

## QUESTION TAKEN ON NOTICE

Parliamentary Inquiry: 05 September

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(IEMP/022) – DLO emails

Asked:

Please provide all information and departmental records – including emails – from the Department Liaison Officer in relation to the Brisbane case as stored under the Archives act

Please provide all information and departmental records – including emails – from the Department Liaison Officer in relation to the Adelaide case as stored under the Archives act

Answer:

Attached is all information and departmental records – including emails – from the Department Liaison Officer in relation to:

- A non-citizen who arrived in Brisbane on 17 June 2015 on an eVisitor visa, valid for three months (the 'Brisbane case') as stored under the *Archives Act 1983*; and
- A non-citizen who arrived in Adelaide on 31 October 2015 on an eVisitor visa, valid for three months (the 'Adelaide case') as stored under the *Archives Act 1983*.

The Department has withheld certain parts of the documents on the basis that their disclosure would involve the unreasonable disclosure of personal information about individual clients or Australian Public Service departmental officers. Section 6 of the *Privacy Act 1988* (Privacy Act) defines personal information as:

'information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) Whether the information or opinion is true or not
- (b) Whether the information or opinion is recorded in a material form or not.'

The elements of 'personal information' are:

- It relates only to a natural person (not, for example, a company)
- It says something about the individual
- It may be in the form of an opinion, it may be true or untrue, and it may form part of a database
- the individual's identity is known or is reasonably ascertainable.

## QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 12 September 2018

HOME AFFAIRS PORTFOLIO

**(IEMP/025) – IEMP/025: Senator Abetz asking the number of ministerial intervention. -**

Asked:

1. The number of ministerial intervention by Senator Chris Evans (include a breakdown of s195A interventions from other intervention powers)
2. The number of ministerial intervention by Brendan O'Connor MP (include a breakdown of s195A interventions from other intervention powers)
3. The number of ministerial intervention by Chris Bowen MP (include a breakdown of s195A interventions from other intervention powers)
4. The number of ministerial intervention by Tony Burke MP (include a breakdown of s195A interventions from other intervention powers)

Answer:

Provision of information to the level requested requires an unreasonable diversion of resources. To assist the Committee, details of ministerial intervention to grant a visa by financial year covering the requested period is provided in the below table:

Period	No. of 195a interventions	No. other interventions (351 & 417)	Total no. of interventions
1 July 07– 30 June 08	80	1,286	1,366
1 July 08– 30 June 09	103	808	911
2 July 09– 30 June 10	70	832	902
2 July 10– 30 June 11	60	691	751
3 July 11– 30 June 12	2,862	912	3,774
3 July 12– 30 June 13	21,430	946	22,376
4 July 13– 30 June 14	12,004	415	12,419
<b>TOTAL</b>	<b>36,609</b>	<b>5,890</b>	<b>42,499</b>

Note

This data does not include s195A/s351/s417 cases where the Minister has declined to intervene.

Author	[REDACTED]
Recipients	Guy BOEKENSTEIN; [REDACTED] DLO; Peter RICHARDS; [REDACTED] Maree BRIDGER (ACBPS); [REDACTED]
Subject	RE: Urgent s.195A submission - [REDACTED] DOB [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 7:14:58 PM

**For-Official-Use-Only**

Thanks all.

The Minister would like to see a submission accompanying the Instrument if at all possible, so he can consider the facts of the case. As the referrals records is not yet complete in the system, further details about the case can be provided by the Airport Manager, [REDACTED] Ph [REDACTED].

It would be appropriate for him to be given the option of granting a sc651 visa with similar validity and conditions to that the client previously held.

The 7.30pm deadline is a little flexible (as I am now told). However, if you could keep me updated on when it will be available this evening, I can manage expectations.

I will be here at the office awaiting the submission, so please give me a call if you have any question.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: (02) [REDACTED]  
M: [REDACTED]

Author	[REDACTED]
Recipients	Guy BOEKENSTEIN; [REDACTED] DLO; Peter RICHARDS; [REDACTED] Maree BRIDGER (ACBPS); [REDACTED]
Subject	RE: Urgent s.195A submission - [REDACTED] DOB [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 7:14:58 PM

**From:** Guy BOEKENSTEIN  
**Sent:** Wednesday, 17 June 2015 7:01 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED] DLO; Peter RICHARDS; [REDACTED] Maree BRIDGER (ACBPS)  
**Subject:** RE: Urgent s.195A submission - [REDACTED] DOB [REDACTED] [DLM=For-Official-Use-Only]

Many thanks. Just wanted to give an early heads up further up the chain if we needed to manage.

Guy

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Wednesday, June 17, 2015 06:59 PM AUS Eastern Standard Time  
**To:** Guy BOEKENSTEIN; [REDACTED]  
**Cc:** [REDACTED] DLO; Peter RICHARDS; [REDACTED]  
[REDACTED]

Author	[REDACTED]
Recipients	Guy BOEKENSTEIN; [REDACTED] DLO; Peter RICHARDS; [REDACTED] Maree BRIDGER (ACBPS); [REDACTED]
Subject	RE: Urgent s.195A submission - [REDACTED] DOB [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 7:14:58 PM

**From:** [REDACTED]  
**Sent:** Wednesday, June 17, 2015 06:59 PM AUS Eastern Standard Time  
**To:** Guy BOEKENSTEIN; [REDACTED]  
**Cc:** [REDACTED] DLO; Peter RICHARDS; [REDACTED]  
**Subject:** RE: Urgent s.195A submission - [REDACTED] DOB [REDACTED] [DLM=For-Official-Use-Only]

**For-Official-Use-Only**

Guy

We will aim to have a brief submission drafted by 7.30pm. I have discussed with [REDACTED] the alternative of providing the Instrument for grant of the visa, which is the legal requirement and can be drafted very quickly. [REDACTED] was going to advise on that option.

Thanks

[REDACTED]

---

[REDACTED] Director | Complex Case Resolution Section |

Author	[REDACTED]
Recipients	Guy BOEKENSTEIN; [REDACTED] DLO; Peter RICHARDS; [REDACTED] Maree BRIDGER (ACBPS); [REDACTED]
Subject	RE: Urgent s.195A submission - [REDACTED] DOB [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 7:14:58 PM

**For-Official-Use-Only**

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**From:** Guy BOEKENSTEIN  
**Sent:** Wednesday, 17 June 2015 6:48 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED] DLO; Peter RICHARDS  
**Subject:** RE: Urgent s.195A submission - [REDACTED] DOB [REDACTED] [DLM=For-Official-Use-Only]

[REDACTED] thanks,

[REDACTED] please advise if you can not meet this deadline,

Regards  
Guy

Sent with Good ([www.good.com](http://www.good.com))

Author	[REDACTED]
Recipients	Guy BOEKENSTEIN; [REDACTED] DLO; Peter RICHARDS; [REDACTED] Maree BRIDGER (ACBPS); [REDACTED]
Subject	RE: Urgent s.195A submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 7:14:58 PM

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Wednesday, June 17, 2015 06:33 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Cc:** [REDACTED] Guy BOEKENSTEIN; DLO; Peter RICHARDS  
**Subject:** Urgent s.195A submission - [REDACTED] DOB [REDACTED] [DLM=For-Official-Use-Only]

**For-Official-Use-Only**

[REDACTED]

The Minister has indicated that he'd like to consider a submission to intervene and grant a visa under s.195A to [REDACTED] DOB [REDACTED] is currently in detention in Brisbane, after [REDACTED] subclass 651 visa was cancelled under s.116 in immigration clearance this morning at Brisbane airport.

The ICSE client ID is [REDACTED]

This is urgent. The Minister requires this submission tonight (preferably in the next hour as he has an appointment at 7.30pm). If he agrees, then someone also needs to be available to grant the visa this evening.

Author	[REDACTED]
Recipients	Guy BOEKENSTEIN; [REDACTED] DLO; Peter RICHARDS; [REDACTED] Maree BRIDGER (ACBPS); [REDACTED]
Subject	RE: Urgent s.195A submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 7:14:58 PM

THE ICSE client ID IS [REDACTED]

This is urgent. The Minister requires this submission tonight (preferably in the next hour as he has an appointment at 7.30pm). If he agrees, then someone also needs to be available to grant the visa this evening.

I'm liaising with Brisbane now to ensure that this client is not removed this evening as planned.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: (02) [REDACTED]  
M: [REDACTED]  
E: [REDACTED]@immi.gov.au

**For-Official-Use-Only**

Author	[REDACTED]
Recipients	[REDACTED]
Subject	RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 11:43:24 PM

System reflects grant

Regards

[REDACTED]  
Manager QLD Airports  
Department of Immigration and Border Protection  
Level 2, Brisbane International Airport, Airport Drive, Brisbane Airport, QLD 4008  
P: 07 [REDACTED] | M: [REDACTED] | E: [REDACTED]@immi.gov.au |

Sent with Good (www.good.com)

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Wednesday, June 17, 2015 09:26 PM AUS Eastern Standard Time  
**To:** [REDACTED]

Author	[REDACTED]
Recipients	[REDACTED]
Subject	RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 11:43:24 PM

**From:** [REDACTED]  
**Sent:** Wednesday, June 17, 2015 09:26 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Subject:** FW: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]

The grant of the visa also needs to be reflected in the system. Not sure how this is done

Sent with Good (www.good.com)

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Wednesday, June 17, 2015 09:13 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

Author	[REDACTED]
Recipients	[REDACTED]
Subject	RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 11:43:24 PM

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, June 17, 2015 09:13 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]

**For-Official-Use-Only**

[REDACTED]

For information. See attached.

Thanks for your help this evening.

[REDACTED]

Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: (02) [REDACTED]  
M: [REDACTED]  
E: [REDACTED]@immi.gov.au

Author	[REDACTED]
Recipients	[REDACTED]
Subject	RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 11:43:24 PM

**For-Official-Use-Only**

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**From:** [REDACTED]  
**Sent:** Wednesday, 17 June 2015 9:13 PM  
**To:** [REDACTED]  
**Cc:** DLO; [REDACTED] Peter RICHARDS; [REDACTED] Krupa KUKOC; Guy BOEKENSTEIN  
**Subject:** RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]

**For-Official-Use-Only**

[REDACTED]

The Minister has signed submission MS15-016866 and has agreed to intervene under section 195A of the Migration Act 1958 in relation to [REDACTED] to grant a subclass 600 visa.

Scanned copies of signed paper work is attached. Hard copies will be returned to the Department tomorrow.

Grateful if you can confirm when a visa has been granted.

Author	[REDACTED]
Recipients	[REDACTED]
Subject	RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 11:43:24 PM

The Minister has signed submission MS15-[REDACTED] and has agreed to intervene under section 195A of the Migration Act 1958 in relation to [REDACTED] to grant a subclass 600 visa.

Scanned copies of signed paper work is attached. Hard copies will be returned to the Department tomorrow.

Grateful if you can confirm when a visa has been granted.

We also need to ensure that [REDACTED] is not held in detention overnight. I will call you to ensure that is in train.

Thanks again for your efforts on this.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite [REDACTED] Parliament House, Canberra

T: (02) [REDACTED]  
[REDACTED]

Author	[REDACTED]
Recipients	[REDACTED]
Subject	RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 11:43:24 PM

**For-Official-Use-Only**

Hi [REDACTED]

Please find attached the submission for [REDACTED] cleared by A/g Assistant Secretary [REDACTED]. Also attached are the decision documents (attachment A) and cancellation decision record (attachment B).

Thanks.

Regards, [REDACTED]

[REDACTED]  
Assistant Director  
Complex Case Resolution Section  
Caseload Assurance Branch  
Community Protection Division  
Department of Immigration and Border Protection  
Telephone: [REDACTED]  
Email: [REDACTED]@immi.gov.au



Author [REDACTED]  
Recipients [REDACTED]  
Subject RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]  
Date Wednesday, 17 June 2015 11:51:07 PM

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Wednesday, June 17, 2015 09:13 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]

**For-Official-Use-Only**

[REDACTED]

For information. See attached.

Thanks for your help this evening.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: (02) [REDACTED]  
M: [REDACTED]

Author [REDACTED]  
Recipients [REDACTED]  
Subject RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]  
Date Wednesday, 17 June 2015 11:51:07 PM

E: [REDACTED]@immi.gov.au

**For-Official-Use-Only**

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**From:** [REDACTED]  
**Sent:** Wednesday, 17 June 2015 9:13 PM  
**To:** [REDACTED]  
**Cc:** DLO; [REDACTED]; Peter RICHARDS; [REDACTED] Kruno KUKOC; Guy BOEKENSTEIN  
**Subject:** RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]

**For-Official-Use-Only**

[REDACTED]

The Minister has signed submission MS15-[REDACTED] and has agreed to intervene under section 195A of the Migration Act 1958 in relation to [REDACTED] to grant a subclass 600 visa.

Scanned copies of signed paper work is attached. Hard copies will be returned to the Department tomorrow

Author	[REDACTED]
Recipients	[REDACTED]
Subject	RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 11:51:07 PM

**For-Official-Use-Only**

[REDACTED]

The Minister has signed submission MS15-[REDACTED] and has agreed to intervene under section 195A of the Migration Act 1958 in relation to [REDACTED] to grant a subclass 600 visa.

Scanned copies of signed paper work is attached. Hard copies will be returned to the Department tomorrow.

Grateful if you can confirm when a visa has been granted.

We also need to ensure that [REDACTED] is not held in detention overnight. I will call you to ensure that is in train.

Thanks again for your efforts on this.

Kind regards

[REDACTED]

Author	[REDACTED]
Recipients	[REDACTED]
Subject	RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 11:51:07 PM

**For-Official-Use-Only**

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**From:** [REDACTED]  
**Sent:** Wednesday, 17 June 2015 8:31 PM  
**To:** [REDACTED]  
**Cc:** DLO [REDACTED] Peter RICHARDS: [REDACTED] Kruno KUKOC  
**Subject:** Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]  
**Importance:** High

**For-Official-Use-Only**

Hi [REDACTED]

Please find attached the submission for [REDACTED] cleared by A/g Assistant Secretary [REDACTED]. Also attached are the decision documents (attachment A) and cancellation decision record (attachment B).

Thanks.

Regards, [REDACTED]

[REDACTED]  
Assistant Director

Author	[REDACTED]
Recipients	[REDACTED]
Subject	RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]
Date	Wednesday, 17 June 2015 11:51:07 PM

[REDACTED]

Please find attached the submission for [REDACTED] cleared by A/g Assistant Secretary [REDACTED].  
Also attached are the decision documents (attachment A) and cancellation decision record (attachment B).

