Below is a polished and more formal drafting of your Administrative Appeals Tribunal (AAT) submission for Sonjoy Dey. It tightens structure, fleshes out missing elements, and aligns with common Australian migration practice directions (including Ministerial Direction No. 108) and relevant authorities. You can replace placeholders (e.g., [to be provided], [dates], or [not provided]) with actual details as they become available.

Draft AAT Submission

Administrative Appeals Tribunal – Migration & Refugee Division

Submission in Respect of Review of Department of Home Affairs’ Refusal

Student Visa (Subclass 500)

Applicant: Sonjoy Dey

Date of Birth: 2000-08-07

Address: 45 Greenfield Avenue, Dhaka, Bangladesh

Visa Applied For: Student Visa (Subclass 500)

Date of Application: 2025-01-01

Application ID: APP567890123

Transaction Reference: TRX9087654321

File Number: [To be provided]

Date of Refusal: 2025-08-29

Tribunal: Administrative Appeals Tribunal – Migration & Refugee Division

Authorized Representative

Authorised Representative: Sarah Williams

Address for service: [Insert representative's address]

Phone: [Insert phone]

Email: [Insert email]

Date: [Insert date]

Applicant’s Declaration

I, Sarah Williams, in the capacity of authorised representative of the applicant, declare that I am duly authorised to act for Sonjoy Dey in relation to the review of the Department of Home Affairs’ decision to refuse the Student Visa (Subclass 500). The facts and grounds set out in this submission are true and correct to the best of my knowledge and belief, and I will rely on the attached documents in support of these submissions.

Orders Sought

That the Tribunal:

1) Set aside the decision of the Department of Home Affairs dated 29 August 2025 refusing the Student Visa (Subclass 500) for Sonjoy Dey (APP567890123);

2) Substitutes a decision to grant the Student Visa (Subclass 500) to Sonjoy Dey on the conditions the Tribunal deems appropriate; and

3) Grants any such other orders the Tribunal considers appropriate in the circumstances.

Grounds of Appeal and Submissions

1. Genuine Temporary Entrant (GTE) – Legal Framework

- The decision to refuse relied on a lack of satisfaction of the GTE requirement under clause 500.212 of Schedule 2 to the Migration Regulations 1994, in light of Ministerial Direction No. 108.

- It is submitted that the decision did not properly apply the statutory framework or adequately consider all relevant evidence. The decision failed to engage with each of the five enumerated factors in Ministerial Direction No. 108 (home country circumstances; circumstances in Australia; value of the course; immigration history; and any other relevant matters).

- Case law confirms that decision-makers must consider all relevant evidence and provide clear reasoning (Dhillon v Minister for Immigration and Border Protection [2016] FCA 1312; Singh v Minister for Home Affairs [2019] FCAFC 33).

2. Applicant’s Circumstances in Home Country (Home Country Ties and Obligations)

- Sonjoy Dey has substantial and ongoing family, financial, and property ties in Bangladesh:

- Family ties: Parents and siblings rely on him emotionally and financially; there are expectations of return on completion of studies.

- Economic ties: Ownership of property and investments requiring ongoing management in Dhaka.

- Community ties and local obligations: Active involvement in family business and local community commitments.

- These factors demonstrate a well-established incentive to return to Bangladesh after the prescribed period of study.

- The Tribunal should equally weigh the strength and persistence of these ties against any perceived risk of non-return.

3. Circumstances in Australia (Course Choice, Arrangements, and Support)

- Course: Master of Data Science at the University of Melbourne.

- Rationale for course selection:

- Aligns with Sonjoy Dey’s prior academic qualifications (Bachelor of Computer Science) and builds on his competencies in data analytics.

- The course offers advanced quantitative and analytical training relevant to Bangladesh’s growing tech sector, with clear applicability to future employment opportunities in Dhaka.

- Arrangements in Australia:

- Accommodation has been arranged.

- Academic support and mentorship are available to support successful completion of the program.

- Value of the course: The program is a credible and substantial step in advancing his education and career goals, with clear relevance to his long-term plans in Bangladesh.

4. Immigration History

- [Not provided in the application. Please provide details of any prior Australian visas, entries, refusals, or withdrawals, including any travel to Australia or other countries with long-term implications. If none, state explicitly “No prior Australian visa applications or entries.” Attach any supporting documentation as available.]

