted integrity checks to verify information provided in your application for a Skilled - Nominated (subclass 190) visa. The result of these checks are relevant to the assessment of your visa application due to the requirement for you to meet subclause 190.216 and Public Interest Criterion 4020:

Subclause 190.216

*(1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4010, **4020** and 4021.*

Public Interest Criterion 4020

4020(1) There is no evidence before the Minister that the applicant has given, or caused to be given, to the Minister, an officer, the Tribunal during the review of a Part 5-reviewable decision, a relevant assessing authority or a Medical Officer of the

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Commonwealth, a bogus document or information that is false or misleading in a material particular in relation to:

- (a) the application for the visa; or*
- (b) a visa that the applicant held in the period of 12 months before the application was made.*

4020(2) The Minister is satisfied that during the period:

- (a) starting 3 years before the application was made; and*
- (b) ending when the Minister makes a decision to grant or refuse to grant the visa; the applicant and each member of a family unit of the applicant has not been refused a visa because of a failure to satisfy the criteria in subclause (1).*

4020(2AA) However, subclause (2) does not apply to the applicant if, at the time the application for the refused visa was made, the applicant was under 18.

4020(2A) The applicant satisfies the Minister as to the applicant's identity.

4020(2B) The Minister is satisfied that during the period:

- (a) starting 10 years before the application was made; and*
- (b) ending when the Minister makes a decision to grant or refuse to grant the visa; neither the applicant, nor any member of the family unit of the applicant, has been refused a visa because of a failure to satisfy the criteria in subclause (2A).*

4020(2BA) However, subclause (2B) does not apply to the applicant if, at the time the application for the refused visa was made, the applicant was under 18.

4020(3) To avoid doubt, subclauses (1) and (2) apply whether or not the Minister became aware of the bogus document or information that is false or misleading in a material particular because of information given by the applicant.

4020(4) The Minister may waive the requirements of any or all of paragraphs (1)(a) or (b) and subclause (2) if satisfied that:

- (a) compelling circumstances that affect the interests of Australia; or*
- (b) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; justify the granting of the visa.*

4020(5) In this clause: information that is false or misleading in a material particular means information that is:

- (a) false or misleading at the time it is given; and*
- (b) relevant to any of the criteria the Minister may consider when making a decision on an application, whether or not the decision is made because of that information.*

It is a requirement for the grant of a Skilled - Nominated (subclass 190) visa that the applicant satisfies Public Interest Criterion (PIC) 4020 contained in clause 4020 of Schedule 4 to the *Migration Regulations 1994*. Subclause 4020(1) requires that there is no evidence

before the Minister that the applicant has given, or caused to be given, to the Minister, an officer, the Administrative Appeals Tribunal, a relevant assessing authority or a Medical Officer of the Commonwealth, a bogus document or information that is false or misleading in a material particular in relation to:

- the application for the visa; or
- a visa that the applicant held in the period of 12 months before the application was made.

If there is such evidence, subclause 4020(4) provides that PIC 4020(1)(a) or (b) and subclause 4020(2) will nonetheless be satisfied if the Minister is satisfied that:

- compelling circumstances that affect the interests of Australia; or
- compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;

justify the grant of the visa.

As there is evidence suggesting that you have provided, or caused to be provided, a bogus document or false or misleading information in relation to this visa application, you may fail to satisfy PIC 4020(1), with the result that this visa application may be refused.

You were invited to lodge a subclass 190 visa on 3 March 2023 and on 15 March 2023 the visa application was lodged. In your visa application you nominated the occupation of ICT Customer Support Officer and declared the following skilled employment:

Employment History

Is this your current employment situation? Yes

Position: ICT Customer Support Officer

Employer Name: Misbah Computer Communication Co.

Country: IRAN

Date from: 23 Aug 2010

Description of duties: Installing and updating various applications, Performing ICT projects, Managing network users, Maintenance Fax machines

Is the applicant claiming points for this employment? Yes

Is this employment related to the nominated position? Yes

Your skilled employment claims are material particular to the assessment of your application as you are relying on the award of points for skilled employment to meet the requirements of Schedule 6D (the points test) as prescribed in clause 190.214:

Clause 190.214

(1) The applicant's score, when assessed in relation to the visa under Subdivision B of Division 3 of Part 2 of the Act, is not less than the score stated in the invitation to apply for the visa.

(2) The applicant's score, when assessed in relation to the visa under Subdivision B of Division 3 of Part 2 of the Act, is not less than the qualifying score for that Subdivision.

Note: Subdivision B of Division 3 of Part 2 of the Act provides for the application of a points system under which applicants for relevant visas are given an assessed

score based on a prescribed number of points for particular attributes, assessed against the relevant pool mark and pass mark: see sections 92 to 96 of the Act.