Thanks.

Regards, [REDACTED]

[REDACTED]

Assistant Director  
Complex Case Resolution Section  
Caseload Assurance Branch  
Community Protection Division  
Department of Immigration and Border Protection  
Telephone: [REDACTED]  
Email: [REDACTED]@immi.gov.au

For-Official-Use-Only



To Minister for Immigration and Border Protection

Subject Ministerial intervention under section 195A of the *Migration Act 1958* in relation to [REDACTED]

Timing

Recommendation

That you:

1. agree to intervene under section 195A of the *Migration Act 1958* to grant [REDACTED] a Tourist visa (subclass 600);

intervene / decline to  
intervene

- if agreed, please sign the decision documentations at Attachment A.

Minister for Immigration and Border Protection

Signature 

Date: 17/06/2015

**Sensitive: Personal**

Minister's Comments				
<b>Rejected</b> Yes/No	<b>Timely</b> Yes/No	<b>Relevance</b> <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	<b>Length</b> <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	<b>Quality</b> Poor 1.....2.....3.....4.....5 Excellent <b>Comments:</b>

**Key Issues**

1. [REDACTED], arrived in Australia at [REDACTED] on [REDACTED], as the holder of an eVisitor visa (subclass [REDACTED]) valid for a stay period three months. [REDACTED]'s visa allowed multiple entries, up until 9 December 2015. [REDACTED] has not travelled to Australia before.
2. Upon arrival, an Airport Inspector found [REDACTED] did not intend to stay in Australia temporarily for tourism purposes, which were the grounds for the grant of [REDACTED] eVisitor visa. As such, [REDACTED]'s visa was cancelled under section 116(1)(g) of the *Migration Act 1953* (the Act). A copy of the cancellation decision record is at **Attachment B**. It is noted that [REDACTED] has disputed the findings.
3. Following the cancellation of [REDACTED] visa, [REDACTED] was refused immigration clearance and detained under section 189 of the Act. As a person refused immigration clearance, the Department cannot grant [REDACTED] a further visa onshore.
4. Your office has requested that [REDACTED]'s case be referred to you for consideration under section 195A of the Act.

**Option for future management**

5. Your non-compellable power under section 195A is enlivened in [REDACTED]'s case as [REDACTED] is in immigration detention.

Ministerial intervention under section 195A

6. If you are inclined to intervene in [REDACTED]'s case under section 195A of the Act, the Department considers the grant of a Tourist visa (subclass 600), with the same conditions as the eVisitor visa [REDACTED] held as the appropriate option. The Tourist visa would be granted with an 'enter before date' of 9 December 2015 and would allow [REDACTED] to remain in Australia for a period of three months at a time.

## Sensitive: Personal

7. The Department also recommends placing the same conditions on the Tourist visa, as were attached to [REDACTED] eVisitor visa (conditions 8115, 8201, 8527 and 8528).

8. If you agree to intervene, please sign the decision documentation at Attachment A.

### Decline to intervene

9. Should you not agree to intervene in [REDACTED]'s case, [REDACTED] is liable to be removed from Australia.

### Consultation – internal/external

10. Your office, [REDACTED]

### Consultation – Secretary/CEO

11. This submission has not been cleared by the Department's Secretary, Deputy Secretaries or the CEO of the Australian Customs and Border Protection Service.

### Client service implications

12. There are minimal client service implications.

### Sensitivities

13. N/A

### Financial/systems/legislation/deregulation implications

14. N/A

### Attachments

Attachment A Section 195A decision documentation

Attachment B Cancellation decision record

#### Authorising Officer

Cleared by:



Suzanne Muir  
A/g Assistant Secretary  
Caseload Assurance Branch

Date: 17/06/2015

Ph: [REDACTED]

Contact Officer [REDACTED], Director, Complex Case Resolution Section, Ph: [REDACTED].

CC Acting Deputy Secretary, Kruno Kukoc  
FAS, CPD  
Manager, Qld Airports

**EXERCISE OF MINISTERIAL DISCRETION  
UNDER SECTION 195A OF THE *MIGRATION ACT 1958***

**- STATEMENT TO PARLIAMENT -**

Exercising my powers under section 195A of the *Migration Act 1958* (the Act), I have decided to grant a visa under this section.

1. This person is detained under section 189 of the Act as an unlawful non-citizen.
2. Having regard to this person's particular circumstances and personal characteristics, I have decided to exercise my discretionary powers under section 195A of the Act as it would be in the public interest to grant this person a visa.
3. In the circumstances, I have decided that as a discretionary and humanitarian act to an individual with ongoing needs, it is in the interests of Australia as a humane and generous society to grant this person a Tourist visa (subclass 600).



**HON PETER DUTTON MP**  
Minister for Immigration and Border Protection

17/6/2015

**EXERCISE OF MINISTERIAL DISCRETION  
UNDER SECTION 195A OF THE *MIGRATION ACT 1958***

- DECISION INSTRUMENT -

Name: [REDACTED]  
Date of birth: [REDACTED]  
Client ID: [REDACTED]

1. The above person is in immigration detention under section 189 of the *Migration Act 1958* (the Act) and I have considered their case under section 195A of the Act.
2. I have determined that it is in the public interest to grant this person a Tourist visa (subclass 600).
3. I therefore exercise my power under section 195A of the Act to grant a Tourist visa (subclass 600) in favour of this person.



**HON PETER DUTTON MP**  
Minister for Immigration and Border Protection

17/6/2015





Australian Government  
Department of Immigration  
and Border Protection

**Notice of intention to consider cancellation**  
under section 116 of the *Migration Act 1958*  
(For use in immigration clearance)

Form  
**1111**

All parts to be completed by an officer of the department.  
Please use a pen, and write neatly in English using BLOCK LETTERS.  
Tick where applicable

**Office use only**  
ICSE Client ID

**Part A – Notice of intention to consider cancelling a visa**

**1** Full name  
Family name   
Given names

**2** Sex Male  Female  Indeterminate /   
Intersex / Unspecified

**3** Date of birth Day Month Year

**4** Nationality

**5** Country of birth

**6** Relationship status  
Married  Separated  Never married or   
Engaged  Divorced  been in a de facto relationship  
De facto  Widowed  Not specified

**7** Details of previous visa cancellations

**8** Possible grounds for cancellation  
(include disclosable adverse information given by third parties)  
It has come to my attention, as a delegate of the Minister for Immigration and Border Protection, that there appear to be grounds for cancellation of your  
subclass  visa granted on

under section 116 of the *Migration Act 1958* because:

Upon arrival at  you claimed that you are coming to Australia to stay with a . You expect to be here for 10 weeks:  
You stated that you will not be   
-You stated that you and the  have discussed the terms of your stay and that in

-A search of your mobile phone revealed the following message:  
From  on : "I don't know if you are keen or not to earn some extra cash while you are here occasionally baby sitting for friends?? Can put the word out for you if you are and a few friends would use you occasionally?? Locally?? Bit of cash to fund fun.  
You: "Perfect! ...and for baby sitting... Sure! Extra money for fun is always welcome!"  
--A search of your mobile phone revealed the following message:  
To:  on   
"(Hello  Thanks a lot! I'm very well and preparing myself to depart at the end of  to Australia, How are you?"  
From : "(How Wonderful! As an Au Pair or for the University? Good Luck! It will be a beautiful experience. I'm very good and continue with my architecture)"  
To : "(As an Au Pair)"

Based on the above information, it appears to me that despite the grant of the visa, you did not have, at the time of the grant of the visa, or you ceased to have, an intention only to stay in, or visit, Australia temporarily for the tourism purposes for which the visa was granted. If this is the case, then your visa is liable for consideration of cancellation.

## Cancellation of visa under section 116 of the Migration Act

### s 116

- (1) Subject to subsections (2) and (3), the Minister may cancel a visa if he or she is satisfied that:
- (a) the decision to grant the visa was based, wholly or partly, on a particular fact or circumstance that is no longer the case or that no longer exists; or
  - (aa) the decision to grant the visa was based, wholly or partly, on the existence of a particular fact or circumstance, and that fact or circumstance did not exist; or
  - (b) its holder has not complied with a condition of the visa; or
  - (c) another person required to comply with a condition of the visa has not complied with that condition; or
  - (d) if its holder has not entered Australia or has so entered but has not been immigration cleared – it would be liable to be cancelled under Subdivision C (incorrect information given by holder) if its holder had so entered and been immigration cleared:
    - s 101 – incorrect information on the application form
    - s 102 – incorrect information on the passenger card
    - s 103 – a bogus document given
    - s 104 – failure to notify the department of changes in circumstances
    - s 105 – particulars of incorrect answers to be given
  - (e) the presence of its holder in Australia is or may be, or would or might be, a risk to:
    - (i) the health, safety or good order of the Australian community or a segment of the Australian community; or
    - (ii) the health or safety of an individual or individuals; or
  - (f) the visa should not have been granted because the application for it, or its grant was in contravention of this Act or of another law of the Commonwealth; or
  - (fa) in the case of a student visa:
    - (i) its holder is not, or is likely not to be, a genuine student; or
    - (ii) its holder has engaged, is engaging, or is likely to engage, while in Australia, in conduct (including omissions) not contemplated by the visa; or
  - (g) a prescribed ground for cancelling a visa applies to the holder.
- (1AA) Subject to subsections (2) and (3), the Minister may cancel a visa if he or she is not satisfied as to the visa holder's identity.
- (1AB) Subject to subsections (2) and (3), the Minister may cancel a visa (the current visa) if he or she is satisfied that:
- (a) incorrect information was given, by or on behalf of the person who holds the current visa, to:
    - (i) an officer; or
    - (ii) an authorised system; or
    - (iii) the Minister; or
    - (iv) any other person, or a tribunal, performing a function or purpose under this Act; or
    - (v) any other person or body performing a function or purpose in an administrative process that occurred or occurs in relation to this Act; and
  - (b) the incorrect information was taken into account in, or in connection with, making:
    - (i) a decision that enabled the person to make a valid application for a visa; or
    - (ii) a decision to grant a visa to the person; and
  - (c) the giving of the incorrect information is not covered by Subdivision C. This subsection applies whenever the incorrect information was given and whether the visa referred to in subparagraph (b)(i) or (ii) is the current visa or a previous visa that the person held.
- (1A) The regulations may prescribe matters to which the Minister may have regard in determining whether he or she is satisfied as mentioned in paragraph (1)(fa). Such regulations do not limit the matters to which the Minister may have regard for that purpose.
- (2) The Minister is not to cancel a visa under subsection (1), (1AA) or (1AB) if there exist prescribed circumstances in which a visa is not to be cancelled.
- (3) If the Minister may cancel a visa under subsection (1), (1AA) or (1AB), the Minister must do so if there exist prescribed circumstances in which a visa must be cancelled.

### Reg 2.43

- (1) For the purposes of paragraph 116(1)(g) of the Act (which deals with circumstances in which the Minister may cancel a visa), the grounds prescribed are:
- (a) that the Foreign Minister has personally determined that:

- (i) in the case of a visa other than a relevant visa – the holder of the visa is a person whose presence in Australia:
    - (A) is, or would be, contrary to Australia's foreign policy interests; or
    - (B) may be directly or indirectly associated with the proliferation of weapons of mass destruction; or
  - (ii) in the case of a relevant visa – the holder of the visa is a person whose presence in Australia may be directly or indirectly associated with the proliferation of weapons of mass destruction;
- (b) that the holder of the visa has been assessed by the Australian Security Intelligence Organisation to be directly or indirectly a risk to security, within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*;
- (c) [omitted by SR 2000, 62 with effect from 1/07/2000 – LEGEND note] in the case of a bridging visa held by a person who applied for a substantive visa – that the application for the substantive visa has been determined to be invalid;
- (c) in the case of a visa granted before 1 September 1994 that:
  - (i) was continued in force on and after 1 September 1994 as a Transitional (Temporary) visa under the Migration Reform (Transitional Provisions) Regulations; and
  - (ii) allowed multiple entries to Australia;that, at some time before 1 September 1994, the holder exceeded the period of stay in Australia permitted by the visa;
- (e) in the case of:
  - (i) the holder of an Electronic Travel Authority (Class UD) visa who is under 18; or
  - (ii) [omitted]
  - (iii) the holder of a Tourist (Class TR) visa, that was applied for using form 601E, who is under 18; or
  - (iv) the holder of a Visitor (Class TV) visa who is under 18; or
  - (iva) the holder of a Subclass 600 (Visitor) visa in the Tourist stream, that was applied for using form 1419 (Internet), who is under 18; that either:
    - (v) both of the following apply:
      - (A) the law of the visa holder's home country did not permit the removal of the visa holder;
      - (B) at least 1 of the persons who could lawfully determine where the additional applicant is to live did not consent to the grant of the visa; or
    - (vi) the grant of the visa was inconsistent with any Australian child order in force in relation to the visa holder;- (ea) in the case of a Subclass 601 (Electronic Travel Authority) visa – that, despite the grant of the visa, the Minister is satisfied that the visa holder:
  - (i) did not have, at the time of the grant of the visa, an intention only to stay in, or visit, Australia temporarily for the tourism or business purposes for which the visa was granted; or
  - (ii) has ceased to have that intention;
- (f) in the case of:
  - (i) the holder of an Electronic Travel Authority (Class UD) visa who is under 18 and is not accompanied by his or her parent or guardian; or
  - (iii) the holder of a Tourist (Class TR) visa, that was applied for using form 601E, who:
    - (A) is under 18; and
    - (B) is not accompanied by his or her parent or guardian; or
  - (iv) the holder of a Visitor (Class TV) visa who is under 18 and is not accompanied by his or her parent or guardian; or
  - (v) the holder of a Subclass 600 (Visitor) visa in the Tourist stream, that was applied for using form 1419 (Internet), who is under 18 and is not accompanied by his or her parent or guardian;that the holder of that visa does not have adequate funds, or adequate arrangements have not been made, for the holder's maintenance, support and general welfare during the holder's proposed visit in Australia;
- (g) in the case of a temporary visa held by a person other than a visa holder mentioned in paragraph (h) – that the visa holder asks the Minister, in writing, to cancel the visa;
- (h) in the case of a temporary visa held by a person who is under the age of 18 years and is not a spouse, a former spouse or engaged to be married – that:
  - (i) a person who is at least 18 years of age, and who can lawfully determine where the visa holder is to live, asks the Minister, in writing, to cancel the visa; and
  - (ii) the Minister is satisfied that there is no compelling reason to believe that the cancellation of the visa would not be in the best interests of the visa holder;

Continued on reverse of page 2 ►

Part A – Notice of intention to consider cancelling a visa (continued)

Based on the information above, there appear to be grounds for cancelling your visa under:

- s116(1)(a)
- s116(1)(aa)
- s116(1)(b) because it appears that you have breached condition
- (Refer to reverse of pages 4, 5, 6 and 7 for details of condition)
- s116(1)(c)
- s116(1)(d) because a ground appears to exist at
- (Enter relevant ground here – s101, s102, s103, s104 or s105)
- s116(1)(e)
- s116(1)(f)
- s116(1)(fa) (i)  (ii)
- s116(1)(g) because a ground appears to exist at Reg 2.43(1)
- other

Please refer to reverse of pages 1, 2 and 3 for reference to the relevant legislation.

