



## The Genuine Temporary Entrant (GTE) Requirement (Recommendations 1 and 2)

The following information provides further detail on the planned Knight Review changes to the student visa program.

### Frequently asked questions

The GTE requirement explicitly addresses whether the individual circumstances of an applicant indicate that their intention is for a temporary stay in Australia.

Student visa applicants must be both a GTE and a genuine student to be granted a visa.

#### What is a genuine student?

A genuine student is a student who intends to obtain a successful educational outcome and has the language, educational and material background to have a reasonable chance of achieving this educational outcome.

Factors that are considered under the existing requirement to be a genuine applicant for entry and study as a student include: English language proficiency; financial capacity; prerequisite schooling; age requirements; and intention to comply with visa conditions. There are no changes planned to the genuine student requirement.

#### Why has the GTE requirement been introduced?

The GTE requirement was introduced on 5 November 2011 and will help improve the integrity of the student visa program.

A number of the proposed changes arising from the Strategic Review of the Student Visa Program would relax visa requirements for international students. These other changes can only be made possible through the introduction of the GTE requirement.

#### Will this make it harder to get a student visa?

The GTE requirement will not make it more difficult for genuine student visa applicants to obtain a visa. It will, however, provide a useful way to help identify those applicants who are using the student visa program for motives other than gaining a quality education.

#### What is genuineness?

The Department of Immigration and Citizenship (the department) has been assessing the genuineness of visa applicants for many years. For example, the department currently successfully assesses visitor visa applicants against the genuine visitor requirement.

A genuineness assessment is generally made by taking into account a number of personal factors relating to an applicant such as their immigration history, circumstances that may encourage the applicant to return to their home country and conditions that might encourage the applicant to remain in Australia.

The GTE requirement operates in a similar manner to the department's genuine visitor requirement. The genuine visitor requirement has been in operation for a number of years and in 2010-11 over 1.5 million visitor visa applicants were assessed against the requirement.

## Does the GTE requirement apply to applications lodged before 5 November 2011?

Applications lodged before 5 November 2011 will not be assessed against the GTE requirement.

## How does the introduction of streamlined visa processing impact on the GTE requirement?

The streamlined visa processing does not change this requirement. All applicants for a student visa must meet the requirement.

## How will the GTE requirement operate?

To be granted a student visa, applicants must satisfy the department that they have a genuine intention to stay in Australia temporarily.

Factors that the department considers as part of the GTE requirement include:

- circumstances in the applicant's home country
- the applicant's potential circumstances in Australia
- the applicant's immigration history
- the value of the course to the applicant's future
- any other matter relevant to the applicant's intention to stay temporarily.

## Examples of factors that are considered under the GTE requirement

- Whether the applicant has sound reasons for not undertaking the study in the home country or region if a similar course is already available there. Decision makers should allow for any reasonable motives as established by the applicant.
- The extent of the applicant's personal ties to their home country (for example family, community and employment) and whether they would serve as a significant incentive to return to their home country.
- Economic circumstances of the applicant that would present as a significant incentive for the applicant not to return to their home country. This may include consideration of the applicant's circumstances relative to the home country and to Australia.
- Military service commitments that would present as a significant incentive for the applicant not to return to their home country.
- Political and civil unrest in the applicant's home country. This includes situations of a nature that may induce the applicant to apply for a Student visa as means of obtaining entry to Australia for the purpose of remaining indefinitely. Decision makers should be aware of the changing circumstances in the applicant's home country and the influence these may have on an applicant's motivations for applying for a Student visa.
- The applicant's ties with Australia which would present as a strong incentive to remain in Australia. This may include family and community ties.

