Administrative Appeals Tribunal

Migration & Refugee Division

[State Office Address]

In reply quote:

Client Name: Al-Momen Reyad

Date of Birth: 2002-11-03

Application ID: 123456789

File Number: 12345679

Visa Subclass: Student Visa (Subclass 500)

Date of Refusal: 2025-05-30

Representative: Jane Doe

MARN: 654149849849

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. The applicant seeks review of a decision to refuse their Student visa (subclass 500) and maintains they meet all relevant criteria.

1. CLAUSE 500.212 – GENUINE STUDENT CRITERION

a) Circumstances in Home Country:

The applicant has family residing in India, including parents and siblings, who provide both emotional and financial support. Notwithstanding these strong ties, the applicant seeks to obtain an internationally recognised qualification to enhance future employment prospects in India.

b) Circumstances in Australia:

The applicant has no immediate family in Australia and maintains limited connections; the applicant’s sole focus is study. Accommodation has been arranged proximate to the University, and living expenses are supported by family funds.

c) Value of the Course to Future:

The Master of Information Technology at the University of Sydney will provide advanced technical competencies and international exposure, substantially improving employability in India where demand for skilled IT professionals remains high.

d) Previous Study and Gaps:

The applicant completed a Bachelor of Computer Science at Delhi University with strong academic results, evidencing capacity to complete higher education successfully. There are no material gaps inconsistent with a genuine study pathway.

e) Immigration History:

The applicant first applied for a student visa in 2021; that application was refused due to insufficient financial documentation. A subsequent 2022 application was granted. Since arrival, the applicant has complied with all visa conditions and has no adverse immigration history.

f) Other Relevant Matters:

The applicant has compelling incentives to return to India after study, including close family ties and a confirmed graduate job offer with an Indian IT consultancy firm. There is no history of overstaying or breaching immigration laws.

2. CLAUSE 500.213 – ENGLISH LANGUAGE REQUIREMENT

The applicant satisfies LIN 24/022 for the Higher Education sector. A valid English language test report (IELTS Academic) was obtained within the required timeframe and meets or exceeds the minimum overall and band scores prescribed by LIN 24/022. The Test Report Form and verification details have been provided with this review. The applicant’s unconditional offer into the Master of Information Technology further evidences English proficiency consistent with University entry standards and the legislative instrument.

3. CLAUSE 500.214 – CONFIRMATION OF ENROLMENT

The applicant holds a current Confirmation of Enrolment (COE) for the CRICOS‑registered Master of Information Technology at the University of Sydney as the principal course of study. Any previous documentary deficiencies have been rectified; the updated COE with the correct commencement and end dates has been lodged with the Department and is provided to the Tribunal with this submission.

4. CLAUSE 500.217 – FINANCIAL CAPACITY

The applicant has demonstrated financial capacity in accordance with the Department’s framework requiring funds to cover annual tuition, 12 months of living expenses, and travel costs:

- Tuition: Evidence of payment of initial tuition deposit/first semester fees and the remainder of annual course fees budgeted for the first academic year.

- Savings: Bank statements for the applicant and family sponsor showing readily available funds exceeding 12 months of living expenses and the balance of first-year tuition and travel. Funds are held in liquid accounts and are seasoned.

- Sponsor Income: The family sponsor’s regular income is substantiated by recent payslips, employment letter, and tax returns, meeting the Department’s annual income threshold applicable to a single student applicant.

- Declarations: A notarised affidavit/statutory declaration from the sponsor confirms the relationship, commitment to meet ongoing tuition and living costs for the duration of the course, and availability of funds for contingencies. Where relevant, fixed deposits and remittance capability are evidenced.

Taken together, these documents demonstrate the applicant’s genuine, ongoing capacity to finance study and living costs without undue hardship, consistent with policy settings and legislative requirements.

Conclusion

For the reasons above, the applicant satisfies clauses 500.212, 500.213, 500.214, and 500.217 of Schedule 2 to the Migration Regulations 1994. The applicant is a genuine student with a coherent study plan, compliant immigration history, valid enrolment, sufficient English proficiency, and demonstrated financial capacity.

Accordingly, we respectfully request that the Tribunal:

1) set aside the refusal decision; and

2) remit the matter to the Department with the finding that the visa criteria are satisfied.

Yours sincerely,

Jane Doe

Registered Migration Agent

MARN: 654149849849