



Visa Refusal Cases

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 taken into consideration the information provided in the application along with the information the applicant provided in a telephone interview with a Departmental Officer at the Australian High Commission New Delhi on 15 June 2022.

I have considered the applicant's circumstances in their home country. The applicant has completed Year 12 in Nepal in 2021. Applicant has provided evidence of familial ties in home country. Academics, income and financials documents provided. I have considered their economic situation in their home country and have taken into account the financial capacity of applicant's family members including their occupation, annual income and funds held. 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 to their home country at the completion of the proposed study. I am therefore not satisfied that the applicant has been able to demonstrate strong personal ties that would serve as a significant incentive to return to their home country.

I have also considered the applicant's potential circumstance in Australia. The applicant intends to study Diploma leading to Bachelor of Business in Australia. During the interview they were asked to provide details of their proposed study in Australia and the relevant education provider. The applicant was not able to demonstrate that they had conducted research into their proposed study and they displayed limited knowledge of the content, structure and purpose of the course they were enrolled in. Given the significant financial outlay and international travel required it is reasonable to expect the applicant to have a more detailed insight into their intended course in Australia. However, based on the responses provided by the applicant during the interview, I am not satisfied that they have demonstrated the level of knowledge regarding their potential circumstances in Australia which would be expected of a genuine student.

I have considered the value of the course to the applicant's future. During the interview applicant was asked about their future plans post completion of the course and applicant informed that, after completion of the course, they would return Nepal and seek employment as an event manager or hotel manager. The applicant was not able to explain how the proposed course would benefit their future remuneration level significantly enough to warrant the expenses they would incur while in Australia. Furthermore, they were unable to provide explanation on what skills they would achieve on completion of the proposed course.

Therefore, it is concluded from this interview that the applicant has demonstrated a lack of commitment and awareness on their part regarding their educational direction, future career and the impact study in Australia would have on their career and remuneration prospects in their home country. As a result of this interview, I have serious concerns regarding the applicant's intention to stay in Australia temporarily.

I have considered the applicant's immigration history. There is no immigration history. As such, this aspect cannot be considered towards them demonstrating that they meet the Genuine Temporary Entrant criterion.