- Evidence that the Student visa program is being used to circumvent the intentions of the migration program.
- Whether the Student visa is being used to maintain ongoing residence.
- Whether the primary and secondary applicant(s) have entered into a relationship of concern for Student visa purposes. Where it has been determined that an applicant and dependant have contrived their relationship for Student visa purposes, the decision maker can find that both applicants do not satisfy the genuine temporary entrant requirement.
- The applicant's knowledge of living in Australia and their intended course of study and the associated education provider; including previous study and qualifications, what is a realistic level of knowledge an applicant could be expected to know and the level of research the applicant has undertaken into their proposed course of study and living arrangements.
- Whether the student is seeking to undertake a course that is consistent with their current level of education and whether the course will assist the applicant to obtain employment or improve employment prospects in their home country. Decision makers should allow for reasonable changes to career or study pathways.
- Relevance of the course to the student's past or proposed future employment either in their home country or a third country.
- Remuneration the applicant could expect to receive in the home country or a third country, compared with Australia, using the qualifications to be gained from the proposed course of study.
- Previous visa applications for Australia or other countries, including:
  - if the applicant previously applied for an Australian temporary or permanent visa
  - if the applicant has previously applied for visas to other countries, whether they were refused a visa and the circumstances that led to visa refusal.
- Previous travels to Australia or other countries, including:
  - if the applicant previously travelled to Australia, whether they complied with the conditions of their visa and left before their visa ceased, and if not, were there circumstances beyond their control
  - whether the applicant previously held a visa that was cancelled or considered for cancellation, and the associated circumstances
  - the amount of time the applicant has spent in Australia and whether the Student visa may be used primarily for maintaining ongoing residence, including whether the applicant has undertaken a series of short, inexpensive courses, or has been in Australia for some time without successfully completing a qualification
  - if the applicant has travelled to countries other than Australia, whether they complied with the immigration laws of that country and the circumstances around any non-compliance.
- If the applicant is a minor — the intentions of a parent, legal guardian or spouse of the applicant.

## Which visas does the GTE requirement apply to?

The GTE requirement applies to all student visa subclasses.

## I am subject to Assessment Level 1, does the GTE requirement apply to me?

Yes, the GTE requirement applies to all student visa subclasses for all assessment levels.

## What supporting documentation do I need to provide with my application?

Applicants should refer to student visa application checklists to assist in preparing their applications for lodgement. These are available for each subclass and assessment levels on the department's website.

**See:** [www.immi.gov.au/students/checklists](http://www.immi.gov.au/students/checklists)

As with previous arrangements, the department may ask an applicant to provide more information or to attend an interview in order to determine whether they meet the criteria for grant of the visa. However, a decision on the visa application may be made solely on the information provided in the application.

## My plan is to study in Australia and then I hope to apply for a permanent visa through the General Skilled Migration (GSM) program upon completion of my studies. Will my student visa application be refused under the GTE requirement?

The GTE is not designed to exclude those students who, after studying in Australia, go on to develop the skills required by the Australian labour market and go on to obtain permanent residency.

While many overseas students make a decision to apply for permanent residence upon completing their studies, this is an entirely separate process and there is no guarantee that, on the basis of having held a student visa, a person will meet the requirements to be granted permanent residence. Students should not make educational choices solely on the basis of hoping to achieve a particular migration outcome, as the GSM program will continue to change and adapt to Australia's economic needs.

**See:** [www.immi.gov.au/students/students-gsm.htm](http://www.immi.gov.au/students/students-gsm.htm)

## Example where the proposed GTE requirement would likely be met (subject to other aspects of their individual circumstances)

- A student visa holder has been in Australia for several years during which time he or she complied with their visa conditions and successfully completed high school and a diploma course. The student is now seeking to further their education by pursuing a bachelor's degree.
- An applicant who has just completed a bachelor degree overseas and now wants to complete a master's degree in Australia in a related field. The applicant has a relatively good standard of living in their home country and is able to explain during interview how the course will benefit them in the future.

## Examples where the proposed GTE requirement would likely not be satisfied (subject to other aspects of their individual circumstances)

- An applicant undertaking a series of short, inexpensive courses, which the decision maker believes are only being undertaken in order to prolong the person's stay in Australia for example, where a course is structured to include only short term periods of study and the maximum allowed break in between study periods.
- A student visa holder who has been in Australia for extensive periods of time either without having successfully completed a qualification, or who has moved education providers on numerous occasions and has failed to finish a course of study, without a reasonable explanation for this.
- An applicant who has a history of visa refusal, or non-compliance with immigration requirements in another country.
- An applicant who has a relatively low standard of living in their home country, has not studied in the ten years since completing high school and intends to study a course that would not significantly increase the applicant's employability upon return to their home country.