



REQUEST CHECKLIST AND DETAILS

Please provide the following documentation, information or action to process your application for a Student (Temporary) (class TU) Higher Education Sector (subclass 573) visa.

All forms are available on the department's website at www.border.gov.au/about/corporate/information/forms

If you are sending documents by mail or courier please do not send original documents unless requested to do so.

If you do not provide the information sought within time, or the information is unsatisfactory, your application may be decided based on the available information.

Request Checklist for [REDACTED] HUANG

Date of Birth [REDACTED] 1994
Client ID [REDACTED] 95
Application Id [REDACTED] 216

Please see the attached "Request Detail", which provides a detailed explanation relating to the checklist item(s) listed below.

Genuine temporary entrant criterion

The information provided below explains the requirements relating to the checklist item(s) listed above.

Request Detail

Timeframe for response

You must respond to this invitation to comment within **28** days after you are taken to have received this letter. You should provide your response in writing.

The preferred method of response is to upload your documents via your ImmiAccount: <http://www.border.gov.au/immiaccount>

This will ensure the most efficient processing of your application.

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. If you do not reply within the timeframe specified above your application may be decided without the department taking any action to obtain the requested information.

If you are unable to provide this information within this time you should contact us using the contact details provided below.

Genuine temporary entrant criterion

The genuine temporary entrant criterion for Student visa applications requires the Minister to be satisfied that the applicant intends to stay in Australia temporarily, having regard to the following factors, consistent with Ministerial Direction No 53:

- (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

I have considered your immigration and study history and during this process I have encountered unfavourable information which does not support your application.

According to your immigration history, you were granted your initial Student visa (TU 571) offshore on 08/07/2009 which was valid until 11/02/2013. You subsequently arrived in Australia on 17/07/2009.

On 11/02/2013 you were granted a Student visa (TU 573) under the streamlined visa processing (SVP) arrangements and were subject to condition 8516 which requires the visa holder to continue to be a person who would satisfy the primary condition for the grant of the visa. This visa is valid until 10/12/2015.

I have concerns that you may be using the Student Visa Programme to maintain ongoing residence and circumvent the intentions of the migration programme. You appear to be using the Student visa program as a means of maintaining ongoing residence in Australia and you do not seem to have a genuine intention to stay in Australia temporarily. I hold these concerns because:

1. You are no longer studying an eligible course at an eligible education provider under the SVP arrangement which clearly indicates that you have not complied with visa condition 8516.

As you did not undertake study or maintain enrolment in eligible course at an eligible education provider in you have not complied with visa condition 8516.

2. Your last student visa (TU 573) was subject to condition 8202 which requires the visa holder to be enrolled in a registered course, achieve satisfactory course progress and achieve satisfactory attendance.

Examination of your study history in PRISMS indicate that on 18/09/2014 your education provider reported you to the Department of Immigration and Border Protection, as not achieving satisfactory course progress for section 19 of the Education Services for Overseas Students Act 2000 and standard 11 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007).

As you did not achieve satisfactory course progress you have not complied with visa condition 8202.

3. Since completing your Senior Secondary course on 08/12/2012, you have not completed a course for nearly 3 years. Therefore, you do not seem to have made significant progression or achieved a reasonable completion level for a student whose primary purpose for being in Australia is to study and progress academically.

I invite you to comment on above information and provide evidence to support your comment.

I also invite you to provide a statement setting out your reasons for undertaking the course(s) of study specified in your application.

The statement should set out:

- your reasons for choosing to undertake the course(s) of study specified in your application
- your reasons for choosing your education provider(s)
- your reasons for choosing to study in Australia rather than in your home country or usual country of residence
- your planned living arrangements in Australia
- the relevance of your course(s) of study to your academic and/or employment background
- the relevance of the course(s) of study to your future career and/or educational plans.

Please provide evidence of your ties to your home country or usual country of residence that shows that you have significant incentives to return home at the end of your stay in Australia.

This may include evidence of financial, family or social ties.

Please provide evidence of your current employment.

Evidence should include the address of your employer, period of employment and details about the position held. Please include the name and contact details of a person who can verify the terms of your employment.

Please provide evidence of your previous studies, inside and outside Australia.

The evidence should include details about the qualification(s) obtained, the name of the education provider(s) and duration of studies. Evidence should include award certificates and academic transcripts.

Providing documents

If you lodged your application online you may log back into your account at any time and attach further documents. Please ensure that all original documents are scanned in high quality and colour.

Do not send us original documents unless we ask you for them. If you send copies of your documents, ensure that they are certified copies.

If you provide us with fraudulent documents or claims, this may result in processing delays and possibly your application being refused.

Translating your documents

Documents in languages other than English should be accompanied by an English translation. The English translations must be official certified translations from a National Accreditation Authority for Translators and Interpreters (NAATI) accredited translator. Translations provided by non-accredited translators outside Australia should be endorsed by the translator with their full name, address, telephone number, and details of their qualifications and experience in the language being translated.

Certified copies

For the purposes of the migration legislation, a document is to be certified in writing as a true copy of the original document by:

if the copy is certified in Australia:

- a Justice of the Peace; or
- a Commissioner for Declarations; or
- a person before whom a statutory declaration may be made under the *Statutory Declarations Act 1959* (for example a nurse, legal practitioner, medical practitioner, pharmacist or dentist); or
- a registered migration agent (whose registration is not suspended or subject to a caution).

if the copy is certified outside Australia:

- a person who is the equivalent of a Justice of the Peace or Commissioner for Declarations in that place (for example a public notary); or
- a registered migration agent (whose registration is not suspended or subject to a caution).



11 February 2016

██████████ HUANG
C/- PROACTIVE LEGAL
PO BOX A838
SYDNEY NSW 1235

In reply please quote:

Client Name	██████████ HUANG
Date of Birth	██████████ 1994
Date of Visa Application	25 November 2015
Application ID	██████████ 216
Transaction Reference Number	██████████ ZQV9
File Number	BCC2015/██████████ 23

Transmission Method

Email sent to ██████████

Dear ██████████ HUANG

Notification of grant of a Student (Temporary) (class TU) Higher Education Sector (subclass 573) visa

I wish to advise that a decision has been made on this application and visas have been granted on 11 February 2016 to the applicant(s) listed in the attached Visa Grant Notice, which contains important information about your visa(s).

Please keep a copy of this letter and the Visa Grant Notice in a safe place for your reference.

Questions about this decision

If you have questions about this decision, or the process or information that was taken into account, you may contact us by any of the means listed below.

Changes to your circumstances

It is important that you tell us about any changes to your circumstances including name, passport, contact details, address or family members as soon as possible. You are required to do this in writing and can use one of the forms available at www.border.gov.au/Lega/Lega/Form/Immi-FAQs/i-have-lodged-my-visa-application-but-things-have-changed-how-do-i-update-my-application

Client service information

We value your compliments, complaints and suggestions. Your compliments let us know where we are performing well and your complaints and suggestions help us improve the services we provide.

Further information on our Client Service Charter and how to make a compliment, complaint or suggestion is available at www.border.gov.au/about/contact/provide-feedback

Contacting this processing office

We prefer contact with this office concerning your application to be electronic via our website. We try to respond to all online enquiries within seven (7) working days.

Please visit our website available at www.border.gov.au/Trav/Visa

Yours sincerely

Department of Immigration and Border Protection

Please note the original of this letter including any attachments was sent to:

Da Wei GU

PROACTIVE LEGAL PTY. LTD.

