

# GTE

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Genuine Temporary Entrant criterion

## WHAT IS A GTE?

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It is a profile of the applicant and a description of his / her circumstances.

In other words, every GTE is a unique statement of unique circumstances since all applicants are unique.

DHA has the ability to recognise and search for Copy Paste GTE's or with minor modifications and those student visa applications are usually refused.

# WHEN AND WHY WAS IT INTRODUCED

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The GTE requirement was introduced to enhance the integrity of Australia's international education system, while maintaining its global competitiveness.

The Genuine Temporary Entrant (GTE) requirement was introduced on 5 November 2011, as part of a series of reforms pursuant to a strategic review commissioned by then Minister for Immigration Chris Bowen and then Minister for Education Chris Evans to enhance the competitiveness and maintain the integrity of the Australian Student Visa Program.

It became a mandatory document for all student visa applications with the introduction of subclass 500 and 590 (student guardian) on 1.7.2016

## WHAT IS THE PURPOSE OF IT?

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To compare and assess the department's defined Profile of Genuine student visa applicant with the content of the GTE statement of the applicant.

GTE requires for the minister to be satisfied that the applicant genuinely intends to stay in Australia temporarily, having regard to the applicant's circumstances, immigration history and any other relevant matter.

## MINISTERIAL DIRECTION 69

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This Direction provides **guidance** to decision makers on what factors require consideration when assessing the application to determine whether the applicant genuinely intends to stay in Australia temporarily.

IT IS A GUIDANCE  
not a checklist!

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Decision makers must take a **reasonable and balanced approach** to identify those applicants who, at time of decision, **do not genuinely intend to stay in Australia temporarily.**

GTE'S  
AREAS OF  
INTEREST  
TO DHA

**Economic circumstances of the applicant – IT IS NOT MERELY A BANK STATEMENT**

**Purpose of study / Value of the course** in reference to the applicant's academic and professional history

**Applicant's personal ties to their home country – MUM and DAD** are not considered as a significant reason to return back home

**Why Australia? – GOLD COAST** because of its 300 sunny days per year is not a good argument

**Reasonable return on investment – time and money**

**Immigration history – that is not only historical visa refusals**

# FACTS

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Offshore Student Visa applicants have no review rights access which gives the decision makers almost unlimited power to exercise the discretion when assessing the GTE criteria.

Current GTE assessment policy may potentially encourage applicants to provide false and misleading information about their future intentions in their “GTE Statements” just to satisfy the assessment criteria.

There are cases with evidence of arbitrary, subjective and inconsistent decisions.

# IMPORTANT

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Decision makers should also have regard to any other relevant information provided by the applicant (or information otherwise available to the decision maker) when assessing the applicant's intention to temporarily stay in Australia. This includes information that may be either beneficial or unfavourable to the applicant.



# CASE STUDY 1

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Macedonian national, with wife and children as secondary applicants applied for student visa **ON SHORE !!** (he completed series of ELICOS programs)

Civil Engineer

Father has an engineering business back in Macedonia

Applied for VET Diploma of L&M

Due to illness he missed one term and when he return back school he changed to Adv Diploma of IT.

Applied for student visa to finish off his IT. Was his visa **GRANTED** or **REFUSED?**

## CASE STUDY 2

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Pakistani national entered Australia to study degree in IT

Changed his mind and enrolled into Diploma of Business

Then followed by Cert III in Automotive – later on this provider closed down

Changed his mind again and enrolled to Diploma of Management

During his management studies he discovered love for baking and pastry –  
enrolled into Cert III in baking and pastry course

## CASE STUDY 2 - continued

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After he finished his pastry course he went back to study Business

Discontinued again and changed to advanced studies of baking and pastry

Followed by student visa application to study Diploma of Marketing – Was his visa **GRANTED** or **REFUSED**?

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## Anecdotal argument for visa refusal

*“I find it implausible that the applicant intends to do her qualifications in another country and not where she intends to find future employment.”*

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## DHA's advise on GTE

**Value of the course to the applicant's future** – is the course(s) consistent with the applicant's current level of education, relevance to past or **proposed future employment in home country or a third country**, expected remuneration in home country or third country which could be gained using the qualification(s) from the course(s) of study.

# GENERAL ALARM BELLS IN STUDENT PROFILING

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1. Age
2. Current academic level and intended study academic level
3. Any relatives in Australia and their immigration history
4. Multiple student visa applications in the same academic level or sector
5. Student to student dependant back to student
6. Repeated travel to Australia on student visa
7. Total Time spent in Australia on student visa
8. None or limited travel back home while studying in Australia

## STUDENT VISA REFUSAL (OFF SHORE)

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If judicial error occurs, it can be sent back to the processing centre for review

If jurisdictional error occurs – no appeal option BUT re-lodgement is available

## STUDENT VISA REFUSAL (ON SHORE)

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If judicial error occurs, it can be sent back to the processing centre for review

If jurisdictional error occurs – appeal to AAT

## STUDENT VISA REFUSALS WITH THE AAT

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May 2017 – 4,394 active cases

May 2018 – 8,603 active cases

Increase by 95% while the  
number of cases processed in 12  
months remains the same

## AAT SUCCESS RATE

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2017 – 34%

2018 – 29%

GTE plays a major factor in visa  
refusals and AAT decisions

# HOW TO ARGUE STUDENT VISA REFUSAL ON GTE IN SUBMISSION PREPARED FOR AAT

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1. All evidence to substantially satisfy student visa conditions were present at the time of decision
2. Interpretation of the facts by the case officer was incorrect (provide evidence)
3. Case officer did not consider in his/her visa refusal notification ALL aspect of GTE
4. Decision was in direct conflict with the government intentions
5. Any relevant matter 😊



## ADVICE

Common sense and  
evidence, evidence, evidence

Good Luck 😊

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## DISCUSSION

using Simon Costain's  
exhaustive list of questions