



Australian Government
Department of Immigration and Citizenship

**NOTIFICATION OF DECISION NOT TO CANCEL UNDER SECTION 116 OF
THE MIGRATION ACT 1958**

File Reference: CLF2010/101903
Client ID: 12931085772
Request ID: 630521530

Mr WANG

ENFIELD NSW 2136

Dear Mr WANG,

On 4 August 2010 you were notified of the intention to consider cancellation of your subclass TU-573 visa granted on 1 May 2008. You replied in a letter dated 18 August 2010. Your comments were taken into account in making this decision.

I have decided that there is a ground for cancellation of your visa under section 116(1)(b) 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:
- (a) any circumstances which permitted the grant of the visa no longer exist; or
 - (b) its holder has not complied with a condition of the visa;

because

Australian Professional Education Institute Pty Ltd (APEI) on 29 July 2010 has certified you as not achieving satisfactory course attendance in relation to Diploma of Interpreting and Translating. Paragraph 8202(3)(b) applies to you. Therefore, you have failed to meet the requirements of subclause 8202(3) and have breached condition 8202.

However, a decision has been made not to cancel your visa because I am satisfied that APEI made an error by not providing you 20 working days in which to access an appeals process.

Your visa therefore continues to provide you with permission to remain in Australia until 30 September 2011.

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Please note that if further information comes to notice, cancellation of your visa may be reconsidered.

Yours sincerely

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