

As of March 23, 2024, the landscape of student visa applications in Australia has changed significantly with the introduction of the Genuine Student (GS) requirement, replacing the earlier Genuine Temporary Entrant (GTE) criterion. This shift is designed to ensure that the primary intent of student visa applicants is to engage in studies, rather than to seek entry for other purposes. Understanding and navigating this new requirement is crucial for any prospective international student wishing to study in Australia.

Understanding the GS Criteria

The Australian Department of Home Affairs has incorporated specific questions into the student visa application process to assess whether applicants meet the GS criteria. Applicants are expected to provide detailed responses to the following questions:

- Give details of the applicant's current circumstances. This includes ties to family, community, employment and economic circumstances.
- Explain why the applicant wishes to study this course in Australia with this particular education provider. This must also explain their understanding of the requirements of the intended course and studying and living in Australia.
- Explain how completing the course will be of benefit to the applicant.
- Give details of any other relevant information the applicant would like to include.

Although these questions seem straightforward, my 12 years of experience in this field and analysis of visa refusals tell a different story. Visa officers are looking for applicants who portray themselves as:

- **Strong Family and Community Ties:** They want to see that you have reasons to return home after your studies.
- **Financial Stability:** You should appear economically secure, possibly with assets like real estate that might draw you back to your home country.
- **Career-Focused Intentions:** It's crucial to show that your studies in Australia will enhance your job prospects back home, whether it's in a family business, with an international company, or through starting your own business.
- **Clear Career Goals:** Be clear about the career path you intend to follow and how your studies will help you achieve these goals.

Deep Dive into Ministerial Direction No. 106

Ministerial Direction No. 106 provides detailed guidelines on how these responses should be framed and what case officers look for in a potential student:

The applicant's circumstances in their home country

(When considering the applicant's circumstances in their home country, decision makers should have regard to the following factors:

a) For primary applicants - whether the primary applicant has reasonable reasons for not undertaking the study in their home country or region if a similar course is already available there. Decision makers should allow for any reasonable motives established by the primary

applicant;

b) the nature of the applicant's personal ties to their home country (for example family, community and employment) and whether those circumstances would serve as a significant incentive for the applicant to apply for a Subclass 500 (Student) visa as means of obtaining entry to Australia for purposes other than study or other than to accompany a Subclass 500 (Student) visa holder to Australia (as applicable);

c) economic circumstances of the applicant that would present as a significant incentive for the applicant to apply for a Subclass 500 (Student) visa as means of obtaining entry to Australia for purposes other than study or other than to accompany a Subclass 500 (Student) visa holder to Australia (as applicable). These circumstances may include consideration of the applicant's circumstances relative to the home country and to Australia;

d) military service commitments that would present as a significant incentive for the applicant to apply for a Subclass 500 (Student) visa as means of obtaining entry to Australia for purposes other than study or other than to accompany a Subclass 500 (Student) visa holder to Australia (as applicable); and

e) political and civil unrest in the applicant's home country. This includes situations of a nature that may present as a significant incentive for the applicant to apply for a Subclass 500 (Student) visa as means of obtaining entry to Australia for purposes other than study or other than to accompany a Subclass 500 (Student) visa holder to Australia (as applicable). Decision makers should be aware of the circumstances in the applicant's home country and the influence these may have on an applicant's motivations to seek a Subclass 500 (Student) visa.

The applicant's potential circumstances in Australia

In considering the applicant's potential circumstances in Australia, decision makers should have regard to the following factors:

a) the primary applicant's knowledge of living in Australia and of their intended course of study and the associated education provider; including previous study and qualifications.

b) the level of research the primary applicant has undertaken into their proposed course of study and living arrangements;

c) whether the Subclass 500 (Student) visa is being used to maintain ongoing residence and not for the purposes of study; and

d) whether the primary and secondary applicant(s) have entered into a relationship of concern for a successful Subclass 500 (Student) visa outcome, i.e. whether the primary and secondary applicants have contrived their relationship for the purpose of obtaining a Subclass 500 (Student) visa.

Value of the course to the primary applicant's future

When considering the primary applicant's circumstances, decision makers should have regard to the value of the course to the primary applicant's future, and in doing so should have regard to the following factors:

a) whether the primary applicant is seeking to undertake a course that is consistent with their past employment and their current level of education, and whether the course will assist the primary applicant to obtain employment or improve employment prospects in their home country or another country. Decision makers should allow for reasonable changes to career or study pathways; and

b) remuneration the primary applicant could expect to receive in their home country or another country, using the qualifications to be gained from the proposed course of study.

The applicant's immigration history

(1) An applicant's immigration history refers both to their visa and travel history.

(2) When considering the applicant's immigration history, decision makers should have regard to the following factors:

a) previous visa applications for Australia and other countries, including:

- i. if the applicant previously applied for an Australian temporary or permanent visa - whether those visa applications are yet to be finally determined (within the meaning of subsections 5(9) and (9A) of the Act), were granted, or grounds on which the application(s) were refused, or whether the visa was cancelled; and
- ii. if the applicant has previously applied for visa(s) to other countries - whether the applicant was refused a visa and the circumstances that led to visa refusal; and

b) previous travels to Australia and other countries, including:

- i. if the applicant previously travelled to Australia - whether they complied with the conditions of their visa and left Australia before their visa ceased, and if not, were there circumstances beyond their control;
- ii. whether the applicant has previously been refused entry into Australia, and the circumstances associated with that outcome; and
- iii. if the applicant has travelled to countries other than Australia - whether they complied with the migration laws of that country and the circumstances around any non-compliance.

Any other relevant matter

For primary applicants, decision makers should have regard to the following matters:

a) if multiple course loads would make successful completion of a course by the primary applicant impossible or highly improbable;

b) if the primary applicant previously held a student visa - whether they were reasonably engaged in the course of study for which the visa was granted, having regard to whether:

- i. they satisfied course requirements for the course;
- ii. they participated in assessment activities for the course;
- iii. they commenced and completed their course as scheduled;
- iv. they demonstrated logical course progression;
- v. there is a history of starting, but not completing courses; and
- vi. there are study gaps of concern, a pattern of changing or deferring courses, changing to unrelated courses or changing education providers.

(2) Decision makers must also have regard to any other relevant information provided in respect of the visa application when assessing applicants against paragraph 500.212(c) or 500.312(c) (as applicable). This includes information that may be either beneficial or unfavourable to the applicant.

You can read the [Ministerial Direction No. 106 click here](#).

Confusing, right?

The Hidden Complexity of Student Visa Questions

As you can see, what appear to be straightforward questions can actually be quite tricky for a new high school graduate who might assume that securing a student visa in Australia is a simple, straightforward process. This misconception is a key reason why over 50,000 applicants from around the globe have their visa applications denied each year.

Simplifying the Process with GTE.guru

To help applicants like you, we created [GTE.guru](#), an AI-driven platform that simplifies the process of creating a [Genuine Student statement](#). The service is free, and you can use it as many times as you need. The more detailed information you provide, the better the AI can tailor your responses to meet visa requirements.

Special Considerations for Certain Applicants

If you've had a student visa refused before, are applying from certain regions like Southeast Asia, Africa, or South America, or are applying for a visa extension, you'll need to provide even more detailed information. In these cases, crafting a detailed Genuine Temporary Entrant (GTE) statement can be more effective than a standard GS statement.

Need More Help?

If you're struggling with your application or need advice on an appeal, don't hesitate to reach out. With a client success rate of over 99% and expertise in recovering visas for those who have been previously refused, we're well-equipped to help you navigate the complexities of the visa process. [Contact us](#)

Founder

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