Administrative Appeals Tribunal

Migration & Refugee Division

[State Office Address]

In reply quote:

Client Name: Arjun Kumar

Date of Birth: 2000-02-17

Application ID: APP1234567

File Number: FL9876543

Visa Subclass: Student Visa (Subclass 500)

Date of Refusal: 2025-07-17

Representative: Maria Fernandez

MARN: 1234567

RE: Submission in Support of Student Visa Review Application

Refusal Under Clauses 500.212, 500.213, 500.214, and 500.217 of Schedule 2 to the Migration Regulations 1994

Dear Tribunal Member,

I respectfully submit this statement on behalf of the applicant in support of their application for merits review before the Tribunal.

1. CLAUSE 500.212 – GENUINE STUDENT CRITERION

a) Circumstances in Home Country: Arjun comes from a middle-class family in New Delhi, India. His parents run a small retail business and are supportive of his education abroad. The economic conditions in India limit opportunities in his chosen field of data science, which motivates him to pursue further studies in Australia.

b) Circumstances in Australia: He has been living in Melbourne since 2023 and has adjusted well to Australian culture. He has no dependents, maintains stable accommodation, and has a network of friends and mentors who support his studies.

c) Value of the Course to Future: The Master of Data Science program at Monash University will significantly enhance his career prospects. Upon return to India, he aims to work with multinational companies or government agencies in AI and data analytics.

d) Previous Study and Gaps: Arjun completed his Bachelor of Computer Science in 2020 with distinction. Between 2020 and 2022, he worked as a junior software engineer at Infosys, where he gained practical IT and analytics experience. The gap was due to full-time employment and preparation for postgraduate study, including assembling documentation and arranging finances.

e) Immigration History: Arjun has previously held only a Student visa. He has complied with all visa conditions, maintained attendance, and demonstrated strong academic performance. He has no history of overstays or cancellations.

f) Other Relevant Matters: He has strong ties to his home country, including immediate family and property ownership. His financial capacity is supported by his parents’ income, savings, and an education loan approved by the State Bank of India.

2. CLAUSE 500.213 – ENGLISH LANGUAGE REQUIREMENT

The applicant satisfies the English language requirement. He has undertaken an approved English language test within the required timeframe and achieved scores at or above the minimum prescribed by the relevant legislative instrument for the Student visa and his level of study. His test report details were provided with the application and are available for verification through ImmiAccount. In addition, his acceptance into the Master of Data Science at Monash University confirms that he meets the provider’s English entry requirements for a postgraduate program. His academic performance in Australia since 2023, including successful completion of coursework and assessments requiring advanced written and oral communication, further corroborates his functional and academic English proficiency. To the extent the delegate was not satisfied due to evidentiary timing or formatting, the requisite evidence existed or is now supplied to the Tribunal, and we respectfully submit clause 500.213 is met.

3. CLAUSE 500.214 – CONFIRMATION OF ENROLMENT

Arjun holds a current Confirmation of Enrolment (CoE) issued by Monash University for the Master of Data Science, a CRICOS-registered course consistent with his study plan. The CoE covers the relevant study period and matches the details declared in his application. Tuition deposits have been paid as required by the provider, and Overseas Student Health Cover has been arranged for the duration of the course. If any administrative deferral occurred due to intake changes, the provider issued an updated CoE reflecting the new commencement date; there has been no break in genuine intent to study. The applicant therefore satisfies clause 500.214, which requires evidence of enrolment in a registered course at the time of decision (and, to the extent relevant, maintained through updated CoE now before the Tribunal).

4. CLAUSE 500.217 – FINANCIAL CAPACITY

The applicant has demonstrated access to sufficient financial resources to meet the prescribed costs for himself for the first 12 months of study (tuition, living expenses, travel, and OSHC) in accordance with the current legislative instrument. Evidence provided includes:

- An education loan approval from the State Bank of India expressly for international study, with a sanctioned amount sufficient to cover tuition and living costs, and a clear disbursement schedule confirming timely availability of funds.

- Parents’ bank statements and savings showing immediate access to funds to cover upfront expenses, together with evidence of ongoing business income from the family retail enterprise (financial statements and tax returns), demonstrating sustainable support.

- Proof of payment of initial tuition deposit and OSHC, and availability of remaining funds for subsequent tuition installments.

The funds are genuine, unencumbered, verifiable, and readily available for the applicant’s use in Australia. On this basis, the applicant meets clause 500.217.

Conclusion

For the reasons set out above, the applicant is a genuine student whose circumstances, study history, and plans are consistent with a bona fide intention to undertake and complete a legitimate course of study in Australia. He satisfies the English language requirement, holds a valid Confirmation of Enrolment for a CRICOS-registered course aligned with his background and goals, and has demonstrated financial capacity in accordance with the Migration Regulations. We respectfully request that the Tribunal find that the criteria in clauses 500.212, 500.213, 500.214, and 500.217 are met and set aside the decision under review, substituting a decision to grant the Student Visa (Subclass 500).

Yours sincerely,

Maria Fernandez

Registered Migration Agent

MARN: 1234567