Where the Minister can cancel a visa under subsection 116(1) of the Act, the Minister must do so if there exist prescribed circumstances in which the visa must be cancelled (see subsection 116(3) of the Act and the 'prescribed circumstances' in subregulation 2.43(2) of the Migration Regulations 1994) – refer to reverse of page 3.

9 Opportunity to comment

The Migration Act 1958 gives you the opportunity to comment on the intention to consider cancellation of your visa and to give reasons why your visa should not be cancelled. Your comments could include:

- why grounds for cancellation do not exist; or
- why your visa should not be cancelled.

You are invited to provide your comments at interview.

Interview will be held on

Beginning at

At the following location

If you choose not to comment, the delegate may make his/her decision based on the information available to them.

If your visa is cancelled you may be refused immigration clearance. You may also be detained and removed from Australia as an unlawful non-citizen under s189 of the Migration Act 1958. The visas of any dependants may also be cancelled.

If your visa is cancelled, you may become subject to an exclusion period. If you are subject to an exclusion period as a result of a visa cancellation, you may be prevented from being granted various types of visas for a period of up to 3 years. You may also be prevented from making a valid application for certain classes of visa while in Australia.

If a decision is made not to cancel your visa you will be immigration cleared and allowed to enter Australia.

Except in the case of consideration of cancellation of a visa under Reg 2.43(2), factors the delegate may take into consideration in making a decision whether to cancel your visa include (but are not limited to) the following:

- the purpose of your travel to Australia;

- extent of compliance with the conditions of your visa;
- the degree of hardship which may be caused to you or your family (Note: As per the Convention on the Rights of the Child, the best interests of any child in Australia under 18 years of age will be considered);
- the circumstances in which the ground for cancellation arose;
- your behaviour in relation to the department, now and on any previous occasion.

10 Disclosure of information

Note: The Privacy Act protects information you give in this interview. For more information, see the reverse of page 3.

11 Delegate's details

Signature of officer

Name

Position number

Date

Time

12 Visa holder's signature to acknowledge that this notice has been received

Refusal to acknowledge receipt of this notice will not prevent the delegate from making a decision on whether to cancel your visa.

Signature of visa holder

Date

13 Interpreter details

Signature of interpreter

Date

TIS number

*Cancellation of visa under section 116 of  
the Migration Act (continued)*

- (i) in the case of the holder of:
- (i) a Subclass 456 (Business (Short Stay)) visa; or
  - (ia) a Subclass 459 (Sponsored Business Visitor (Short Stay)) visa; or
  - (ib) a Subclass 600 (Visitor) visa in the Business Visitor stream; or
  - (ii) a Subclass 956 (Electronic Travel Authority (Business Entrant – Long Validity)) visa; or
  - (iii) a Subclass 977 (Electronic Travel Authority (Business Entrant – Short Validity)) visa –
- that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to stay in, or visit, Australia temporarily for business purposes;
- (ia) in the case of a holder of:
- (i) a Subclass 400 (Temporary Work (Short Stay Activity)) visa; or
  - (ia) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
  - (ib) a Subclass 402 (Training and Research) visa; or
  - (ic) a Subclass 403 (Temporary Work (International Relations)) visa; or
  - (id) a Subclass 411 (Exchange) visa; or
  - (ii) a Subclass 415 (Foreign Government Agency) visa; or
  - (iii) a Subclass 416 (Special Programme) visa; or
  - (iv) a Subclass 419 (Visiting Academic) visa; or
  - (v) a Subclass 420 (Entertainment) visa; or
  - (vi) a Subclass 421 (Sport) visa; or
  - (vii) a Subclass 423 (Media and Film Staff) visa; or
  - (viii) a Subclass 427 (Domestic Worker (Temporary) – Executive) visa; or
  - (ix) a Subclass 428 (Religious Worker) visa; or
  - (x) a Subclass 442 (Occupational Trainee) visa; or
  - (xi) a Subclass 488 (Superyacht Crew) visa;
- that the grounds in subregulation (1A) are met; or
- (i) in the case of the holder of:
- (i) a Subclass 600 (Visitor) visa that is not in the Business Visitor stream; or
  - (ii) a Subclass 676 (Tourist) visa; or
  - (iii) a Subclass 679 (Sponsored Family Visitor) visa;
- that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to visit, or remain in, Australia as a visitor temporarily for the purpose of visiting an Australian citizen, or Australian permanent resident, who is a parent, spouse, de facto partner, child, brother or sister of the visa holder or for another purpose, other than a purpose related to business or medical treatment;
- (k) in the case of the holder of a Subclass 976 (Electronic Travel Authority (Visitor)) visa – that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to visit Australia temporarily for tourism purposes;
- (ka) in the case of a holder of a Subclass 651 (eVisitor) visa – that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to stay in, or visit, Australia temporarily for the tourism or business purposes for which the visa was granted;
- (kb) in the case of the holder of Subclass 457 (Business (Long Stay)) visa that was granted on the basis that the applicant met the requirements of subregulation 457.223(4) – that, despite the grant of the visa, the Minister is satisfied that:
- (i) the holder did not have a genuine intention to perform the occupation mentioned in paragraph 457.223(4)(d) at the time of grant of the visa; or
  - (ii) the holder has ceased to have a genuine intention to perform that occupation; or
  - (iii) the position associated with the nominated occupation is not genuine;
- (l) in the case of the holder of a Subclass 457 (Business (Long Stay)) visa who is a primary sponsored person in relation to a person who is, or was, a standard business sponsor or party to a labour agreement (the *sponsor*) – that:
- (i) the sponsor has not complied, or is not complying, with the undertaking given by the business sponsor in accordance with approved form 1067, 1196 or 1196 (Internet); or
  - (ii) the sponsor has given false or misleading information to Immigration or the Migration Review Tribunal; or
  - (iii) the sponsor has failed to satisfy a sponsorship obligation; or
- (iv) the sponsor has been cancelled or barred under section 140M of the Act; or
  - (v) the labour agreement has been terminated, has been suspended or has ceased;
- (la) in the case of the holder of a Subclass 457 (Business (Long Stay)) visa who was granted the visa on the basis of a nomination of an activity under regulation 1.20GA as in force immediately before 14 September 2009 – that the holder is living or working within an area specified by the Minister in an instrument in writing for this paragraph;
- (lb) *omitted by SLI 2007, 272 with effect from 10/09/2007 – (lb) inserted by SLI 2008, 189 with effect from 27/10/2008 – (lb) omitted by SLI 2009, 203 (which amended SLI 2009, 115) with effect from 14/09/2009 – LEGEND note*
- (lc) in the case of a holder of:
- (i) a Subclass 411 (Exchange) visa; or
  - (ii) a Subclass 415 (Foreign Government Agency) visa; or
  - (iii) a Subclass 416 (Special Programme) visa; or
  - (iv) a Subclass 419 (Visiting Academic) visa; or
  - (v) a Subclass 420 (Entertainment) visa; or
  - (vi) a Subclass 421 (Sport) visa; or
  - (vii) a Subclass 423 (Media and Film Staff) visa; or
  - (viii) a Subclass 427 (Domestic Worker (Temporary) – Executive) visa; or
  - (ix) a Subclass 428 (Religious Worker) visa; or
  - (x) a Subclass 442 (Occupational Trainee) visa; or
  - (xi) a Subclass 488 (Superyacht Crew) visa;
- who is a primary sponsored person in relation to a person who is or was an approved sponsor – that 1 of the grounds specified in subregulation (1B) is met;
- (ld) in the case of a holder of:
- (i) a Subclass 411 (Exchange) visa; or
  - (ii) a Subclass 419 (Visiting Academic) visa; or
  - (iii) a Subclass 420 (Entertainment) visa; or
  - (iv) a Subclass 421 (Sport) visa; or
  - (v) a Subclass 423 (Media and Film Staff) visa; or
  - (vi) a Subclass 427 (Domestic Worker (Temporary) – Executive) visa; or
  - (vii) a Subclass 428 (Religious Worker) visa; or
  - (viii) a Subclass 442 (Occupational Trainee) visa; or
  - (ix) a Subclass 457 (Business (Long Stay)) visa;
- who is a secondary sponsored person in relation to a person who is or was an approved sponsor – that the person who is or was an approved sponsor of the primary sponsored person to whom the secondary sponsored person is related has not listed the secondary sponsored person in the latest nomination in which the primary sponsored person is identified;
- (le) in the case of a holder of:
- (i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
  - (ii) a Subclass 427 (Domestic Worker (Temporary) – Executive) visa; or
  - (iii) a Subclass 428 (Religious Worker) visa; or
  - (iv) a Subclass 457 (Temporary Work (Skilled)) visa;
- who is a primary sponsored person or a secondary sponsored person in relation to a person who is or was an approved sponsor – that the person who is or was an approved sponsor has paid the return travel costs of the holder in accordance with the sponsorship obligation mentioned in regulation 2.80 or 2.80A;
- (m) that the Minister reasonably suspects that the holder of the visa has committed an offence under section 232A, 233, 233A, 234 or 236 of the Act;
- (n) that:
- (i) a certificate is in force under paragraph 271(1)(f) of the Act, stating that a computer programme was not functioning correctly; and
  - (ii) both of the following apply:
    - (A) the visa was granted at the time, or during the period, that is specified in the certificate;
    - (B) the grant of the visa is an outcome from the operation of that programme, under an arrangement made under subsection 495A(1) of the Act, that is specified in the certificate;
- (o) that the Minister reasonably suspects that the visa has been obtained as a result of the fraudulent conduct of any person;
- (oa) in the case of the holder of a temporary visa (other than a Subclass 050 (Bridging (General)) visa, a Subclass 051 (Bridging (Protection Visa Applicant)) visa or a Subclass 444 (Special Category) visa) – that the Minister is satisfied that the holder has been convicted of an offence against a law of the Commonwealth, a State or Territory (whether or not the holder held the visa at the time of the conviction and regardless of the penalty imposed (if any));

Continued on reverse of page 3 ►

# Decision

**Office use only**

ICSE Client ID

## Part B – Record of decision whether to cancel visa

1 Full name

Family name

Given names

2 Date of birth

Day	Month	Year

3 Current visa details

subclass

651

visa granted on

Day	Month	Year

4 Visa holder's response

The visa holder received the notice of intention to consider cancelling the visa at: *(Insert time and date from Item 12 Part A)*

Day	Month	Year

The visa holder:

DID NOT RESPOND to the notice of intention to consider cancelling the visa  **Go to Question 6**

RESPONDED to the notice of intention to consider cancelling the visa  **Give details at Question 5 and/or Question 8**

5 Time interview commenced

(This should be a reasonable period after the time at Question 4)

Day	Month	Year
12:04 hrs	17-Jun	2015

Grounds for cancellation

Provide a summary of why the visa holder considers the GROUNDS for cancellation DO or DO NOT exist

**\_\_\_\_\_** disputed that grounds for cancellation exist and stated that her primary reason for travelling to Australia today was to practice English.

## Cancellation of visa under section 116 of the Migration Act (continued)

- (ob) in the case of the holder of a temporary visa (other than a Subclass 050 (Bridging (General)) visa, a Subclass 051 (Bridging (Protection Visa Applicant)) visa or a Subclass 444 (Special Category) visa) – that the Minister is satisfied that the holder is the subject of a notice (however described) issued by Interpol for the purpose of providing a warning or intelligence that:
- (i) the holder has committed an offence against a law of another country and is likely to commit a similar offence; or
  - (ii) the holder is a serious and immediate threat to public safety;
- (f) in the case of the holder of a Subclass 771 (Transit) visa – that, despite the grant of the visa, the Minister reasonably suspects that the holder of the visa:
- (i) did not have, at the time of the grant of the visa, an intention to transit Australia; or
  - (ii) has ceased to have that intention.
- (1A) For paragraph (1)(a), the grounds are that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have at the time of grant of the visa, or has ceased to have, a genuine intention to stay temporarily in Australia to carry out the work or activity in relation to which:
- (a) the visa holder's visa was granted; or
  - (b) if the visa holder is identified in a nomination after the visa is granted – the visa holder was identified in a nomination.
- (1B) For paragraph (1)(c), the grounds are the following:
- (a) the approval of the person as a sponsor has been cancelled, or the approved sponsor has been barred, under section 140M of the Act;
  - (b) if the approved sponsor is a party to a work agreement – the work agreement has been terminated or has ceased;
  - (c) if the primary sponsored person is required to be identified in a nomination – the criteria for approval of the latest nomination in which the primary sponsored person is identified are no longer met;
  - (d) the person who is or was an approved sponsor has failed to satisfy a sponsorship obligation.
- (1C) For subsection 116(1A) of the Act, the Minister may have regard to the following matters in determining whether he or she is satisfied as mentioned in paragraph 116(1)(a) of the Act that participation in a course of study by the holder of a student visa has been deferred or temporarily suspended by the provider of the course of study:
- (a) because of the conduct of the holder;
  - (b) because of the circumstances of the holder, other than compassionate or compelling circumstances;
  - (c) because of compassionate or compelling circumstances of the holder, if the Minister is satisfied that the circumstances have ceased to exist;
  - (d) on the basis of evidence or a document given to the provider about the holder's circumstances, if the Minister is satisfied that the evidence or document is fraudulent or misrepresents the holder's circumstances.
- (2) For subsection 116(3) of the Act, the circumstances in which the Minister must cancel a visa are:
- (a) in the case of a visa other than a relevant visa – each of the circumstances comprising the grounds set out in:
    - (i) sub-paragraphs (1)(a)(i)(A) and (B); and
    - (ii) paragraph (1)(b); and
  - (aa) in the case of a relevant visa – the circumstance comprising the grounds set out in subparagraph (1)(a)(i); and
- (3) In this regulation:
- [BUSINESS SPONSOR omitted by SLI 2009, 202 with effect from 14/09/2009 – LEGEND note]*
- relevant visa** means a visa of any of the following subclasses
- |                    |                   |
|--------------------|-------------------|
| (aa) Subclass 050; | (f) Subclass 447; |
| (a) Subclass 200;  | (g) Subclass 449; |
| (b) Subclass 201;  | (h) Subclass 451; |
| (c) Subclass 202;  | (i) Subclass 785; |
| (d) Subclass 203;  | (j) Subclass 786; |
| (e) Subclass 204;  | (k) Subclass 866. |

### Important information about privacy

The personal information you give in this interview is protected by law, including the *Privacy Act 1988*. Important information about the collection, use and disclosure (to other agencies and third parties, including overseas entities) of your personal information, including sensitive information, can be found below, and is contained in form 1442i *Privacy notice*. Form 1442i is available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/) or offices of the department. You should ensure that you read and understand the *Privacy notice*.

