



Australia's Student Visa Program

Overview

Australian High Commission, New Delhi

September 2008

Goals of Australia's student visa program



- ❑ Support Australia's international education sector



- ❑ Facilitate entry of genuine students
- ❑ Provide visa requirements that are objective



- ❑ Ensure consistency in decision-making



The Student Program



Student visas are intended for people who genuinely intend to undertake a course of study in Australia.



A Student visa is not:

- A work visa
- The first stage of a skilled migration visa
- Requirements can and do change, there is no guarantee that a student will be granted Skilled Migration after 2 years



Types of Student Visa



❑ 570 Independent ELICOS

❑ 571 Schools



❑ 572 Vocational Education & Training

❑ 573 Higher Education

❑ 574 Postgraduate Research



❑ 575 Non-Award

❑ 576 AusAID/Defence



❑ 580 Student Guardian

Assessment Levels



□ 5 Assessment Levels (ALs)



□ AL1 (low risk) - AL5 (extremely high risk)



□ Risk methodology and statistical trends determine ALs



What's New?



**Change in Assessment Levels
with effect from
1 September 2008**

Factors responsible for change



- Data determining compliance rates includes:



- Rates of visa cancellations
- Rates of students remaining unlawful



- Rates of fraud found in the caseload
- Rates of refused applications



- Rates of visa applications onshore (other than skilled migration)

NEW ASSESSMENT LEVELS FOR INDIA



Subclass	Current	New- from 1.9.08
570	AL 3	AL 4
571	AL 2	AL 2
572	AL 4	AL 4
573	AL 3	AL 4
574	AL 3	AL 4
575	AL 3	AL 3
576	AL 2	AL 2

Assessment Factors



❑ English language proficiency



❑ Financial capacity



❑ Other requirements (eg age, education)

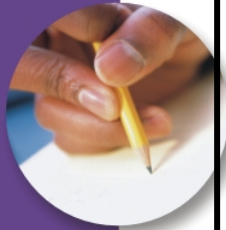


Changes in Subclass 574



Subclass 574	AL3	AL 4
English Language Proficiency	<ul style="list-style-type: none">-IELTS test band score 6.0; or- IELTS test band score 5.0 and enrolment in ELICOS course of no more than 30 weeks duration	<ul style="list-style-type: none">- No change

Changes in Subclass 574 (contd)



Subclass 574	AL3	AL 4
Financial Capacity	<ul style="list-style-type: none"> -Evidence of funds for the initial period (12 months of their stay/study); and -A declaration that they have sufficient funds for their entire stay. -- Any individual can provide funds 	<ul style="list-style-type: none"> -Evidence of funds for the initial period (12 months of their stay/study); and -A declaration that they have sufficient funds for their entire stay. -Unless applicant has completed 75% of the course, evidence of funds in the form of a money deposit must have a 6 months savings history. -Acceptable individuals can provide funds; - Regular income of the acceptable individual only is sufficient to have accumulated the money deposit.

Funds – Acceptable Individuals



These include:

- Applicant
- Applicant's spouse
- Applicant's parents
- Applicant's grandparents
- Applicant's siblings
- Applicant's uncle or aunt who is Australian citizen or permanent residents or eligible New Zealand citizens and is usually resident in Australia)



Changes in Subclass 574 (contd)



Subclass 574	AL 3	AL 4
Other requirements	- Completed undergraduate degree (or equivalent)	- No change

Changes in Subclass 573



Subclass 573	AL3	AL 4
English Language Proficiency	<ul style="list-style-type: none">-IELTS test band score 6.0; or- IELTS test band score 5.5 and enrolment in a foundation course; or-IELTS test band score 5.0 and enrolment in ELICOS course of no more than 30 weeks duration	- No change

Changes in Subclass 573 (contd)



Subclass 573	AL3	AL 4
Financial Capacity	<ul style="list-style-type: none"> -Evidence of funds for 24 months of their stay; and -A declaration that they have sufficient funds for their entire stay; -Evidence of funds in the form of a money deposit must have a 3 months savings history; - Any individual can provide funds. 	<ul style="list-style-type: none"> -Evidence of funds for 36 months of their stay; and -A declaration that they have sufficient funds for their entire stay. -Evidence of funds in the form of a money deposit must have a 6 months savings history; -Acceptable individuals can provide funds - Regular income of the acceptable individual only is sufficient to have accumulated the money deposit.

