



## STUDENT VISA REFUSALS (GENUINE STAY)

This fact sheet answers questions about an AAT review of a Department of Home Affairs refusal to grant a **student visa** on the basis that you did not genuinely intend to stay temporarily in Australia.

### What does the AAT need to decide?

The AAT needs to decide whether you genuinely intend to stay temporarily in Australia. The AAT must be satisfied there is a genuine intention to stay temporarily in Australia by considering:

- your circumstances
- your immigration history
- any other relevant matter.

### How does the AAT decide?

The AAT will look at:

- your circumstances in your home country
- your potential circumstances in Australia
- the value of the course to your future
- your immigration history
- any other relevant matters.

### What information can I give the AAT to support my review?

You can give us any information that supports your case. You are not limited to the information listed below, and the information you give us will depend on your individual circumstances.

Examples of the most helpful information to give us include:

- Reasons for not undertaking the study in your home country
- Information about ties to your home country that would encourage your return, for example:
  - Evidence of properties or assets held in home country
  - Evidence of immediate family members and any dependants in your home country
  - Evidence of current or proposed employment in home country and intention to return or commence that employment
  - Return ticket to your home country

This fact sheet provides general information only. It is not legal advice about your case. If you have a question about the law or how it applies to your case, you should seek legal advice.

- Confirmation of your enrolment in an educational institution
- Evidence of your past study
- Information about the relevance of the course to your past or proposed future employment
- Information that explains any gaps in your study history or a failure to complete studies, such as medical reports that you have been unwell or have a physical or mental illness that may have impacted your studies
- Information from other people who can confirm or support your case
- Evidence that explains why specific information in the Department decision is incorrect
- Any other information or documents that prove your circumstances.

## When should I give my information to the AAT?

You should give us the information as soon as possible.

If the AAT is satisfied with the information you give us, a favourable decision might be possible without the need for a hearing.

### ***Giving evidence at a hearing***

If you are required to attend a hearing, an AAT Member will ask you about your application and consider all of the information that you present. Generally, this will include the documents you have given us about your case. You should give us any information no later than 7 days before the hearing, or if we ask you to give us any information earlier, by the date we tell you.

Any information you present to the AAT Member is important evidence. Preparing this evidence well in advance of the hearing can assist you to present your case and help the AAT Member to make a decision.

## CONTACT US IF YOU HAVE ANY QUESTIONS

- Telephone: **1800 228 333**
- Email: [mrdivision@aat.gov.au](mailto:mrdivision@aat.gov.au)
- [www.aat.gov.au](http://www.aat.gov.au)
- National Relay Service [www.relayservice.gov.au](http://www.relayservice.gov.au)
- Translating and Interpreting Service (TIS): 131 450

*When this Fact Sheet refers to "You" it means the applicant, and includes your authorised recipient, representative or support person. When it refers to "We" or "Us" it means the AAT.*

This fact sheet provides general information only. It is not legal advice about your case. If you have a question about the law or how it applies to your case, you should seek legal advice.