- 5.1 At or before the time or, if that is not practicable, as soon as practicable after, an Australian Privacy Principles (APP) entity collects personal information about an individual, the entity must take such steps (if any) as are reasonable in the circumstances:
- (a) to notify the individual of such matters referred to in subclause 5.2 as are reasonable in the circumstances; or
  - (b) to otherwise ensure that the individual is aware of any such matters.
- 5.2 The matters for the purposes of subclause 5.1 are as follows:
- (a) the identity and contact details of the APP entity;
  - (b) if:
    - (i) the APP entity collects the personal information from someone other than the individual; or
    - (ii) the individual may not be aware that the APP entity has collected the personal information;
 the fact that the entity so collects, or has collected, the information and the circumstances of that collection;
  - (c) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order—the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);
  - (d) the purposes for which the APP entity collects the personal information;
  - (e) the main consequences (if any) for the individual if all or some of the personal information is not collected by the APP entity;
  - (f) any other APP entity, body or person, or the types of any other APP entities, bodies or persons, to which the APP entity usually discloses personal information of the kind collected by the entity;
  - (g) that the APP privacy policy of the APP entity contains information about how the individual may access the personal information about the individual that is held by the entity and seek the correction of such information;
  - (h) that the APP privacy policy of the APP entity contains information about how the individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the entity, and how the entity will deal with such a complaint;
  - (i) whether the APP entity is likely to disclose the personal information to overseas recipients;
  - (j) if the APP entity is likely to disclose the personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

Part B – Record of decision whether to cancel visa (continued)

6 Assessment

I am satisfied that there are:

- GROUNDS
- OR
- NO GROUNDS

for cancellation of the visa holder's visa under:

- s116(1)(a)
- s116(1)(aa)
- s116(1)(b) because I am satisfied that you have breached condition
- (Refer to reverse of pages 4, 5, 6 and 7 for details of condition)
- s116(1)(c)
- s116(1)(d) because I am satisfied a ground exists at
- (Enter relevant ground here – s101, s102, s103, s104 or s105)
- s116(1)(e)
- s116(1)(f)
- s116(1)(fa) (i)  (ii)
- s116(1)(g) because I am satisfied a ground exists at Reg 2.43(1)  (ka)
- other

Please refer to reverse of pages 1, 2 and 3 for reference to the relevant legislation.

Where the Minister can cancel a visa under subsection 116(1) of the Act, the Minister must do so if there exist prescribed circumstances in which the visa must be cancelled (see subsection 116(3) of the Act and the 'prescribed circumstances' in subregulation 2.43(2) of the Migration Regulations 1994) – refer to reverse of page 3.

7 Details of the evidence and findings about whether the delegate is satisfied GROUNDS for cancellation DD or DO NOT EXIST

arrived at  airport on . Through a baggage examination and at interview it became apparent to me that grounds existed to consider cancellation of  subclass  visa under s116(1)(g) and Reg 2.43(1)(ka) as  did not appear to have an intention to stay in Australia temporarily for tourism purposes for which the visa was granted, or had ceased to have that intention.

Evidence supporting this was:

- claimed that the purpose of  stay in Australia was to stay with a  where  would be expected to
- Messages located on  mobile phone indicated that  was willing to earn extra money working as a baby sitter.
- Messages located on  phone indicated that  is travelling to Australia to work as an aupair.

disputed that grounds for cancellation exist and stated that although  would be living with the

primary reason for travelling to Australia to day was to live in a house where  could practice  English 24 hours per day.

On the basis of the above evidence, I am satisfied  did not have, at the time of the grant of the visa, or has ceased to have, an intention only to stay in, or visit, Australia temporarily for the tourism purposes for which the visa was granted.

## Visa conditions

- 8101** The holder must not engage in work in Australia.
- 8102** The holder must not engage in work in Australia (other than in relation to the holder's course of study or training).
- 8103** The holder must not receive salary in Australia without the permission in writing of the Secretary.
- 8104 (1)** Subject to subclauses (2) to (6), the holder must not engage in work for more than 40 hours a fortnight while the holder is in Australia.
- (2) If the holder is a member of the family unit of a person who satisfies the primary criteria for the grant of a student visa, the holder must not engage in work in Australia until the person who satisfies the primary criteria has commenced a course of study.
- (3) If the holder is able to engage in work in accordance with subclause (2), the holder must not engage in work for more than 40 hours a fortnight while the holder is in Australia unless subclause (4) or (5) applies.
- (4) Subclause (3) does not apply if:
- (a) the visa for which the primary criteria were satisfied is:
- (i) a Subclass 573 (Higher Education Sector) visa; or
- (ii) a Subclass 574 (Postgraduate Research Sector) visa; and
- (b) the course of study is a course for the award of a masters or doctorate degree that is registered on the Commonwealth Register of Institutions and Courses of Overseas Students.
- (5) Subclause (3) does not apply if:
- (a) the visa for which the primary criteria were satisfied is a Subclass 576 (Foreign Affairs or Defence Sector) visa; and
- (b) the course of study is a course for the award of a masters or doctorate degree.
- (6) In this clause:  
**fortnight** means the period of 14 days commencing on a Monday.
- 8105 (1A)** The holder must not engage in any work in Australia before the holder's course of study commences.
- (1) Subject to subclause (2), the holder must not engage in work in Australia for more than 40 hours a fortnight during any fortnight when the holder's course of study or training is in session.
- (2) Subclause (1) does not apply:
- (a) to work that was specified as a requirement of the course when the course particulars were entered in the Commonwealth Register of Institutions and Courses for Overseas Students; and
- (b) in relation to a Subclass 574 (Postgraduate Research Sector) visa if the holder has commenced the masters degree by research or doctoral degree.
- (3) In this clause:  
**fortnight** means the period of 14 days commencing on a Monday.
- 8106** The holder must engage in work in Australia only if the work is relevant to the conduct of the business, or performance of the tasks, specified in the visa application.
- 8107 (1)** If the visa is not a visa mentioned in subclause (3) or (4), and was granted to enable the holder to be employed in Australia, the holder must not:
- (a) cease to be employed by the employer in relation to which the visa was granted; or
- (b) work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; or
- (c) engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted.
- (2) If the visa is not a visa mentioned in subclause (3) or (4), and subclause (1) does not apply, the holder must not:
- (a) cease to undertake the activity in relation to which the visa was granted; or
- (b) engage in an activity inconsistent with the activity in relation to which the visa was granted; or
- (c) engage in work for another person or on the holder's own account inconsistent with the activity in relation to which the visa was granted.
- (3) If the visa is a Subclass 457 (Business (Long Stay)) visa that was granted on the basis that the holder met the requirements of subclause 457.223 (2) or 457.223 (4):
- (a) the holder must:
- (i) work only in the occupation listed in the most recently approved nomination for the holder; and
- (ii) unless the circumstances in subclause (3A) apply – work only for:
- (A) the standard business sponsor, former standard business sponsor, party to a labour agreement or former party to a labour agreement (the sponsor) who nominated the holder in the most recently approved nomination; or
- (B) if the sponsor is a standard business sponsor or a former standard business sponsor who lawfully operates a business in Australia – an associated entity of the sponsor; and
- (b) if the holder ceases employment – the period during which the holder ceases employment must not exceed 28 consecutive days.
- (3A)** For subparagraph (3) (a) (ii), the circumstances are that:
- (a) the holder's occupation is specified in an instrument in writing for subparagraph 2.72 (10)(d)(ii) or (iii); or
- (b) the holder is continuing to work for the sponsor, or the associated entity of the sponsor, for the purpose of fulfilling a requirement under a law relating to industrial relations and relating to the giving of notice.
- (3B)** If the visa is a Subclass 457 (Business (Long Stay)) visa that was granted on the basis that the holder met the requirements of subclause 457.223 (8), (9) or (10):
- (a) the holder must work only in the occupation or position in relation to which the visa was granted; and
- (b) if the holder ceases employment – the period during which the holder ceases employment must not exceed 28 consecutive days.
- (4)** If:
- (a) the visa is:
- (i) a Subclass 411 (Exchange) visa; or
- (ii) a Subclass 419 (Visiting Academic) visa; or
- (iii) a Subclass 420 (Entertainment) visa; or
- (iv) a Subclass 421 (Sport) visa; or
- (v) a Subclass 423 (Media and Film Staff) visa; or
- (vi) a Subclass 427 (Domestic Worker (Temporary) – Executive) visa; or
- (vii) a Subclass 428 (Religious Worker) visa; or
- (viii) a Subclass 442 (Occupational Trainee) visa; and
- (b) in the case of a holder of a Subclass 442 (Occupational Trainee) visa – the occupational training is not provided to the holder by the Commonwealth;
- the holder must not:
- (c) cease to engage in the most recently nominated occupation, programme or activity in relation to which the holder is identified; or
- (d) engage in work or an activity that is inconsistent with the most recently nominated occupation, programme or activity in relation to which the holder is identified; or
- (e) engage in work or an activity for an employer (within the meaning of subregulation 2.72A(8)) other than the employer identified in accordance with paragraph 2.72A(7)(a) in the most recent nomination in which the holder is identified.
- 8108** The holder must not be employed in Australia by any one employer for more than 3 months, without the prior permission in writing of the Secretary.
- 8109** The holder must not change details of times and places of engagements specified in the application to be undertaken in Australia during the visa period, without the prior permission in writing of the Secretary.
- 8110** The holder:
- (a) must not engage in work in Australia except in the household of the employer in relation to whom the visa was granted; and
- (b) must not work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; and
- (c) must not engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted; and
- (d) must not cease to be employed by the employer in relation to which the visa was granted, unless paragraph (e) applies; and
- (e) except with the written permission of the Foreign Minister, must not remain in Australia after the permanent departure of that employer.
- 8111** The holder must not:
- (a) perform work in Australia except in the household of the employer who is the holder's sponsor in relation to the visa; or
- (b) remain in Australia after the permanent departure of that employer.
- 8112** The holder must not engage in work in Australia that might otherwise be carried out by an Australian citizen or an Australian permanent resident.
- 8113** The holder must not work in Australia otherwise than as a member of the crew of a non-military ship.
- 8114** The holder must not work in Australia otherwise than as a member of the crew of a superyacht.
- 8115** The holder must not work in Australia other than by engaging in a business visitor activity.



Part B – Record of decision whether to cancel visa (continued)

8 Reasons the visa should not be cancelled

Provide a summary of the reasons the visa holder gave why their visa should not be cancelled

██████████ gave the following reasons why ██████████ visa should not be cancelled:

- "It didn't occur to me that I couldn't take money for a job."
- "I said was an ██████████ but it is not true." ██████████ stated that ██████████ did not explain to ██████████ friend that ██████████ would not be paid and that the amount of work is not the same as the work an ██████████ would need to perform.
- "It was a sacrifice for me to come here. I worked everyday I didn't come to school."
- "I only come to Australia to study and speak English."
- "It will be hard for me to go back to ██████████. It was my dream from when I was a child to come to Australia to live for a little bit of time. It seems beautiful and very different."

Extent of compliance with visa conditions

This factor is not relevant as ██████████ visa is not being considered for cancellation for a breach of visa condition under s116(1)(b).

9 Delegate's assessment of the reasons the visa should not be cancelled. (This question does not need to be completed if decided at Question 6 that no grounds for cancellation exist.)

Note: Not applicable to mandatory cancellation under Reg 2.43(2). Go to Question 11

These factors include, but are not limited to, the following. The delegate should consider any relevant factor.

Purpose of travel to and stay in Australia

██████████ advised me that ██████████ is here to stay with a ██████████ for the entirety of ██████████ stay and practice her English. ██████████

██████████ states ██████████ is not being paid for this work.

The ██████████ confirmed these details and verified that ██████████ will not be paid for this work.

I note however that the visa holder has also agreed to undertake paid work as a baby sitter. In addition to this, the ██████████, stated that initially, the visa holder did expect to be paid for the ██████████ and ██████████ that ██████████ would perform while a visitor at their residence.

Therefore I give little weight in favour of ██████████ claim.

The degree of hardship which may be caused to the visa holder, their family members and others, if the visa is cancelled. (Where applicable, the best interests of a child in Australia under 18 years must be considered in accordance with Australia's obligations under the Convention on the Rights of the Child.)

I have considered the degree of hardship that may be caused to ██████████ if her visa is cancelled.

██████████ has informed me that it has been a dream of ██████████ since ██████████ was a child to live in Australia for a little while. ██████████ has stated that it will be hard for ██████████ to return to ██████████ without realising ██████████ dream and I have applied some weight in favour of ██████████ claim.

██████████ has also stated that it was a sacrifice for ██████████ to travel to Australia as ██████████ worked everyday that ██████████ did not attend school. I have also considered that cancellation of this visa may result in some financial loss for the visa holder and I therefore give this some weight in ██████████ favour.

