



**Australian Government**  
**Department of Immigration and Citizenship**

28 February 2013

Sent by Email

Mr [REDACTED]  
[REDACTED]  
[REDACTED]

Email: [REDACTED]

**In reply please quote:**

Client Name [REDACTED]  
Date of Birth [REDACTED]  
Cancellation [REDACTED]  
File Number [REDACTED]

Dear [REDACTED]

**Notice of Decision Not to Cancel under section s116 (General Power) of the *Migration Act 1958*.**

On 13 December 2012 you were notified of the intention to consider cancellation of your Student (Temporary) (class TU) Higher Education Sector (subclass 573) visa which was granted on 08 July 2010.

You replied in a letter dated 28 December 2012 . Your comments have been taken into account in making this decision.

I have decided that there is a ground(s) for cancellation of your visa under s116(1)(b) breach of condition - 8202 of the *Migration Act (1958)* which states that:

116. (1) Subject to subsections (2) and (3), the Minister may cancel a visa if he or she is satisfied that:

(b) its holder has not complied with a condition of the visa;  
or because

Australian National University (ANU) [00120C] on 14 November 2012 certifies Mr [REDACTED], for course Bachelor of Science (Lab + Non-lab Based), as not achieving satisfactory course progress for section 19 of the *Education Services for Overseas Students Act 2000* and standard 10 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007)*.

However, a decision has been made not to cancel your visa because

**people** our business

Having considered the evidence available to me, I am satisfied that the client has demonstrated that he was affected by exceptional circumstances beyond his control.

Your visa therefore continues to provide you with permission to remain in Australia until 31 October 2013. Please note that if further information comes to notice, cancellation of your visa may be reconsidered.

**Contacting the department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8.30 am and 4.30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.immi.gov.au](http://www.immi.gov.au).

Yours sincerely

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**Attachment(s)**

Decision record

Please note the original of this letter including attachments was sent to:

Global Education and Immigration Centre

RHYS DUNCAN STRANG

Suite 309 / 401 Sussex Street

SYDNEY NSW 2000