



Australian Government
Department of Home Affairs

13 November 2019

Harpreet KAUR
JANGIR PATTI
VPO CHARIK
MOGA PUNJAB 142001
INDIA

In reply quote:

Client Name	Harpreet KAUR
Date of Birth	03 July 2000
Date of Visa Application	30 October 2019
Application ID	1650636342
Transaction Reference Number	EGOO35Y3MQ
File Number	BCC2019/5454398
Visa Application Charge Receipt Number	9015566420

Transmission Method Email sent to globalaccessservices80@gmail.com

Dear Harpreet KAUR

Notification of refusal of application for a Student (Temporary) (class TU) Student (subclass 500) visa

Refused Applicant

I wish to advise you that the application for this visa has been refused on 13 November 2019 for the following applicant:

Client Name	Harpreet KAUR
Date of Birth	03 July 2000

The applicant did not satisfy the provisions of the Migration Regulations 1994.

The attached decision record provides detailed information about this decision as it applies to this applicant.

Review rights

There is no right of merits review for this decision.

Receiving this letter

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

Questions about this decision

We cannot consider your visa application any further.

Visa application charge

The visa application charge which has already been paid can only be refunded in limited circumstances, regardless of the application outcome.

A receipt for your payment is available through your ImmiAccount.

Yours sincerely

Swati

Position number: 60079024

Department of Home Affairs

The original of this letter including any attachments was sent to:

Poonam BANSAL

Global Access Services

globalaccessservices80@gmail.com



DECISION RECORD

Application details

Visa class	Student (Temporary) (class TU) Student (subclass 500)
Stream (main applicant only)	Higher Education Sector
Date of visa application	30 October 2019
Transaction reference number	EGOO35Y3MQ
Application ID	1650636342
File number	BCC2019/5454398
Visa application charge receipt number	9015566420

Client name	Harpreet KAUR
Date of birth	03 July 2000
Client ID	89216644342
Visa subclass stream	Higher Education Sector

The applicant's claims

The applicant applied for a Student (Temporary) (class TU) Student (subclass 500) visa.

Information and evidence considered

I am a delegated decision maker under section 65 of the *Migration Act 1958*. In reaching my decision, I have considered the following:

- relevant legislation contained in the Migration Act and Migration Regulations 1994
- relevant policy and procedural information on LEGEND
- documents and information provided by the applicant(s)

Findings

On the basis of all the information available to me, including the documents and information the applicant provided, I find that the criteria for the grant of a Student visa are not met by the applicant.

Reasons

I have assessed the application and the reasons for my decision are detailed below.

A valid application for a Student visa has been made by the applicant.

A visa cannot be granted unless the relevant criteria set out in the Migration Act and the Migration Regulations are satisfied.

In this case, I am not satisfied that clause 500.212 in Schedule 2 of the Migration Regulations is satisfied. This clause provides that:

500.212

The applicant is a genuine applicant for entry and stay as a student because:

- (a) *the applicant intends genuinely to stay in Australia temporarily, having regard to:*
 - (i) *the applicant's circumstances; and*
 - (ii) *the applicant's immigration history; and*
 - (iii) *if the applicant is a minor—the intentions of a parent, legal guardian or spouse of the applicant; and*
 - (iv) *any other relevant matter; and*
- (b) *the applicant intends to comply with any conditions subject to which the visa is granted, having regard to:*
 - (i) *the applicant's record of compliance with any condition of a visa previously held by the applicant (if any); and*
 - (ii) *the applicant's stated intention to comply with any conditions to which the visa may be subject; and*
- (c) *of any other relevant matter.*

This clause is also known as the genuine temporary entrant criterion.