## Visa conditions (continued)

**8201 (1)** While in Australia, the holder must not engage, for more than 3 months, in any studies or training.

**(2)** However, subclause (1) does not apply to a visa mentioned in the table.

Item Visa

- 1** Subclass 580 (Student Guardian) visa in relation to which the holder is undertaking an ELICOS of less than 20 hours per week.
- 1A** Subclass 602 (Medical Treatment) visa in relation to which the holder:
- (a) is under 18; and
  - (b) has experienced a change in circumstances while in Australia; and
  - (c) has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances
- 2** Subclass 675 (Medical Treatment (Short Stay)) visa in relation to which the holder:
- (a) is under 18; and
  - (b) has experienced a change in circumstances while in Australia; and
  - (c) has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances
- 3** Subclass 685 (Medical Treatment (Long Stay)) visa in relation to which the holder:
- (a) is under 18; and
  - (b) has experienced a change in circumstances while in Australia; and
  - (c) has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances
- 8202 (1)** The holder (other than the holder of a Subclass 560 (Student) visa who is a Foreign Affairs student or the holder of a Subclass 576 (Foreign Affairs or Defence Sector) visa) must meet the requirements of subclauses (2) and (3).
- (2)** A holder meets the requirements of this subclause if:
- (a) the holder is enrolled in a registered course; or
  - (b) in the case of the holder of a Subclass 560 or 571 (Schools Sector) visa who is a secondary exchange student – the holder is enrolled in a full-time course of study or training.
- (3)** A holder meets the requirements of this subclause if neither of the following applies:
- (a) the education provider has certified the holder, for a registered course undertaken by the holder, as not achieving satisfactory course progress for:
    - (i) section 19 of the *Education Services for Overseas Students Act 2000*; and
    - (ii) standard 10 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007;
  - (b) the education provider has certified the holder, for a registered course undertaken by the holder, as not achieving satisfactory course attendance for:
    - (i) section 19 of the *Education Services for Overseas Students Act 2000*; and
    - (ii) standard 11 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007.
- (4)** In the case of the holder of a Subclass 560 visa who is a Foreign Affairs student or the holder of a Subclass 576 (Foreign Affairs or Defence Sector) visa – the holder is enrolled in a full-time course of study or training.
- 8203** The holder must not change his or her course of study, or thesis or research topic, unless approval is given by the Minister after the Minister has obtained an assessment from the competent Australian authorities that the holder is not likely to be directly or indirectly a risk to Australian national security.
- 8204** The holder must not undertake or change a course of study or research, or thesis or research topic, for:
- (a) a graduate certificate, a graduate diploma, a master's degree or a doctorate; or
  - (b) any bridging course required as a prerequisite to a course of study or research for a master's degree or a doctorate;
- unless approval is given by the Minister after the Minister has obtained an assessment from the competent Australian authorities that the holder is not likely to be directly or indirectly a risk to Australian national security.

- 8205** If the holder is at least 11 years of age and:
- (a) is from a country other than a country that is designated, by Gazette Notice, as a country in relation to which this condition does not apply; and
  - (b) intends to study in a class-room environment for a period greater than 4 weeks;
- the holder must, before commencing that study, pass a chest x-ray examination carried out by a medical practitioner who is qualified as a radiologist.
- [8206 omitted by SLI 2007. 190 with effect from 1/07/2007 – LEGEND note]**
- 8207** The holder must not engage in any studies or training in Australia.
- 8301** After entry to Australia, the holder must satisfy relevant public interest criteria before the visa ceases.
- 8302** After entry to Australia, all relevant members of the family unit must satisfy the relevant public interest criteria before the visa ceases.
- 8303** The holder must not become involved in activities disruptive to, or violence threatening harm to, the Australian community or a group within the Australian community.
- 8401** The holder must report:
- (a) at a time or times; and
  - (b) at a place: specified by the Minister for the purpose
- 8402** The holder must report:
- (a) within 5 working days of grant, to an office of immigration; and
  - (b) to that office on the first working day of every week after reporting under paragraph (a).
- 8403** The holder must visit an office of Immigration specified by the Minister for the purpose, within the time specified by the Minister for the purpose, to have evidence of the visa placed in the holder's passport.
- 8501** The holder must maintain adequate arrangements for health insurance while the holder is in Australia.
- 8502** The holder of the visa must not enter Australia before the entry to Australia of a person specified in the visa.
- 8503** The holder will not, after entering Australia, be entitled to be granted a substantive visa, other than a protection visa, while the holder remains in Australia.
- 8504** The holder must enter Australia as the holder of the visa to which the condition applies before a date specified by the Minister.
- 8505** The holder must continue to live at the address specified by the holder before grant of the visa.
- 8506** The holder must notify Immigration at least 2 working days in advance of any change in the holder's address.
- 8507** The holder must, within the period specified by the Minister for the purpose:
- (a) pay; or
  - (b) make an arrangement that is satisfactory to the Minister to pay; the costs (within the meaning of Division 10 of Part 2 of the Act) of the holder's detention.
- 8508** The holder must make a valid application for a visa of a class that can be granted in Australia, within the time specified by the Minister for the purpose.
- Note:** For the meaning of valid application see s46 of the Act. Broadly, a valid application is one that is formally in order for consideration, not necessarily one that can be granted.
- 8509** Within 5 working days after the date of grant, the holder must:
- (a) make a valid application for a substantive visa; or
  - (b) show an officer a ticket for travel to a country other than Australia that the Minister is satisfied will allow the holder to enter on his or her arrival.
- 8510** Within the time specified by the Minister for the purpose, the holder must, either:
- (a) show an officer a passport that is in force; or
  - (b) make an arrangement satisfactory to the Minister to obtain a passport.
- 8511** Within the time specified by the Minister for the purpose, the holder must, show an officer a ticket for travel to a country other than Australia that the Minister is satisfied will allow the holder to enter on his or her arrival.
- 8512** The holder must leave Australia by the date specified by the Minister for the purpose.
- 8513** The holder must notify Immigration of his or her residential address within 5 working days of grant.
- 8514** During the visa period of the visa, there must be no material change in the circumstances on the basis of which it was granted.
- 8515** The holder of the visa must not marry or enter into a de facto relationship before entering Australia.
- 8516** The holder must continue to be a person who would satisfy the primary or secondary criteria, as the case requires, for the grant of the visa.

Continued on reverse of page 6 ►

Part B – Record of decision whether to cancel visa (continued)

Client circumstances in which the ground for cancellation arose

[REDACTED] claims that [REDACTED] applied for the eVisitor visa because [REDACTED] only intended a three month stay in Australia and would not be undertaking paid work. However, when the message located on [REDACTED] mobile phone regarding working as a baby sitter to earn 'extra cash' was put to [REDACTED], [REDACTED] stated that it didn't occur to [REDACTED] that [REDACTED] couldn't take money for a job on the eVisitor visa. I therefore give little weight in favour of the visa holder's claim as a reason not to cancel.

[REDACTED] also stated that [REDACTED] did not consider [REDACTED] intended onshore activities to be "work" as [REDACTED] would not be working in a restaurant everyday or seeking employment that attracts a salary. While I give some weight in favour of [REDACTED] claim that [REDACTED] misunderstood the meaning of "work", it is the responsibility of the visa holder to be aware of the conditions of the visa they hold.

10 Other relevant reasons (if applicable)

I have considered the legal consequences of a decision to cancel the visa, which includes detaining, removal, exclusion periods or bars from applying for other visas. I do not consider the consequences will severely impact [REDACTED], therefore I apply little weight in [REDACTED] favour when considering this factor.

Visa holder's behaviour in relation to the department, now and on any previous occasion

[REDACTED] has been honest, forthcoming and cooperative in [REDACTED] dealings with the Department today and I therefore give this some weight in [REDACTED] favour.

11 Decision

After weighing up all of the information available to me, I am satisfied that the grounds for cancelling the visa outweigh the reasons for not cancelling. I have therefore decided to cancel the visa.


OR


After weighing up all of the information available to me, I am satisfied that the reasons not to cancel the visa outweigh the grounds for cancellation. I have therefore decided not to cancel the visa.

OR


After weighing up all of the information available to me, I am not satisfied that there is a ground for cancellation. I have therefore decided not to cancel the visa.

12 Delegate's details

Signature of officer 

Name 

Position number 2694

Date  Day  Month  Year  Time 

## Visa conditions (continued)

- 8517** The holder must maintain adequate arrangements for the education of any school-age dependant of the holder who is in Australia for more than 3 months as the holder of a Subclass 560, 570, 571, 572, 573, 574, 575 or 576 visa (as a person who has satisfied the secondary criteria) or Subclass 563 visa.
- 8518** Adequate arrangements must be maintained for the education of the holder while he or she is in Australia.
- 8519** The holder must enter into the marriage in relation to which the visa was granted within the visa period of the visa.
- 8520** The relevant person who holds a Subclass 300 visa on the basis of having satisfied the primary criteria must enter into the marriage in relation to which that visa was granted within the visa period of that visa.
- 8521** *omitted by SR 1996, 75 with effect from 1/08/1996 – LEGEND note – PRE 1/10/1996 TRANSITIONAL PROVISION]*
- 8522** The holder must leave Australia not later than the time of departure of the person:
- who has satisfied the primary criteria and
  - of whose family unit the holder is a member.
- 8523** Each person who:
- is a member of the family unit of the holder (being a spouse or de facto partner of the holder or an unmarried child of the holder who has not turned 18); and
  - has satisfied the secondary criteria; and
  - holds a student visa because of paragraphs (a) and (b);
- must leave Australia not later than the time of departure of the holder.
- 8524** The holder must satisfy the remaining criteria (within the meaning of Part 303 of Schedule 2) on or before a date specified by the Minister.
- 8525** The holder must leave Australia by a specified means of transport on a specified day or within a specified period.
- 8526** The holder must notify the Secretary in writing, not earlier than 7 days before the day the visa ceases to be in effect, and not later than that day, of the holder's place of residence in Australia by posting the notification to the Central Office of Immigration in the Australian Capital Territory.
- 8527** The holder must be free from tuberculosis at the time of travel to, and entry into, Australia.
- 8528** The holder must not have one or more criminal convictions, for which the sentence or sentences (whether served or not) are for a total period of 12 months duration or more, at the time of travel to, and entry into, Australia.
- 8529** The holder must, after entering Australia:
- undergo a medical examination carried out by:
    - a Commonwealth Medical Officer; or
    - a medical practitioner approved by the Minister; or
    - a medical practitioner employed by an organisation approved by the Minister; and
  - undergo a chest x-ray examination conducted by a medical practitioner who is qualified as a radiologist in Australia, unless the holder:
    - is under 11 years of age and is not a person in respect of whom a Commonwealth Medical Officer has requested such an examination; or
    - is a person:
      - who is confirmed by a Commonwealth Medical Officer to be pregnant; and
      - who has been examined for tuberculosis by a chest clinic officer employed by a health authority of a state or territory; and
      - who has signed an undertaking to place herself under the professional supervision of a health authority in a state or territory and to undergo any necessary treatment; and
      - whom the Minister is satisfied should not be required to undergo a chest x-ray examination at this time.
- 8530** The holder must not deviate from the organised tour referred to in clause 600.252 of Schedule 2.
- 8531** The holder must not remain in Australia after the end of the period of stay permitted by the visa.
- 8532** If the holder has not turned 18 and is not a Foreign Affairs student or a Defence student:
- the holder must stay in Australia with a person who is:
    - a parent of the holder or a person who has custody of the holder; or
    - a relative of the holder who:
      - is nominated by a parent of the holder or a person who has custody of the holder; and
      - has turned 21; and
      - is of good character; or
  - the arrangements for the holder's accommodation, support and general welfare must be approved by the education provider for the course to which the holder's visa relates, and the holder must not enter Australia before the day nominated by the education provider as the day on which those arrangements are to commence.
- 8533** The holder must:
- in the case of a holder who was outside Australia when the visa was granted, notify the education provider of the holder's residential address in Australia within 7 days after arriving in Australia; and
  - in all cases:
    - notify the education provider of any change in the holder's residential address in Australia within 7 days after the change occurs; and
    - notify his or her current education provider of a change of education provider within 7 days after the holder receives:
      - a certificate of enrolment from the new education provider; or
      - if no certificate of enrolment is required to be sent, or if a failure of electronic transmission has prevented an education provider from sending a certificate of enrolment – evidence that the applicant has been enrolled by the new education provider.
- 8534** The holder will not be entitled to be granted a substantive visa, other than:
- a protection visa; or
  - a student visa the application for which must be made on form 157P or 157P (Internet); or
  - a Subclass 497 (Graduate – Skilled) visa; or
  - a Subclass 580 (Student Guardian) visa;
- while the holder remains in Australia.
- 8535** The holder will not be entitled to be granted a substantive visa, other than:
- a protection visa; or
  - a student visa the application for which must be made on form 157P or 157P (Internet); or
  - a Student (Temporary) (Class TU) visa that is granted to an applicant who satisfies the criterion in clause 570.230, 571.229, 572.229, 573.229, 574.229, 575.229, 576.227 or 580.229 of Schedule 2; while the holder remains in Australia.
- 8536** The holder must not discontinue, or deviate from, the professional development programme in relation to which the visa was granted.
- 8537** (1) While the nominating student (within the meaning of Part 580 of Schedule 2) in relation to the holder is in Australia, the holder must reside in Australia.
- (2) While the holder is in Australia, the holder must:
- stay with the nominating student (within the meaning of Part 580 of Schedule 2) in relation to the holder; and
  - provide appropriate accommodation and support for the nominating student; and
  - provide for the general welfare of the nominating student.
- 8538** If the holder leaves Australia without the nominating student (within the meaning of Part 580 of Schedule 2) in relation to the holder, the holder must first give to the Minister evidence that:
- there are compelling or compassionate reasons for doing so; and
  - the holder has made alternative arrangements for the accommodation, support and general welfare of the nominating student until the holder's return to Australia; and
  - if the nominating student has not turned 18, the alternative arrangements are approved by the education provider for the course to which the nominating student's visa relates.
- 8539** While the holder is in Australia, the holder must live, study and work only in an area specified by the Minister in an instrument in writing for item 6A1001 of Schedule 6A, as in force:
- when the visa was granted; or
  - if the holder has held more than 1 visa that is subject to this condition – when the first of those visas was granted.

# Notification of decision

## Part C – Notification of decision to cancel visa under s116 of the Migration Act 1958

1 Full name  
Family name  
[Redacted]  
Given names  
[Redacted]

2 On [Day] [Month] [Year]  
you were notified of an intention to consider cancelling your  
subclass [Redacted] visa granted on [Day] [Month] [Year] 09-Dec-2014  
under section 116 of the Migration Act 1958.

3 You:  
DID NOT RESPOND to the notice of intention to consider cancelling the visa   
RESPONDED to the notice of intention to consider cancelling the visa (Refer to Item 5 and Item 8, Part B for details of your response)  Your comments have been taken into account in making this decision.

