



Australian Government
Department of Immigration and Citizenship



NOTIFICATION OF DECISION

The applicant/s listed below have authorised you to receive correspondence on their behalf.

Mr CHEN 

DOB: 

Please see the attached information regarding Notification of Decision to cancel a student visa.

Contacting NSW Student Integrity

If you need to contact us about your application, we prefer that you do this by email. This helps us to continue processing all applications as quickly as we can. We try to respond to all email enquiries within 2 working days. If you do not have access to email or need to contact us urgently, you can send a fax to (02) 8862 6061 or call us on (02) 8862 6551.

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 Contact Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 9 am and 4 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at www.immi.gov.au.

Yours sincerely



Mr James Young
Position Number: 10373
Case Officer
NSW Student Integrity Unit
Department of Immigration and Citizenship
Ph: (02) 8862 6551
Fax: (02) 8862 6061
Email: james.young@immi.gov.au

Date: 16/2/2011



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**RECORD OF DECISION OF WHETHER TO CANCEL UNDER SECTION
116 OF THE MIGRATION ACT 1958**

PART A: PERSONAL AND VISA DETAILS

1. Personal particulars of visa holder

Family Name: CHEN

Given Names: [REDACTED]

Date and Place of Birth: [REDACTED]

Citizenship: TAIWAN

Marital Status: [REDACTED]

Sex: Male

2. Visa details

Date of visa grant: 05/05/2009

Visa class/subclass: TU-572

Visa expiry date: 24/08/2011

Stay period of visa: 24/08/2011

Previous visa cancellations: N/A

*(including any section 20 determination and entry permit termination before 1
September 1994)*



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PART B: CONSIDERATION OF VISA CANCELLATION

(Possible) grounds for cancellation: s116(1)(b) and 116(3) Reg 2.43(2)(b)

Evidence of grounds for cancellation: Because [redacted] Pty Ltd (trading as The Sydney Business & Travel Academy, Sydney English Language Academy) on 19 October 2010 certifies Mr [redacted] CHEN, for course General English (Beginner to Advanced) (2 to 60 weeks), as not achieving satisfactory course attendance.

Date notified of intention to consider cancellation: 10/11/2010

Method of response specified in Notice: In writing

Response received: Yes

PART C: GROUNDS FOR CANCELLATION

Assessment

I am satisfied that there is a ground for cancelling Mr CHEN [redacted]'s visa under section 116 of the Act and in this case under paragraph 116(1)(b).

Paragraph 116(1)(b) of the Act provides that, subject to subsections 116(2) and (3) of the Act, the Minister may cancel a visa if he or she is satisfied that its holder has not complied with a condition of the visa.

Reasons:

This person is the holder of a Student (Temporary) (Class TU) visa. I am satisfied that visa holder has not complied with condition 8202.

PART D: DECISION WHETHER TO CANCEL

Did the visa holder provide reasons why the visa should not be cancelled? Yes



Australian Government

Migration Review Tribunal

DECISION RECORD

APPLICANT:

Mr [REDACTED] Chen

MRT CASE NUMBER:

[REDACTED]

DIAC REFERENCE(S):

TRIBUNAL MEMBER:

Rania Skaros

DATE:

18 November 2011

PLACE OF DECISION:

Sydney

DECISION:

The Tribunal sets aside the decision under review and substitutes a decision not to cancel the applicant's Subclass 572 Vocational Education and Training Sector visa.

