



Provider Update – Student Visa Program

Nepal update

Growth in the Nepal Student visa market continues to surge. Lodgements outside Australia for the first two quarters of 2018-2019 (July – December 2018) were up 64 per cent compared to the previous year.

During the same period, significant growth is noted in the Vocational Education and Training (VET) sector with lodgements outside Australia increasing by 165 per cent compared to the same period last program year. However, corresponding grant rates have dropped 8 per cent overall and 5 per cent for the VET sector. This could potentially mean that non-genuine students are being enrolled to study in Australia. The following information may be useful for your agents recruiting students to study in Australia.

Special Edition

This special edition provides education providers with a summary of the information discussed at the November 2018 webinar held by the Department of Home Affairs office in New Delhi on the Nepal student visa cohort.

The webinar was aimed at agents active in the Nepal market and focused on the growth in the Nepal student market, the drop in grant rates overall and in the VET sector and concerns around student welfare onshore. The statistics provided reflect activity during that period.

Lodging complete applications

Applicants must meet all visa requirements and submit relevant documentation if they are to lodge a complete application. The Department's website has a document checklist tool with information about the required documents.

'Complete' means:

- All the questions in the form are answered correctly, including questions relating to previous travel, visa refusals and cancellations (for other countries) for both the applicant and their family members.
- The required health and character checks have been completed before the application is lodged and
- All relevant documentation, including supporting documentation is uploaded at the time the application is lodged.

Genuine temporary Entrant (GTE) requirement

The GTE requirement set out in **Ministerial Direction 69** is a key legislative provision in the assessment of student visa applications. Findings on the GTE requirement are not made on the basis of one factor alone. All of an applicant's personal circumstances are considered before a decision is made and we place weight based on a number of factors, including:

- Circumstances in home country
- Potential circumstances in Australia
- Value of course
- The applicant's immigration history
- If the applicant is a minor, the intentions of a parent, legal guardian or spouse of the applicant

Please refer to the attached factsheet for detailed information about the GTE requirement.

Additional documents

One of the key issues encountered when assessing visa applications is the lack of additional information to support and verify the applicant's claims. The following documents may assist in the holistic assessment of the GTE criteria:

- Academic transcripts for all educational levels attained
- Reasons for change in field of study and course gaps
- Family background and evidence of economic circumstances including bank statements, employment details and pay slips, nature of business (Additional information on supporting documentation is provided below).
- There are no 'minimum' academic requirements for visa purposes. However, academic background can be relevant to the 'value of the course' aspect of the GTE assessment and the overall assessment.

Financial requirement

All applicants must have sufficient funds and genuine access to those funds. Even where evidence is not required up front, the Department can request supporting documentation and it is expected that your agents will meet the request without delay as they should have them on file from their own assessments. Ensuring students have sufficient funds helps students focus on their studies and avoid vulnerable situations such as being exploited in the workplace.

Supporting documents

- We suggest all applications provide a **summary of financial capacity** including funds available, institution and source. A copy of a 'financial matrix' template is available on the AHC (New Delhi) website.
- Where applicable, include the financial supporter's name and relationship with the applicant, a copy of the supporter's ID and contact number.
- It is preferable if clear, computerised bank statements are provided instead of copies of bank passbooks.
- Acceptable types of funds include money deposit or loan with a financial institution, government loan, scholarship or financial support.
- Provident funds must be deposited with an acceptable financial institution. For information on acceptable financial institutions, check the AHC website.

Genuine access to funds requirement

Evidence to support genuine access to funds may include:

- Income evidence from an official source (e.g. income tax returns).
- A history of savings and an explanation of large one-off deposits.
- Provident fund deposits should include evidence of the provident fund terms, withdrawal and amendment to fund account.
- Funds transferred from a student/sponsor's usual bank should include the account history and evidence of the source of the deposits into that account (e.g. for wages - evidence of employment).
- For a loan, **disbursement** is the best evidence of ongoing access. If the loan is not disbursed, there may be concerns about whether the student has genuine access. Loan letters from the bank should provide details of collateral security.
- Where loans have been disbursed and deposited into an account, applicants must:
 - Provide details of the source, any collateral, terms, capacity for repayments, and any other relevant information.
 - If the source of the deposit is a loan disbursed from a company that does not meet the definition of a financial institution, it will be much more difficult for the Department to be satisfied that there will be ongoing access to funds.
 - Gold loans – as there is no documentation to support the ownership of assets such as gold which is also subject to value fluctuations, it is unlikely to satisfy the genuine access to funds requirement.

English language requirement

All student visa applicants, regardless of their evidence level, need to meet the English language requirement, unless they are exempt. An applicant is exempt from English language evidence for the purposes of a student visa application in the following instances:

- Students enrolled in fulltime school studies as a principal course, including secondary exchange programmes; postgraduate research courses; standalone English Language Intensive Course for Overseas Students (ELICOS); and Foreign Affairs or Defence sponsored students
- Students who have completed at least five years' study in one or more of the following countries: Australia, UK, USA, Canada, New Zealand, South Africa, or the Republic of Ireland
- Citizens and passport holders of one of the following English speaking countries: UK, USA, Canada, NZ or Republic of Ireland
- Students who have successfully completed in Australia in the English language either the Senior Secondary Certificate of Education or studies at the Certificate IV or higher level, in the two years before applying for the student visa.

Even where evidence may not be required up front, the Department can request evidence of English language to address any concerns.

Some education providers may accept a Mode of Instruction (MOI) letter from applicants in India and Nepal as evidence of English language capacity for study in Australia. Where the Department requires evidence of English language capacity, the MOI letter will not meet the legislative requirements for a Student visa application. The minimum English language requirements under legislation are available on the Department's website at: <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500#Eligibility>

Family members

It is essential that applicants list all family members in the application, even if those family members are not travelling with the applicant. Providing this information upfront will assist with the assessment of the application.

Subsequent entrant visas can take extended periods of time to be finalised as primary applicants get priority in order to meet course commencement dates. Therefore, it is strongly encouraged that if a student visa applicant intends for their family to join them in Australia whilst they are studying, they should include these family members in their initial application.

Applicants are advised to provide all required documentation upfront to reduce delays. This includes financial documents and health insurance requirements.