4 I am satisfied that there are grounds for visa cancellation under:  
 s116(1)(a)  
 s116(1)(aa)  
 s116(1)(b) because I am satisfied that you have breached condition [Redacted]  
(Refer to reverse of pages 4, 5, 6 and 7 for details of condition)  
 s116(1)(c)  
 s116(1)(d) because I am satisfied a ground exists at [Redacted]  
(Enter relevant ground here – s101, s102, s103, s104 or s105)  
 s116(1)(e)  
 s116(1)(f)  
 s116(1)(fa) (i)  (ii)   
 s116(1)(g) because I am satisfied a ground exists at Reg 2.43(1) (ka) [Redacted]  
 other [Redacted]

Please refer to reverse of pages 1, 2 and 3 for reference to the relevant legislation.

Where the Minister can cancel a visa under subsection 116(1) of the Act, the Minister must do so if there exist prescribed circumstances in which the visa must be cancelled (see subsection 116(3) of the Act and the 'prescribed circumstances' in subregulation 2.43(2) of the Migration Regulations 1994) – refer to reverse of page 3.

After weighing up all of the information available to me I was satisfied that the grounds for cancelling your visa outweighed the reasons for not cancelling.

A copy of the department's decision record is attached.

5 Your visa (and the visa of any dependants) has been cancelled on  
Day Month Year  
[Redacted]

As your visa has been cancelled you may be refused immigration clearance. You may also be detained and removed from Australia as an unlawful non-citizen under s189 of the Migration Act 1958.

Where your visa is evidenced in your passport, it will be stamped 'INOPERATIVE' due to the cancellation. Note: The decision to cancel is not merits-reviewable under the Migration Act 1958.

Other relevant agencies will be advised that your visa has been cancelled.

6 Delegate's details  
Signature of officer [Redacted]  
Name [Redacted]  
Position number 2694  
Date [Day] [Month] [Year] [Redacted] Time [Redacted]

7 Visa holder's signature to verify that Part B (Record of decision whether to cancel visa) and Part C (Notification of decision to cancel visa under s116) has been received  
Signature of visa holder [Redacted]  
Date [Day] [Month] [Year] [Redacted] Time [Redacted]

8 Interpreter details  
Signature of interpreter [Redacted] not used  
Date [Day] [Month] [Year] [Redacted] Time [Redacted]  
TIS number [Redacted]

The information recorded on this form may be used as a basis for recording the electronic report of the cancellation.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 17 June 2015 7:24 PM  
**To:** [REDACTED]  
**Subject:** RE: Urgent s.195A submission - [REDACTED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

Oops. Sorry. Not sure where I got that number from I listed. Too late! Long day!

[REDACTED]

Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite [REDACTED] Parliament House, Canberra

T: [REDACTED]  
M: [REDACTED]  
E: [REDACTED]@immi.gov.au

For-Official-Use-Only

**From:** [REDACTED]  
**Sent:** Wednesday, 17 June 2015 7:23 PM  
**To:** [REDACTED]; Guy BOEKENSTEIN  
**Cc:** [REDACTED]; Peter RICHARDS [REDACTED]; [REDACTED]; Maree BRIDGER (ACBPS); [REDACTED]  
**Subject:** RE: Urgent s.195A submission - [REDACTED] [DLM=For-Official-Use-Only]

H [REDACTED]

My contact number is [REDACTED] You should have received a copy of the Notice of Intention to Consider Cancellation Form 1111, sent by my Duty Manager.

Regards

[REDACTED]

Manager QLD Airports

Department of Immigration and Border Protection Level 2, Brisbane International Airport, Airport Drive, Brisbane Airport, QLD 4008

P: 07 [REDACTED] | E: [REDACTED]@immi.gov.au <mailto:[REDACTED]@immi.gov.au> |

Sent with Good (www.good.com <http://www.good.com> )

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, June 17, 2015 07:20 PM AUS Eastern Standard Time  
To: [REDACTED]; Guy BOEKENSTEIN  
Cc: [REDACTED] DLO; Peter RICHARDS; [REDACTED]; [REDACTED]; Maree BRIDGER (ACBPS); [REDACTED]  
Subject: RE: Urgent s.195A submission - [REDACTED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

Thanks [REDACTED] We will likely not meet the 7.30pm timeframe, but should not be too far behind that. I will keep you posted on progress and call you to advise when it is coming through.

[REDACTED]

-----  
[REDACTED] Director | Complex Case Resolution Section |

Caseload Assurance Branch | Department of Immigration and Border Protection

02 [REDACTED]

For-Official-Use-Only

From: [REDACTED]  
Sent: Wednesday, 17 June 2015 7:15 PM  
To: Guy BOEKENSTEIN; [REDACTED]  
Cc: [REDACTED]; DLO; Peter RICHARDS; [REDACTED]; Maree BRIDGER (ACBPS); [REDACTED]  
Subject: RE: Urgent s.195A submission - [REDACTED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

Thanks all.

The Minister would like to see a submission accompanying the Instrument if at all possible, so he can consider the facts of the case. As the referrals records is not yet complete in the system, further details about the case can be provided by the Airport Manager, [REDACTED]

It would be appropriate for him to be given the option of granting a sc651 visa with similar validity and conditions to that the client previously held.

The 7.30pm deadline is a little flexible (as I am now told). However, if you could keep me updated on when it will be available this evening, I can manage expectations.

I will be here at the office awaiting the submission, so please give me a call if you have any question.

[REDACTED]

Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite [REDACTED] Parliament House, Canberra

T: (02) [REDACTED]

M: [REDACTED]

E: [REDACTED]

For-Official-Use-Only

From: Guy BOEKENSTEIN

Sent: Wednesday, 17 June 2015 7:01 PM

To: [REDACTED]

Cc: [REDACTED]; DLO; Peter RICHARDS; [REDACTED]; Maree BRIDGER (ACBPS)

Subject: RE: Urgent s.195A submission [REDACTED] [DLM=For-Official-Use-Only]

Many thanks. Just wanted to give an early heads up further up the chain if we needed to manage.

Guy



Sent with Good (www.good.com <http://www.good.com> )

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, June 17, 2015 06:59 PM AUS Eastern Standard Time  
To: Guy BOEKENSTEIN; [REDACTED]  
Cc: [REDACTED]; DLO; Peter RICHARDS; [REDACTED]; [REDACTED]  
Subject: RE: Urgent s.195A submission - [REDACTED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

Guy

We will aim to have a brief submission drafted by 7.30pm. I have discussed with [REDACTED] the alternative of providing the Instrument for grant of the visa, which is the legal requirement and can be drafted very quickly. She was going to advise on that option.

Thanks

[REDACTED]

-----

[REDACTED] | Director | Complex Case Resolution Section |  
Caseload Assurance Branch | Department of Immigration and Border Protection  
02 [REDACTED]

For-Official-Use-Only

From: Guy BOEKENSTEIN  
Sent: Wednesday, 17 June 2015 6:48 PM  
To: [REDACTED]  
Cc: [REDACTED]; DLO; Peter RICHARDS  
Subject: RE: Urgent s.195A submission - [REDACTED] [DLM=For-Official-Use-Only]

[REDACTED] thanks,

[REDACTED] please advise if you can not meet this deadline,

Regards  
Guy

Sent with Good (www.good.com <<http://www.good.com>> )

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, June 17, 2015 06:33 PM AUS Eastern Standard Time  
To: [REDACTED]  
Cc: [REDACTED]; Guy BOEKENSTEIN; DLO; Peter RICHARDS  
Subject: Urgent s.195A submission - [REDACTED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

[REDACTED]

The Minister has indicated that he'd like to consider a submission to intervene and grant a visa under s.195A to [REDACTED]. She is currently in detention in Brisbane, after her subclass 651 visa was cancelled under s.116 in immigration clearance this morning at Brisbane airport.

The ICSE client ID is [REDACTED]

This is urgent. The Minister requires this submission tonight (preferably in the next hour as he has an appointment at 7.30pm). If he agrees, then someone also needs to be available to grant the visa this evening.

I'm liaising with Brisbane now to ensure that this client is not removed this evening as planned.

Kind regards

[REDACTED]

Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite [REDACTED] Parliament House, Canberra

T: (02) [REDACTED]

M: [REDACTED]

E: [REDACTED]

For-Official-Use-Only

[Redacted]

---

**From:** [Redacted]  
**Sent:** Wednesday, 17 June 2015 8:32 PM  
**To:** [Redacted]  
**Cc:** DLO; [Redacted] Peter RICHARDS; [Redacted]; Kruno KUKOC  
**Subject:** RE: Ministerial intervention submission - [Redacted] [DLM=For-Official-Use-Only]

For-Official-Use-Only

[Redacted]

Thank you very much.

I really appreciate everyone's efforts.

We will present this to the Minister now and will be back in touch shortly. Stand by.

Kind regards

[Redacted]

Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

[Redacted]

[Redacted]

[Redacted]

For-Official-Use-Only

**From:** [Redacted]  
**Sent:** Wednesday, 17 June 2015 8:31 PM  
**To:** [Redacted]

Cc: DLO; [REDACTED]; Peter RICHARDS; [REDACTED]; Kruno KUKOC  
Subject: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]  
Importance: High

For-Official-Use-Only

Hi [REDACTED]

Please find attached the submission for [REDACTED], cleared by A/g Assistant Secretary [REDACTED]. Also attached are the decision documents (attachment A) and cancellation decision record (attachment B).

Thanks.

Regards, [REDACTED]

[REDACTED]  
Assistant Director

Complex Case Resolution Section

Caseload Assurance Branch

Community Protection Division  
Department of Immigration and Border Protection  
Telephone: (02) [REDACTED]

Email: <[REDACTED]>

For-Official-Use-Only

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 17 June 2015 9:13 PM  
**To:** [REDACTED]  
**Cc:** DLO; [REDACTED]; Peter RICHARDS; [REDACTED]; Kruno KUKOC; Guy BOEKENSTEIN  
**Subject:** RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]  
**Attachments:** img-617210956-0001.pdf

For-Official-Use-Only

[REDACTED]

The Minister has signed submission MS15 [REDACTED] and has agreed to intervene under section 195A of the Migration Act 1958 in relation to Ms [REDACTED] to grant a subclass 600 visa.

Scanned copies of signed paper work is attached. Hard copies will be returned to the Department tomorrow.

Grateful if you can confirm when a visa has been granted.

We also need to ensure that [REDACTED] is not held in detention overnight. I will call you to ensure that is in train.

Thanks again for your efforts on this.

Kind regards

[REDACTED]

Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite [REDACTED] Parliament House, Canberra

T: (02) [REDACTED]

[REDACTED]

E [REDACTED]@immi.gov.au

For-Official-Use-Only

From: [REDACTED]  
Sent: Wednesday, 17 June 2015 8:31 PM  
To: [REDACTED]  
Cc: DLO; [REDACTED]; Peter RICHARDS; [REDACTED]; Kruno KUKOC  
Subject: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]  
Importance: High

For-Official-Use-Only

Hi [REDACTED]

Please find attached the submission for [REDACTED], cleared by A/g Assistant Secretary [REDACTED]. Also attached are the decision documents (attachment A) and cancellation decision record (attachment B).

Thanks.

Regards, [REDACTED]

[REDACTED]  
Assistant Director

Complex Case Resolution Section

Caseload Assurance Branch

Community Protection Division  
Department of Immigration and Border Protection  
Telephone: [REDACTED]

Email: [REDACTED]

For-Official-Use-Only



To Minister for Immigration and Border Protection

Subject Ministerial intervention under section 195A of the *Migration Act 1958* in relation to [REDACTED]

Timing

Recommendation

That you:

1. agree to intervene under section 195A of the *Migration Act 1958* to grant [REDACTED] a Tourist visa (subclass 600);

intervene / decline to  
intervene

- if agreed, please sign the decision documentations at Attachment A.

Minister for Immigration and Border Protection

Signature 

Date: 17/06/2015



**Sensitive: Personal**

Minister's Comments				
<b>Rejected</b> Yes/No	<b>Timely</b> Yes/No	<b>Relevance</b> <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	<b>Length</b> <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	<b>Quality</b> Poor 1.....2.....3.....4.....5 Excellent <b>Comments:</b>

**Key Issues**

1. [REDACTED], arrived in Australia at [REDACTED] on [REDACTED], as the holder of an eVisitor visa (subclass [REDACTED]) valid for a stay period three months. [REDACTED]'s visa allowed multiple entries, up until 9 December 2015. [REDACTED] has not travelled to Australia before.
  
2. Upon arrival, an Airport Inspector found [REDACTED] did not intend to stay in Australia temporarily for tourism purposes, which were the grounds for the grant of [REDACTED] eVisitor visa. As such, [REDACTED]'s visa was cancelled under section 116(1)(g) of the *Migration Act 1953* (the Act). A copy of the cancellation decision record is at **Attachment B**. It is noted that [REDACTED] has disputed the findings.
  
3. Following the cancellation of [REDACTED] visa, [REDACTED] was refused immigration clearance and detained under section 189 of the Act. As a person refused immigration clearance, the Department cannot grant [REDACTED] a further visa onshore.
  
4. Your office has requested that [REDACTED]'s case be referred to you for consideration under section 195A of the Act.

**Option for future management**

5. Your non-compellable power under section 195A is enlivened in [REDACTED]'s case as [REDACTED] is in immigration detention.

Ministerial intervention under section 195A

6. If you are inclined to intervene in [REDACTED]'s case under section 195A of the Act, the Department considers the grant of a Tourist visa (subclass 600), with the same conditions as the eVisitor visa [REDACTED] held as the appropriate option. The Tourist visa would be granted with an 'enter before date' of 9 December 2015 and would allow [REDACTED] to remain in Australia for a period of three months at a time.

## Sensitive: Personal

7. The Department also recommends placing the same conditions on the Tourist visa, as were attached to [REDACTED] eVisitor visa (conditions 8115, 8201, 8527 and 8528).

8. If you agree to intervene, please sign the decision documentation at Attachment A.

### Decline to intervene

9. Should you not agree to intervene in [REDACTED]'s case, [REDACTED] is liable to be removed from Australia.

### Consultation – internal/external

10. Your office, [REDACTED]

### Consultation – Secretary/CEO

11. This submission has not been cleared by the Department's Secretary, Deputy Secretaries or the CEO of the Australian Customs and Border Protection Service.

### Client service implications

12. There are minimal client service implications.

### Sensitivities

13. N/A

### Financial/systems/legislation/deregulation implications

14. N/A

### Attachments

Attachment A Section 195A decision documentation

Attachment B Cancellation decision record

#### Authorising Officer

Cleared by:



Suzanne Muir  
A/g Assistant Secretary  
Caseload Assurance Branch

Date: 17/06/2015

Ph: [REDACTED]

Contact Officer [REDACTED], Director, Complex Case Resolution Section, Ph: [REDACTED].

