



Fact Sheet — Genuine Temporary Entrant (GTE) Criterion

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

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 was the GTE requirement 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 GTE 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.

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.

Which visas does the GTE requirement apply to?

The GTE requirement applies to all student visa subclasses.

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.

Examples 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.

Contacting the Department

For additional information about your visa status, visit VEVO at: www.immi.gov.au/managing-australias-borders/compliance/working-legally/evo-for-visa-holders.htm

For more information about student visas, or any other immigration matters, contact the Department's hotline on **131 881** or visit www.immi.gov.au