5. Financial Capacity

- The applicant’s ability to fund tuition and living costs for the duration of the course is supported by a combination of:

- Personal savings and family support.

- Confirmed financial backing from family (including a formal letter of financial support).

- Any additional scholarships, grants, or other funding arrangements (attach evidence).

- Attachments to demonstrate financial capacity:

- Bank statements for the last [N] months.

- A formal Affidavit/Letter of Financial Support from family members in Bangladesh.

- Documentation of course tuition and living costs, and any tuition payment schedules or CoE (Confirmation of Enrolment) from the University of Melbourne.

- These funds are intended solely for the purposes of study and living costs and are sufficient to ensure the applicant’s financial independence while in Australia for the duration of the course.

6. Family and Professional Ties to Home Country

- The applicant has guaranteed employment at TechSolutions Ltd. in Dhaka on completion of studies, which provides a credible, realistic pathway to employment in Bangladesh.

- The applicant’s family-owned land and business interests reinforce the need to return to Bangladesh after the course.

- These ties, viewed in combination with the course value and the applicant’s stated career plan, support a genuine temporary entrant intention.

7. Other Relevant Matters

- The evidence demonstrates a coherent and credible long-term plan: acquire advanced data science skills in Australia to benefit his employer and contribute to the tech ecosystem in Bangladesh upon return.

- The Department’s assessment did not adequately engage with, or give proper weight to, the above factors, nor did it provide explicit reasoning addressing the evidence presented in support of the GTE. The Tribunal should consider all relevant evidence and provide clear, consistent reasoning as required by Dhillon and Singh.

8. Submissions on the GTE Assessment

- When applied correctly, the GTE assessment supports import of a temporary stay for study purposes, given:

- Clear home country ties and credible pathways for return.

- The study’s direct relevance to future professional opportunities in the applicant’s home country.

- A robust financial plan ensuring self-sufficiency during study without recourse to unauthorized work or public funds.

- The Tribunal is invited to consider the totality of evidence, including circumstantial factors and the coherence of the applicant’s stated goals with observable actions (e.g., securing accommodation, securing financial backing, and establishing a clear plan to return to Bangladesh).

Evidence and Attachments

The following documents accompany this submission and are intended to support the grounds above:

- Copy of the UAE/Academic transcripts (Bachelor of Computer Science) and statement of purpose.

- University of Melbourne CoE (Confirmation of Enrolment) and course outline.

- Evidence of accommodation arrangements in Australia.

- Financial documents:

- Bank statements for the last [N] months.

- Formal letters of financial support from family members.

- Any scholarships, grants, or funding letters.

- Employment offer/guarantee of employment at TechSolutions Ltd. in Dhaka (upon completion of studies) and evidence of the employer’s intent to hire.

- Property and business documents in Bangladesh (property titles, business ownership papers).

- Any prior travel documents or visas (if applicable).

- Passport copy and personal identification documents.

- Any other documents relied upon in the GTE assessment (e.g., language proficiency results, language course certificates).

Conclusion

- The decision to refuse on the basis of an inadequately reasoned GTE assessment does not properly apply the statutory framework or Ministerial Direction No. 108 to the facts. The applicant maintains strong home country ties, credible and well-supported reasons for pursuing study in Australia, and a robust plan to return to Bangladesh upon completion.

- The Tribunal should set aside the Department’s decision and substitute a decision to grant the Student Visa (Subclass 500) on the basis of the materials provided and the grounds set out above.

Declaration of Truth

I, Sarah Williams, declare that the content of this submission is true and correct to the best of my knowledge and belief, and I will rely on the attached evidence in support.

Date: [Insert date]

Signed: [Signature]

Name: Sarah Williams

Authorized Representative

Potential next steps for you

- Fill in missing details: File Number, dates, and the exact list of attachments with page numbers.

- Attach all supporting documents referenced in the submissions (with index).

- If there is immigration history or prior refusals, provide a concise chronology and the applicant’s responses.

- Consider including a concise chronology of events: application, CoE, accommodation, financial support, and return plan.

Notes

- Ensure that the language remains compliant with current AAT practice directions and the Migration Regulations 1994.

- If you have additional evidence or revised information (particularly regarding immigration history and exact financial figures), incorporate it into the attached documents and reference it in the submission.