CC Acting Deputy Secretary, Kruno Kukoc  
FAS, CPD  
Manager, Qld Airports

**EXERCISE OF MINISTERIAL DISCRETION  
UNDER SECTION 195A OF THE *MIGRATION ACT 1958***

**- STATEMENT TO PARLIAMENT -**

Exercising my powers under section 195A of the *Migration Act 1958* (the Act), I have decided to grant a visa under this section.

1. This person is detained under section 189 of the Act as an unlawful non-citizen.
2. Having regard to this person's particular circumstances and personal characteristics, I have decided to exercise my discretionary powers under section 195A of the Act as it would be in the public interest to grant this person a visa.
3. In the circumstances, I have decided that as a discretionary and humanitarian act to an individual with ongoing needs, it is in the interests of Australia as a humane and generous society to grant this person a Tourist visa (subclass 600).



**HON PETER DUTTON MP**  
Minister for Immigration and Border Protection

17/6/2015

**EXERCISE OF MINISTERIAL DISCRETION  
UNDER SECTION 195A OF THE *MIGRATION ACT 1958***

- DECISION INSTRUMENT -

Name: [REDACTED]  
Date of birth: [REDACTED]  
Client ID: [REDACTED]

1. The above person is in immigration detention under section 189 of the *Migration Act 1958* (the Act) and I have considered their case under section 195A of the Act.
2. I have determined that it is in the public interest to grant this person a Tourist visa (subclass 600).
3. I therefore exercise my power under section 195A of the Act to grant a Tourist visa (subclass 600) in favour of this person.



**HON PETER DUTTON MP**  
Minister for Immigration and Border Protection

17/6/2015



Australian Government  
Department of Immigration  
and Border Protection

**Notice of intention to consider cancellation**  
under section 116 of the *Migration Act 1958*  
(For use in immigration clearance)

Form  
**1111**

All parts to be completed by an officer of the department.  
Please use a pen, and write neatly in English using BLOCK LETTERS.  
Tick where applicable

**Office use only**  
ICSE Client ID

**Part A – Notice of intention to consider cancelling a visa**

**1** Full name  
Family name   
Given names

**2** Sex Male  Female  Indeterminate /   
Intersex / Unspecified

**3** Date of birth Day Month Year

**4** Nationality

**5** Country of birth

**6** Relationship status  
Married  Separated  Never married or   
Engaged  Divorced  been in a de facto relationship  
De facto  Widowed  Not specified

**7** Details of previous visa cancellations

**8** Possible grounds for cancellation  
(include disclosable adverse information given by third parties)  
It has come to my attention, as a delegate of the Minister for Immigration and Border Protection, that there appear to be grounds for cancellation of your  
subclass  visa granted on

under section 116 of the *Migration Act 1958* because:

Upon arrival at  you claimed that you are coming to Australia to stay with a . You expect to be here for 10 weeks:  
You stated that you will not be   
-You stated that you and the  have discussed the terms of your stay and that in

-A search of your mobile phone revealed the following message:  
From  on : "I don't know if you are keen or not to earn some extra cash while you are here occasionally baby sitting for friends?? Can put the word out for you if you are and a few friends would use you occasionally?? Locally?? Bit of cash to fund fun.  
You: "Perfect! ...and for baby sitting... Sure! Extra money for fun is always welcome!"  
--A search of your mobile phone revealed the following message:  
To:  on   
"(Hello  Thanks a lot! I'm very well and preparing myself to depart at the end of  to Australia, How are you?"  
From : "(How Wonderful! As an Au Pair or for the University? Good Luck! It will be a beautiful experience. I'm very good and continue with my architecture)"  
To : "(As an Au Pair)"

Based on the above information, it appears to me that despite the grant of the visa, you did not have, at the time of the grant of the visa, or you ceased to have, an intention only to stay in, or visit, Australia temporarily for the tourism purposes for which the visa was granted. If this is the case, then your visa is liable for consideration of cancellation.

## Cancellation of visa under section 116 of the Migration Act

### s 116

- (1) Subject to subsections (2) and (3), the Minister may cancel a visa if he or she is satisfied that:
- (a) the decision to grant the visa was based, wholly or partly, on a particular fact or circumstance that is no longer the case or that no longer exists; or
  - (aa) the decision to grant the visa was based, wholly or partly, on the existence of a particular fact or circumstance, and that fact or circumstance did not exist; or
  - (b) its holder has not complied with a condition of the visa; or
  - (c) another person required to comply with a condition of the visa has not complied with that condition; or
  - (d) if its holder has not entered Australia or has so entered but has not been immigration cleared – it would be liable to be cancelled under Subdivision C (incorrect information given by holder) if its holder had so entered and been immigration cleared:
    - s 101 – incorrect information on the application form
    - s 102 – incorrect information on the passenger card
    - s 103 – a bogus document given
    - s 104 – failure to notify the department of changes in circumstances
    - s 105 – particulars of incorrect answers to be given
  - (e) the presence of its holder in Australia is or may be, or would or might be, a risk to:
    - (i) the health, safety or good order of the Australian community or a segment of the Australian community; or
    - (ii) the health or safety of an individual or individuals; or
  - (f) the visa should not have been granted because the application for it, or its grant was in contravention of this Act or of another law of the Commonwealth; or
  - (fa) in the case of a student visa:
    - (i) its holder is not, or is likely not to be, a genuine student; or
    - (ii) its holder has engaged, is engaging, or is likely to engage, while in Australia, in conduct (including omissions) not contemplated by the visa; or
  - (g) a prescribed ground for cancelling a visa applies to the holder.
- (1AA) Subject to subsections (2) and (3), the Minister may cancel a visa if he or she is not satisfied as to the visa holder's identity.
- (1AB) Subject to subsections (2) and (3), the Minister may cancel a visa (the current visa) if he or she is satisfied that:
- (a) incorrect information was given, by or on behalf of the person who holds the current visa, to:
    - (i) an officer; or
    - (ii) an authorised system; or
    - (iii) the Minister; or
    - (iv) any other person, or a tribunal, performing a function or purpose under this Act; or
    - (v) any other person or body performing a function or purpose in an administrative process that occurred or occurs in relation to this Act; and
  - (b) the incorrect information was taken into account in, or in connection with, making:
    - (i) a decision that enabled the person to make a valid application for a visa; or
    - (ii) a decision to grant a visa to the person; and
  - (c) the giving of the incorrect information is not covered by Subdivision C. This subsection applies whenever the incorrect information was given and whether the visa referred to in subparagraph (b)(i) or (ii) is the current visa or a previous visa that the person held.
- (1A) The regulations may prescribe matters to which the Minister may have regard in determining whether he or she is satisfied as mentioned in paragraph (1)(fa). Such regulations do not limit the matters to which the Minister may have regard for that purpose.
- (2) The Minister is not to cancel a visa under subsection (1), (1AA) or (1AB) if there exist prescribed circumstances in which a visa is not to be cancelled.
- (3) If the Minister may cancel a visa under subsection (1), (1AA) or (1AB), the Minister must do so if there exist prescribed circumstances in which a visa must be cancelled.

### Reg 2.43

- (1) For the purposes of paragraph 116(1)(g) of the Act (which deals with circumstances in which the Minister may cancel a visa), the grounds prescribed are:
- (a) that the Foreign Minister has personally determined that:

- (i) in the case of a visa other than a relevant visa – the holder of the visa is a person whose presence in Australia:
    - (A) is, or would be, contrary to Australia's foreign policy interests; or
    - (B) may be directly or indirectly associated with the proliferation of weapons of mass destruction; or
  - (ii) in the case of a relevant visa – the holder of the visa is a person whose presence in Australia may be directly or indirectly associated with the proliferation of weapons of mass destruction;
- (b) that the holder of the visa has been assessed by the Australian Security Intelligence Organisation to be directly or indirectly a risk to security, within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*;
- (c) [omitted by SR 2000, 62 with effect from 1/07/2000 – LEGEND note] in the case of a bridging visa held by a person who applied for a substantive visa – that the application for the substantive visa has been determined to be invalid;
- (c) in the case of a visa granted before 1 September 1994 that:
  - (i) was continued in force on and after 1 September 1994 as a Transitional (Temporary) visa under the Migration Reform (Transitional Provisions) Regulations; and
  - (ii) allowed multiple entries to Australia;that, at some time before 1 September 1994, the holder exceeded the period of stay in Australia permitted by the visa;
- (e) in the case of:
  - (i) the holder of an Electronic Travel Authority (Class UD) visa who is under 18; or
  - (ii) [omitted]
  - (iii) the holder of a Tourist (Class TR) visa, that was applied for using form 601E, who is under 18; or
  - (iv) the holder of a Visitor (Class TV) visa who is under 18; or
  - (iva) the holder of a Subclass 600 (Visitor) visa in the Tourist stream, that was applied for using form 1419 (Internet), who is under 18; that either:
    - (v) both of the following apply:
      - (A) the law of the visa holder's home country did not permit the removal of the visa holder;
      - (B) at least 1 of the persons who could lawfully determine where the additional applicant is to live did not consent to the grant of the visa; or
    - (vi) the grant of the visa was inconsistent with any Australian child order in force in relation to the visa holder;- (ea) in the case of a Subclass 601 (Electronic Travel Authority) visa – that, despite the grant of the visa, the Minister is satisfied that the visa holder:
  - (i) did not have, at the time of the grant of the visa, an intention only to stay in, or visit, Australia temporarily for the tourism or business purposes for which the visa was granted; or
  - (ii) has ceased to have that intention;
- (f) in the case of:
  - (i) the holder of an Electronic Travel Authority (Class UD) visa who is under 18 and is not accompanied by his or her parent or guardian; or
  - (iii) the holder of a Tourist (Class TR) visa, that was applied for using form 601E, who:
    - (A) is under 18; and
    - (B) is not accompanied by his or her parent or guardian; or
  - (iv) the holder of a Visitor (Class TV) visa who is under 18 and is not accompanied by his or her parent or guardian; or
  - (v) the holder of a Subclass 600 (Visitor) visa in the Tourist stream, that was applied for using form 1419 (Internet), who is under 18 and is not accompanied by his or her parent or guardian;that the holder of that visa does not have adequate funds, or adequate arrangements have not been made, for the holder's maintenance, support and general welfare during the holder's proposed visit in Australia;
- (g) in the case of a temporary visa held by a person other than a visa holder mentioned in paragraph (h) – that the visa holder asks the Minister, in writing, to cancel the visa;
- (h) in the case of a temporary visa held by a person who is under the age of 18 years and is not a spouse, a former spouse or engaged to be married – that:
  - (i) a person who is at least 18 years of age, and who can lawfully determine where the visa holder is to live, asks the Minister, in writing, to cancel the visa; and
  - (ii) the Minister is satisfied that there is no compelling reason to believe that the cancellation of the visa would not be in the best interests of the visa holder;

Continued on reverse of page 2 ▶

Part A – Notice of intention to consider cancelling a visa (continued)

Based on the information above, there appear to be grounds for cancelling your visa under:

- s116(1)(a)
- s116(1)(aa)
- s116(1)(b) because it appears that you have breached condition
- (Refer to reverse of pages 4, 5, 6 and 7 for details of condition)
- s116(1)(c)
- s116(1)(d) because a ground appears to exist at
- (Enter relevant ground here – s101, s102, s103, s104 or s105)
- s116(1)(e)
- s116(1)(f)
- s116(1)(fa) (i)  (ii)
- s116(1)(g) because a ground appears to exist at Reg 2.43(1)
- other

Please refer to reverse of pages 1, 2 and 3 for reference to the relevant legislation.

Where the Minister can cancel a visa under subsection 116(1) of the Act, the Minister must do so if there exist prescribed circumstances in which the visa must be cancelled (see subsection 116(3) of the Act and the 'prescribed circumstances' in subregulation 2.43(2) of the Migration Regulations 1994) – refer to reverse of page 3.

9 Opportunity to comment

The Migration Act 1958 gives you the opportunity to comment on the intention to consider cancellation of your visa and to give reasons why your visa should not be cancelled. Your comments could include:

- why grounds for cancellation do not exist; or
- why your visa should not be cancelled.

You are invited to provide your comments at interview.

Interview will be held on

Beginning at

At the following location

If you choose not to comment, the delegate may make his/her decision based on the information available to them.

If your visa is cancelled you may be refused immigration clearance. You may also be detained and removed from Australia as an unlawful non-citizen under s189 of the Migration Act 1958. The visas of any dependants may also be cancelled.

If your visa is cancelled, you may become subject to an exclusion period. If you are subject to an exclusion period as a result of a visa cancellation, you may be prevented from being granted various types of visas for a period of up to 3 years. You may also be prevented from making a valid application for certain classes of visa while in Australia.

If a decision is made not to cancel your visa you will be immigration cleared and allowed to enter Australia.

Except in the case of consideration of cancellation of a visa under Reg 2.43(2), factors the delegate may take into consideration in making a decision whether to cancel your visa include (but are not limited to) the following:

- the purpose of your travel to Australia;

- extent of compliance with the conditions of your visa;
- the degree of hardship which may be caused to you or your family (Note: As per the Convention on the Rights of the Child, the best interests of any child in Australia under 18 years of age will be considered);
- the circumstances in which the ground for cancellation arose;
- your behaviour in relation to the department, now and on any previous occasion.

10 Disclosure of information

Note: The Privacy Act protects information you give in this interview. For more information, see the reverse of page 3.

11 Delegate's details

Signature of officer

Name

Position number

Date

Time

12 Visa holder's signature to acknowledge that this notice has been received

Refusal to acknowledge receipt of this notice will not prevent the delegate from making a decision on whether to cancel your visa.