Funds – Acceptable Individuals



These include:

- Applicant
- applicant's spouse
- Applicant's parents
- Applicant's grandparents
- Applicant's siblings
- Applicant's uncle or aunt who is Australian citizen or permanent residents or eligible New Zealand citizens and is usually resident in Australia)



Changes in Subclass 573 (contd)



Subclass 573	AL 3	AL 4
Other requirements	<ul style="list-style-type: none">-Completion of year 12 (or equivalent); or-Completion of year 11 (or equivalent) and completion or enrolment in a foundation course in Australia; or-Completion or enrolment in a course at Certificate IV level or above	- No change

Changes in Subclass 570



Subclass 570	AL3	AL 4
English Language Proficiency	-A level of English language proficiency that satisfies their education provider	- IELTS test band score 5.0

Changes in Subclass 570 (contd)



Subclass 570	AL3	AL 4
Financial Capacity	<ul style="list-style-type: none"> -Evidence of funds for 24 months of their stay; and -A declaration that they have sufficient funds for their entire stay; -Evidence of funds in the form of a money deposit must have a 3 months savings history; - Any individual can provide funds. 	<ul style="list-style-type: none"> -Evidence of funds for 36 months of their stay; and -A declaration that they have sufficient funds for their entire stay. -Evidence of funds in the form of a money deposit must have a 6 months savings history; -Acceptable individuals can provide funds; - Regular income of the acceptable individual only is sufficient to have accumulated the money deposit.

Funds – Acceptable Individuals



These include:

- Applicant
- applicant's spouse
- Applicant's parents
- Applicant's grandparents
- Applicant's siblings
- Applicant's uncle or aunt who is Australian citizen or permanent residents or eligible New Zealand citizens and is usually resident in Australia)



Changes in Subclass 570(contd)



Subclass 570	AL 3	AL 4
Other requirements	<ul style="list-style-type: none">-May not undertake ELICOS of more than 50 weeks duration.- Evidence of previous schooling, training or other study.	<ul style="list-style-type: none">-May not undertake ELICOS of more than 40 weeks duration.-Academic qualifications that satisfy the education provider.

Acceptable Financial Institutions



- Migration Regulation defines a Financial Institution as a body corporate that, as part of its normal activities:
 - (a) takes money on deposit and makes advances of money; and
 - (b) does so under a regulatory regime, governed by the central bank (or its equivalent) of the country in which it operates, that the Minister is satisfied provides effective prudential assurance.

Acceptable Funds



❑ Student must have the funds:

We will accept:

❑ Funds in a Bank account:

- Savings history – we take the lowest balance in the 6 months before application.
- The account must be from an acceptable financial institution.
- There must be sufficient income to have accumulated the funds or evidence of the source (eg sale of property).
- Joint holders must *both* be acceptable individuals
- Business accounts considered on case by case basis.
- Provident Funds – are accepted to the extent that funds can be withdrawn.



Funds we accept

Loans

- Must be from an acceptable financial institution.
- Must be fully sanctioned
- Details of guarantor, collateral security and owner should appear on loan letter
- There is NO “22% rule”.
- Should be fully disbursed.
- **If not fully disbursed** – we need to see:
 - Collateral
 - Repayment capacity



Funds we accept



☐ **Acceptable Collateral**

- Must be able to be accessed by bank in case of default.
- LICs are not acceptable collateral



Financial capacity-Evidence of Income



- **Income from salary**

- Income tax returns for the last 3 yrs
- Salary statement



- **Agricultural income**

- Ownership of land; and
- Income statement from regional / competent authority



- **Retirement income**

- Pension details from the employer
- Recent bank statements showing credit of pension



Unacceptable Funds



- **We do not accept Kisan and Krishi Credit Cards.**
- These are issued for agricultural purposes, not international education.
- Credit cards are not an acceptable source of funds.

What hasn't changed?