The prescribed points and the manner of their allocation are provided for in Division 2.6 and Schedule 6D of these Regulations. Pool marks and pass marks are set from time to time by the Minister by instrument: see section 96 of the Act.

To support your declared skilled employment a copy of the following evidence was provided:

- Employment reference from Misbah Computer Communication Co. dated 19 February 2023
- Payslips from Misbah Computer Communication Co. for the period September 2010 to January 2023
- Social Security Organisation Report of All Records on 23 February 2023 showing payments from Misbah Computer Communication Co for the period 2010-2023

On 15 February 2024 the Department's overseas office conducted verification checks on your employment with Misbah Computer Communication Co. The following concerns were identified:

- While the employment reference states you worked full time, the referee stated you only worked on a part time and one year contract basis up until you left the company
- The social security organisation was unable to verify your declared social security record with your employer

In assessing your skilled employment claims, I have considered the information provided and the information obtained as a results of the verification checks.

This information raises concerns with the information and evidence you provided to support your claimed employment with Misbah Computer Communication Co.

Therefore, based on the information and evidence before me, I hold concerns that you have given to an officer in relation to this visa application false or misleading information in the following:

- The application for a subclass 190 visa that you lodged on 15 March 2023
- Employment reference from Misbah Computer Communication Co. dated 19 February 2023
- Payslips from Misbah Computer Communication Co. for the period September 2010 to January 2023
- Social Security Organisation Report of All Records on 23 February 2023 showing payments from Misbah Computer Communication Co for the period 2010-2023

This information and evidence is material particular to the assessment of your visa application as you are relying on your claimed skilled employment to meet the points test as prescribed in clause 190.214.

You may provide comment on the information that is suspected to be false or misleading in a material particular and/or specify if you believe there are any compelling circumstances affecting the interests of Australia, or compassionate or compelling circumstances affecting the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen, to justify the waiver of any or all of PIC 4020(1) to justify the grant of the visa.

Timeframe for response

You must respond to this invitation to comment within 28 days after you are taken to have received this letter. You should provide your response in writing.

You can send your response to me using the contact details provided below.

As this letter was sent by email, you are taken to have received it at the end of the day it was transmitted.

You have appointed an authorised recipient and are taken to have received this letter at the end of the day it was transmitted to your authorised recipient.

If you do not reply within the timeframe specified above, your application may be decided without us taking any further action to obtain the requested information. If you are unable to provide this information within this time you should contact us using the contact details provided below.

Providing documents

We may make a decision on your application without requesting additional information. You should provide us with all the information you feel is relevant.

As you lodged your application online, you should log in to your ImmiAccount to see the documents required for your application.

Do not send us original documents unless we ask for them. If you send copies of your documents, ensure that they are certified copies.

If you provide us with fraudulent documents or claims, this may result in processing delays and your application being refused.

Translating your documents

Documents in languages other than English should be accompanied by an English translation. The English translation must be an official certified translation from a National Accreditation Authority for Translators and Interpreters (NAATI) accredited translator. Translations provided by non-accredited translators outside Australia should be endorsed by the translator with their full name, address, telephone number, and details of their qualifications and experience in the language being translated.

Certified copies

For the purposes of the migration legislation, a document is to be certified in writing as a true copy of the original document by:

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if the copy is certified in Australia:

- a Justice of the Peace
- a Commissioner for Declarations
- a person before whom a statutory declaration may be made under the *Statutory Declarations Act 1959* (for example, a nurse, legal practitioner, medical practitioner, pharmacist or dentist)
- a registered migration agent (whose registration is not suspended or subject to a caution).

if the copy is certified outside Australia:

- a person who is the equivalent of a Justice of the Peace or Commissioner for Declarations in that place (for example, a public notary)
- a registered migration agent (whose registration is not suspended or subject to a caution).

Your information - your privacy

Your visa application contained a privacy notice about how the Department can collect, use and disclose your personal information, details of which would still apply to information provided as a result of this letter.

Changes to your circumstances

You need tell us about any changes to your circumstances as soon as possible. These changes may affect any answer to a question in your application form including name, passport, contact details, address and family members.

You must do this in writing and can use Form 1022 *Notification of changes in circumstances* (Section 104 of the Migration Act), available on our website www.homeaffairs.gov.au/allforms

If you lodged your application online, you can provide this information through your ImmiAccount.

Failure to notify us of your new circumstances can have serious consequences and even if the visa you have applied for is granted, it may later be cancelled.

Yours sincerely

Jasmin
Position number: 60147771
Department of Home Affairs

The original of this letter including any attachments was sent to your authorised recipient:
Damon ARYAN
info@selectvisa.onmicrosoft.com