

MRT Appeal Hearing

This dialogue takes place between a Migration Review Tribunal (MRT) judge and a Japanese person who has lodged an appeal against his student visa application.

Judge: Good afternoon. Let me briefly introduce myself, my name is White and I will be presiding over the matter in question today. Just to run you through, I will briefly summarize progress on the case so far and then listen to what you have to say. I will then close today's session, make the decision in a couple of days and post the letter advising my decision to your lawyer. Right, if you're ready let's start then. (76)

Customer: Good afternoon, thank you member. Yes I am ready. (9)

Judge: Well, your file says that you have arrived in Victoria back in 2006 on a working holiday visa which you have then subsequently renewed. Since May 2012 you live with your brother in Adelaide who owns a sushi shop and your brother has been supporting you financially since your student visa application was rejected in July 2011. You have submitted an appeal with the DIAC Immigration office in August 2011 and therefore you were automatically granted a 1-year permission to remain in the country until the matter is resolved. Now, DIAC has rejected your claim stating 'that since 2006 you have only studied for 9 months in the course that appears to be irrelevant to your profession'. I couldn't agree more but I would first like to hear the story from your end. So tell me why would you like to study in a marketing course now when you are a chef? (152)

Customer: I came to Australia because I wanted to broaden my horizons and improve my English language skills. I spent first few years working on a farm up north which was fun but then I decided I had to do something more meaningful with my life so I came down to Melbourne and enrolled in a 6-month English course. I also worked in a Japanese-style pub in the evenings and I tried to save up the money for my tuition fees as life in Australia is very expensive, the rent, the food...the prices have skyrocketed! Anyways, after studying English I decided to study marketing because I want to work in a high-end restaurant in Japan and that sort of a job requires a chef to have marketing skills. I would like to move into the management after some time as well. (139)

Judge: Yes, all that is fine but I wonder wouldn't a chef normally want to study in

hospitality or hospitality management area? Wouldn't that be exactly the type of a skill you would need as a hotel manager? (37)

Customer: No, I don't think so. I already have a chef license from Japan and I am in contact with my old work mates through emails and Facebook. They tell me that marketing course is the best for me to have when I get back and look for work. (48)

Judge: Interestingly, marketing course you applied for is much shorter and cheaper than hospitality courses I mentioned. I am afraid I agree with the decision from DIAC, it seems illogical for a person to want to keep studying in Australia and to continue applying for 1-year student visa whilst opting for cheap and short courses. I can't see the link between your studies and your future career as well as you do and looking at your age, I can't really see you climbing up the management ladder when you 40. I think you just want to stay in Australia and that you are using the student visa for that purpose. (109)

Customer: No, not at all. I really want to go back to Japan and work in an International restaurant as a chef and I see marketing skills and English language skills as the right type of a skill that would enable me to follow my dreams. (45)

Judge: As I said the link is not as clear to me and I am rather suspicious about the course enrollment date that happens to be 1 day before your student visa application but let's leave that aside for a moment. Tell me why doesn't your brother hire you and sponsor you? Wouldn't he need a chef in a sushi restaurant? And what about your family back in Japan? (68)

Customer: My brother runs the restaurant together with his wife, it is only a small place and they can't afford to hire me or to sponsor me. I have a mother and a father back in Japan, they are both retired. (40)

Judge: Right, I think I have sufficient amount of information from you that will enable me to make a decision on this matter. Lastly, is there anything else that you would like to tell me pertaining to your matter? (38)

Customer: Please let me stay, I am a genuine student and I will go back to Japan after I complete the course. (21)

Judge: OK, then. I will be in touch through your lawyer. (10)

English 490
LOTE 302