- Conditions of the visa
- Subsequent applications of dependents to be considered under same AL as that of the last student visa granted to the student.
- Always declare dependents in the first application, even if they aren't travelling – it will save time if later they wish to travel.



FAQs



- All guarantors on a loan should be acceptable individuals and only those persons' income can be considered for repayment capacity. The only exception could be third party guarantors who can be accepted if banks need them, but their income would not be considered.



- Collateral held jointly by an acceptable individual and their spouse would be acceptable collateral if spouse gives affidavit of support
- *** (update to previous advice)** Where funds are held in a bank by an acceptable individual and the funds have been accumulated through income of their spouse (who is not an acceptable individual) - **this is acceptable.**



- Funds in a joint bank account where one party is not an acceptable individual – **this is not acceptable.**



- Where funds are held for 6 months by an acceptable individual, the funds must have come from either income or assets from that person and not from any other 3rd person who deposited money there 6 months earlier.
- **Until the financial review is finalised we will continue with status quo in the types of finances accepted - the only change made by the AL relates to the acceptable individual.**

Current Processing Times



- 3500 applications received in August 2008 - 250% increase in application rate.



- Likely initial assessment time of 8 weeks.



- Priority given to cases with early commencement dates.



- Thank you for minimising queries during this time.

Tips for better processing #1



- You should lodge applications at the AHC at least 12 weeks prior to course commencement date.



- The commencement of the course is the date orientation starts. Applications should not be lodged after course has commenced, with extension letters from the Education Provider.



- We generally require 8-12 weeks to process an application. However timeframes are longer at the moment (see previous slide).



- Agents are responsible for ensuring the application is complete. Do not rely on the AHC to advise you of missing documentation as you risk refusal.

- Provide requested documentation within the period specified or you risk refusal. Also please submit all extra documents together.

Tips for better processing #2



- Provide detailed bank statements which show current transactions up until date of lodgement and are for required number of months



- Provide originals of all educational documents and financial documents (where possible)

- Include photocopies of all documents.

- Provide translations where necessary.



- Provide the loan disbursement letter for each loan taken prior to grant.



- “Statement of Purpose” or “Additional information forms “ are **not required**.

Process Map



- **Acknowledgment Letter** – Issued by AHC at the time of lodgement
-This letter can be used by student to deposit the fees if he so desires.



- **Pre Visa Assessment (PVA)** – is the policy whereby students applying offshore have their genuineness as a student assessed prior to final decision. PVA letter is issued by AHC after assessment of the application – PVA does not guarantee the grant of a visa



- **Decision Record** – Issued by AHC once application is decided. It may be a Approval letter or Refusal letter



Help us to help you ...



- The Visa Office has devised a new matrix to replace the old financial matrix.
- This is in line with the assessment template used by the Visa Office and will help us to match the information in the application.
- **To minimise processing times, we encourage you to use this template. A copy will be available on the AHC website shortly (we will advise you).**



Visa Wizard



- A new web-based tool on DIAC website to find information on visa options tailored to clients' specific circumstances
- Visa Wizard supports 57 of the most common visa sub classes
- Visa Wizard makes no recommendation to which visa is appropriate for the client

Fraud



- We take fraud seriously.



- Applicants who use fraudulent means in visa processes will not be treated sympathetically.



- The Compliance Unit of the Visa Office investigates fraud: compliance-ndli@dfat.gov.au or call 011-4149 4391



- or email Joanne Moutafis at joanne.moutafis@dfat.gov.au

Responsibilities as a student visa holder



- ❑ **Student visas have certain conditions**



- ❑ **While a student holds a student visa, they must follow the conditions**



- ❑ **If they do not follow any of the conditions, the visa may be cancelled**



- ❑ **This has implications for the Assessment Level of a Sector**

Ensure your staff know where to find information



- **DIAC Forms 157A and 1160i**

- www.immi.gov.au

- Legend online



- www.immi.gov.au/legislation



- www.india.embassy.gov.au

- www.studyinaustralia.gov.au



- **Migration Regulations 1994**

Your responsibilities as agents



- Under the National Code 2007 you must have agreements in place with your providers
- You must not provide false and misleading information to your clients
- You must not provide fraudulent documentation with your applications
- You must ensure your applicants are genuine students



End of presentation