



Australian Government
Department of Immigration and Citizenship

**NOTIFICATION OF DECISION TO REVOKE CANCELLATION UNDER
s 137L OF THE MIGRATION ACT 1958**

Ms Grace Yang Shen
Global Education and Immigration
PO Box K595
HAYMARKET NSW 1240

grace@geic.com.au

Reference to: Mr
Client File:
Client ID:
Permission Request ID:

Dear Ms Shen,

On 14 October 2008 you wrote to the Minister seeking revocation of the automatic cancellation under section 137J of the Migration Act 1958 of Mr [redacted]'s student visa, number [redacted]. Your application set out the reasons why you believe Mr [redacted]'s visa should be reinstated. Your comments have been taken into account in making this decision.

Section 137L prescribes the grounds on which the Minister may revoke the automatic cancellation of a visa. In order to have the cancellation revoked, Mr [redacted] must satisfy the Minister of one of the following:

- that he did not in fact breach the relevant visa condition or conditions; or
- that the breach was due to exceptional circumstances beyond his control or
- any other matter prescribed in the regulations.



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Section 137L specifically precludes revocation on the grounds that he was unaware of the effect of the Notice issued to him by his education provider under section 20 of the *Education Services for Overseas Students Act 2000*, and the effect of s 137J of the *Migration Act 1958*.

After considering the issues raised in your application, the Department has decided to revoke Mr [redacted]'s student visa cancellation on the following grounds:

- ☒ Mr [redacted] did not in fact breach the relevant visa condition or conditions
- ☐ the breach was due to exceptional circumstances beyond his control
- ☐ there are other matters prescribed in the regulations

The cancellation of Mr [redacted]'s visa was revoked under s137L on 11 December 2008. As a consequence of the cancellation of Mr [redacted]'s visa being revoked, the visa(s) of his dependant(s) have also been revoked.

Mr [redacted]'s visa therefore continues to provide him and his dependants with permission to remain in Australia until 3 June 2010. This decision does not affect his liability for possible visa cancellation if other grounds for cancellation come to notice.

Yours sincerely,

Position Number
Assistant Manager
NSW Student Compliance
Department of Immigration and Citizenship
Telephone:
Date