Ministerial Direction No 69 - *Assessing the genuine temporary entrant criterion for Student and Student Guardian visa applications* sets out the factors that must be taken into account when assessing the genuine temporary entrant criterion for Student visa applications. This Ministerial Direction is made in accordance with section 499 of the Migration Act. Further information is available at: immi.homeaffairs.gov.au/Visa-subsite/files/direction-no-69.pdf

In summary, these factors include:

- the applicant's circumstances in their home country, including the applicant's economic situation, political and civil unrest in the applicant's home country, the extent of the applicant's personal ties to their home country, whether the applicant has sound reasons for not studying in their home country if a similar course is available, and military service commitments that would present as a significant incentive for the applicant not to return to their home country
- the applicant's potential circumstances in Australia, including the extent of the applicant's ties with Australia that present as a strong incentive to remain in Australia, evidence that the student visa program may be used to circumvent the intention of the migration program, whether the Student visa or the Student Guardian is being used to maintain ongoing residence, the applicant's knowledge of living in Australia, and whether the primary and secondary applicants have entered into a relationship of concern
- the value of the course to the applicant's future, including the course's consistency with the applicant's current education level, whether the course will assist the applicant to gain employment in their home country, relevance of the course to the applicant's past or future employment in their home country or a third country, and remuneration and

career prospects in the applicant's home country or a third country to be gained from the course

- the applicant's immigration history, including visa and travel history for Australia and other countries, previous visa applications for Australia or other countries, and previous travels to Australia or other countries
- if the applicant is a minor, the intentions of a parent, legal guardian or spouse of the applicant

Any other matter relevant to the applicant's intention to stay in Australia temporarily must also be considered. These factors have been weighed up to make an overall decision.

In considering whether the applicant met the genuine temporary entry criterion I had regard to the following factors, consistent with clause 500.212 and Ministerial Direction No 69. The factors were used to weigh up the applicant's circumstances as a whole, in reaching a finding about whether they satisfy the genuine temporary entrant criterion.

I have considered the applicant's circumstances in their home country. I note that the applicant has completed high school in the year 2018. I have taken into account the financial capacity of the applicant's family members and I acknowledge that the applicant has personal ties in their home country in the form of their immediate family however I find that these ties do not, of themselves, constitute a strong incentive to return home at the completion of the proposed study. I am therefore not satisfied that the applicant has been able to demonstrate personal or economic ties that would serve as a significant incentive to return to their home country.

I have considered the applicants potential circumstances in Australia. I acknowledge the applicants statement in their application, which states that they wish to study in Australia because of the quality education. I find that in their application they have not clearly demonstrated reasonable level of knowledge about the educational objectives and the benefit that undertaking the proposed courses in Australia would provide to their career prospects. While I accept and have placed weight on the fact the applicant may wish to obtain an internationally recognised qualification, given they have not substantively investigated study options in their home country I cannot be satisfied, given their individual circumstances, that they genuinely intend a temporary stay in Australia.

I have considered the value of the course to the applicant's future. The applicant has indicated that after the course they will return to their home country and that they expect to return to a significantly improved employment circumstance and remuneration level. They did not, however, provide detailed or convincing testimony as to how this Australian degree would assist them in achieving this goal in comparison to a qualification which could be acquired domestically. Based on the available information I do not find compelling cause for the applicant to travel to Australia at significant expense to pursue the proposed study when their career goals could be adequately served in home country. The significant cost of the course is unlikely to be offset by the potential income derived by the applicant in their expected employment field. As such they have not demonstrated that the course will significantly improve their future employment and remuneration.

I have taken into consideration the applicant's immigration history. As the applicant has no immigration history to Australia or a third country, this factor was not relevant to my assessment.

As the applicant is over 18 years of age, the intention of the applicant's parent, legal guardian or spouse was not relevant to my assessment.

I have considered whether there are any other relevant matters, however in this case I have determined there are none.

Conclusion

After weighing up these factors as a whole, I am not satisfied that the applicant intends genuinely to stay temporarily in Australia.

Decision

As clause 500.212 is not met by the applicant, I find the criteria for the grant of a Student visa are not met by the applicant. Therefore, I refuse the application by the applicant for a Student visa.

Assessment against the criteria of other subclasses in class TU

As the application was not made on Form 157G (Application for a Student Guardian visa), I have not considered the application against the subclass 590 Student Guardian visa criteria in this visa class.

Yours sincerely

Swati

Position Number: 60079024

Department of Home Affairs

13 November 2019