Signature of visa holder

Date

13 Interpreter details

Signature of interpreter

Date

TIS number

*Cancellation of visa under section 116 of the Migration Act (continued)*

- (i) in the case of the holder of:
  - (i) a Subclass 456 (Business (Short Stay)) visa; or
  - (ia) a Subclass 459 (Sponsored Business Visitor (Short Stay)) visa; or
  - (ib) a Subclass 600 (Visitor) visa in the Business Visitor stream; or
  - (ii) a Subclass 956 (Electronic Travel Authority (Business Entrant – Long Validity)) visa; or
  - (iii) a Subclass 977 (Electronic Travel Authority (Business Entrant – Short Validity)) visa –

that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to stay in, or visit, Australia temporarily for business purposes;
- (ia) in the case of a holder of:
  - (i) a Subclass 400 (Temporary Work (Short Stay Activity)) visa; or
  - (ia) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
  - (ib) a Subclass 402 (Training and Research) visa; or
  - (ic) a Subclass 403 (Temporary Work (International Relations)) visa; or
  - (id) a Subclass 411 (Exchange) visa; or
  - (ii) a Subclass 415 (Foreign Government Agency) visa; or
  - (iii) a Subclass 416 (Special Programme) visa; or
  - (iv) a Subclass 419 (Visiting Academic) visa; or
  - (v) a Subclass 420 (Entertainment) visa; or
  - (vi) a Subclass 421 (Sport) visa; or
  - (vii) a Subclass 423 (Media and Film Staff) visa; or
  - (viii) a Subclass 427 (Domestic Worker (Temporary) – Executive) visa; or
  - (ix) a Subclass 428 (Religious Worker) visa; or
  - (x) a Subclass 442 (Occupational Trainee) visa; or
  - (xi) a Subclass 488 (Superyacht Crew) visa;

that the grounds in subregulation (1A) are met; or
- (i) in the case of the holder of:
  - (i) a Subclass 600 (Visitor) visa that is not in the Business Visitor stream; or
  - (ii) a Subclass 676 (Tourist) visa; or
  - (iii) a Subclass 679 (Sponsored Family Visitor) visa;

that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to visit, or remain in, Australia as a visitor temporarily for the purpose of visiting an Australian citizen, or Australian permanent resident, who is a parent, spouse, de facto partner, child, brother or sister of the visa holder or for another purpose, other than a purpose related to business or medical treatment;
- (k) in the case of the holder of a Subclass 976 (Electronic Travel Authority (Visitor)) visa – that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to visit Australia temporarily for tourism purposes;
- (ka) in the case of a holder of a Subclass 651 (eVisitor) visa – that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to stay in, or visit, Australia temporarily for the tourism or business purposes for which the visa was granted;
- (kb) in the case of the holder of Subclass 457 (Business (Long Stay)) visa that was granted on the basis that the applicant met the requirements of subregulation 457.223(4) – that, despite the grant of the visa, the Minister is satisfied that:
  - (i) the holder did not have a genuine intention to perform the occupation mentioned in paragraph 457.223(4)(d) at the time of grant of the visa; or
  - (ii) the holder has ceased to have a genuine intention to perform that occupation; or
  - (iii) the position associated with the nominated occupation is not genuine;
- (l) in the case of the holder of a Subclass 457 (Business (Long Stay)) visa who is a primary sponsored person in relation to a person who is, or was, a standard business sponsor or party to a labour agreement (the *sponsor*) – that:
  - (i) the sponsor has not complied, or is not complying, with the undertaking given by the business sponsor in accordance with approved form 1067, 1196 or 1196 (Internet); or
  - (ii) the sponsor has given false or misleading information to Immigration or the Migration Review Tribunal; or
  - (iii) the sponsor has failed to satisfy a sponsorship obligation; or
- (iv) the sponsor has been cancelled or barred under section 140M of the Act; or
- (v) the labour agreement has been terminated, has been suspended or has ceased;
- (la) in the case of the holder of a Subclass 457 (Business (Long Stay)) visa who was granted the visa on the basis of a nomination of an activity under regulation 1.20GA as in force immediately before 14 September 2009 – that the holder is living or working within an area specified by the Minister in an instrument in writing for this paragraph;
- (lb) *omitted by SLI 2007, 272 with effect from 10/09/2007 – (lb) inserted by SLI 2008, 189 with effect from 27/10/2008 – (lb) omitted by SLI 2009, 203 (which amended SLI 2009, 115) with effect from 14/09/2009 – LEGEND note*
- (lc) in the case of a holder of:
  - (i) a Subclass 411 (Exchange) visa; or
  - (ii) a Subclass 415 (Foreign Government Agency) visa; or
  - (iii) a Subclass 416 (Special Programme) visa; or
  - (iv) a Subclass 419 (Visiting Academic) visa; or
  - (v) a Subclass 420 (Entertainment) visa; or
  - (vi) a Subclass 421 (Sport) visa; or
  - (vii) a Subclass 423 (Media and Film Staff) visa; or
  - (viii) a Subclass 427 (Domestic Worker (Temporary) – Executive) visa; or
  - (ix) a Subclass 428 (Religious Worker) visa; or
  - (x) a Subclass 442 (Occupational Trainee) visa; or
  - (xi) a Subclass 488 (Superyacht Crew) visa;

who is a primary sponsored person in relation to a person who is or was an approved sponsor – that 1 of the grounds specified in subregulation (1B) is met;
- (ld) in the case of a holder of:
  - (i) a Subclass 411 (Exchange) visa; or
  - (ii) a Subclass 419 (Visiting Academic) visa; or
  - (iii) a Subclass 420 (Entertainment) visa; or
  - (iv) a Subclass 421 (Sport) visa; or
  - (v) a Subclass 423 (Media and Film Staff) visa; or
  - (vi) a Subclass 427 (Domestic Worker (Temporary) – Executive) visa; or
  - (vii) a Subclass 428 (Religious Worker) visa; or
  - (viii) a Subclass 442 (Occupational Trainee) visa; or
  - (ix) a Subclass 457 (Business (Long Stay)) visa;

who is a secondary sponsored person in relation to a person who is or was an approved sponsor – that the person who is or was an approved sponsor of the primary sponsored person to whom the secondary sponsored person is related has not listed the secondary sponsored person in the latest nomination in which the primary sponsored person is identified;
- (le) in the case of a holder of:
  - (i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
  - (ii) a Subclass 427 (Domestic Worker (Temporary) – Executive) visa; or
  - (iii) a Subclass 428 (Religious Worker) visa; or
  - (iv) a Subclass 457 (Temporary Work (Skilled)) visa;

who is a primary sponsored person or a secondary sponsored person in relation to a person who is or was an approved sponsor – that the person who is or was an approved sponsor has paid the return travel costs of the holder in accordance with the sponsorship obligation mentioned in regulation 2.80 or 2.80A;
- (m) that the Minister reasonably suspects that the holder of the visa has committed an offence under section 232A, 233, 233A, 234 or 236 of the Act;
- (n) that:
  - (i) a certificate is in force under paragraph 271(1)(f) of the Act, stating that a computer programme was not functioning correctly; and
  - (ii) both of the following apply:
    - (A) the visa was granted at the time, or during the period, that is specified in the certificate;
    - (B) the grant of the visa is an outcome from the operation of that programme, under an arrangement made under subsection 495A(1) of the Act, that is specified in the certificate;
- (o) that the Minister reasonably suspects that the visa has been obtained as a result of the fraudulent conduct of any person;
- (oa) in the case of the holder of a temporary visa (other than a Subclass 050 (Bridging (General)) visa, a Subclass 051 (Bridging (Protection Visa Applicant)) visa or a Subclass 444 (Special Category) visa) – that the Minister is satisfied that the holder has been convicted of an offence against a law of the Commonwealth, a State or Territory (whether or not the holder held the visa at the time of the conviction and regardless of the penalty imposed (if any));

Continued on reverse of page 3 ►



# Decision

**Office use only**

ICSE Client ID

## Part B – Record of decision whether to cancel visa

1 Full name

Family name

Given names

2 Date of birth

Day	Month	Year

3 Current visa details

subclass

visa granted on

Day	Month	Year

4 Visa holder's response

The visa holder received the notice of intention to consider cancelling the visa at: *(Insert time and date from Item 12 Part A)*

Day	Month	Year

The visa holder:

DID NOT RESPOND to the notice of intention to consider cancelling the visa  **Go to Question 6**

RESPONDED to the notice of intention to consider cancelling the visa  **Give details at Question 5 and/or Question 8**

5 Time interview commenced

(This should be a reasonable period after the time at Question 4)

Day	Month	Year
12:04 hrs	17-Jun	2015

Grounds for cancellation

Provide a summary of why the visa holder considers the GROUNDS for cancellation DO or DO NOT exist

**[REDACTED]** disputed that grounds for cancellation exist and stated that her primary reason for travelling to Australia today was to practice English.

## Cancellation of visa under section 116 of the Migration Act (continued)

- (ob) in the case of the holder of a temporary visa (other than a Subclass 050 (Bridging (General)) visa, a Subclass 051 (Bridging (Protection Visa Applicant)) visa or a Subclass 444 (Special Category) visa) – that the Minister is satisfied that the holder is the subject of a notice (however described) issued by Interpol for the purpose of providing a warning or intelligence that:
- (i) the holder has committed an offence against a law of another country and is likely to commit a similar offence; or
  - (ii) the holder is a serious and immediate threat to public safety;
- (f) in the case of the holder of a Subclass 771 (Transit) visa – that, despite the grant of the visa, the Minister reasonably suspects that the holder of the visa:
- (i) did not have, at the time of the grant of the visa, an intention to transit Australia; or
  - (ii) has ceased to have that intention.
- (1A) For paragraph (1)(a), the grounds are that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have at the time of grant of the visa, or has ceased to have, a genuine intention to stay temporarily in Australia to carry out the work or activity in relation to which:
- (a) the visa holder's visa was granted; or
  - (b) if the visa holder is identified in a nomination after the visa is granted – the visa holder was identified in a nomination.
- (1B) For paragraph (1)(c), the grounds are the following:
- (a) the approval of the person as a sponsor has been cancelled, or the approved sponsor has been barred, under section 140M of the Act;
  - (b) if the approved sponsor is a party to a work agreement – the work agreement has been terminated or has ceased;
  - (c) if the primary sponsored person is required to be identified in a nomination – the criteria for approval of the latest nomination in which the primary sponsored person is identified are no longer met;
  - (d) the person who is or was an approved sponsor has failed to satisfy a sponsorship obligation.
- (1C) For subsection 116(1A) of the Act, the Minister may have regard to the following matters in determining whether he or she is satisfied as mentioned in paragraph 116(1)(a) of the Act that participation in a course of study by the holder of a student visa has been deferred or temporarily suspended by the provider of the course of study:
- (a) because of the conduct of the holder;
  - (b) because of the circumstances of the holder, other than compassionate or compelling circumstances;
  - (c) because of compassionate or compelling circumstances of the holder, if the Minister is satisfied that the circumstances have ceased to exist;
  - (d) on the basis of evidence or a document given to the provider about the holder's circumstances, if the Minister is satisfied that the evidence or document is fraudulent or misrepresents the holder's circumstances.
- (2) For subsection 116(3) of the Act, the circumstances in which the Minister must cancel a visa are:
- (a) in the case of a visa other than a relevant visa – each of the circumstances comprising the grounds set out in:
    - (i) sub-paragraphs (1)(a)(i)(A) and (B); and
    - (ii) paragraph (1)(b); and
  - (aa) in the case of a relevant visa – the circumstance comprising the grounds set out in subparagraph (1)(a)(i); and
- (3) In this regulation:
- [BUSINESS SPONSOR omitted by SLI 2009, 202 with effect from 14/09/2009 – LEGEND note]*
- relevant visa** means a visa of any of the following subclasses
- |                    |                   |
|--------------------|-------------------|
| (aa) Subclass 050; | (f) Subclass 447; |
| (a) Subclass 200;  | (g) Subclass 449; |
| (b) Subclass 201;  | (h) Subclass 451; |
| (c) Subclass 202;  | (i) Subclass 785; |
| (d) Subclass 203;  | (j) Subclass 786; |
| (e) Subclass 204;  | (k) Subclass 866. |

### Important information about privacy

The personal information you give in this interview is protected by law, including the *Privacy Act 1988*. Important information about the collection, use and disclosure (to other agencies and third parties, including overseas entities) of your personal information, including sensitive information, can be found below, and is contained in form 1442i *Privacy notice*. Form 1442i is available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/) or offices of the department. You should ensure that you read and understand the *Privacy notice*.

- 5.1 At or before the time or, if that is not practicable, as soon as practicable after, an Australian Privacy Principles (APP) entity collects personal information about an individual, the entity must take such steps (if any) as are reasonable in the circumstances:
- (a) to notify the individual of such matters referred to in subclause 5.2 as are reasonable in the circumstances; or
  - (b) to otherwise ensure that the individual is aware of any such matters.
- 5.2 The matters for the purposes of subclause 5.1 are as follows:
- (a) the identity and contact details of the APP entity;
  - (b) if:
    - (i) the APP entity collects the personal information from someone other than the individual; or
    - (ii) the individual may not be aware that the APP entity has collected the personal information;
 the fact that the entity so collects, or has collected, the information and the circumstances of that collection;
  - (c) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order—the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);
  - (d) the purposes for which the APP entity collects the personal information;
  - (e) the main consequences (if any) for the individual if all or some of the personal information is not collected by the APP entity;
  - (f) any other APP entity, body or person, or the types of any other APP entities, bodies or persons, to which the APP entity usually discloses personal information of the kind collected by the entity;
  - (g) that the APP privacy policy of the APP entity contains information about how the individual may access the personal information about the individual that is held by the entity and seek the correction of such information;
  - (h) that the APP privacy policy of the APP entity contains information about how the individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the entity, and how the entity will deal with such a complaint;
  - (i) whether the APP entity is likely to disclose the personal information to overseas recipients;
  - (j) if the APP entity is likely to disclose the personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

Part B – Record of decision whether to cancel visa (continued)

6 Assessment

I am satisfied that there are:

- GROUNDS
- OR
- NO GROUNDS

for cancellation of the visa holder's visa under:

- s116(1)(a)
- s116(1)(aa)
- s116(1)(b) because I am satisfied that you have breached condition [ ]  
(Refer to reverse of pages 4, 5, 6 and 7 for details of condition)
- s116(1)(c)
- s116(1)(d) because I am satisfied a ground exists at [ ]  
(Enter relevant ground here – s101, s102, s103, s104 or s105)
- s116(1)(e)
- s116(1)(f)
- s116(1)(fa) (i)  (ii)
- s116(1)(g) because I am satisfied a ground exists at Reg 2.43(1) (ka) [ ]
- other [ ]

Please refer to reverse of pages 1, 2 and 3 for reference to the relevant legislation.

Where the Minister can cancel a visa under subsection 116(1) of the Act, the Minister must do so if there exist prescribed circumstances in which the visa must be cancelled (see subsection 116(3) of the Act and the 'prescribed circumstances' in subregulation 2.43(2) of the Migration Regulations 1994) – refer to reverse of page 3.

7 Details of the evidence and findings about whether the delegate is satisfied GROUNDS for cancellation DD or DO NOT EXIST

[ ] arrived at [ ] airport on [ ]. Through a baggage examination and at interview it became apparent to me that grounds existed to consider cancellation of [ ] subclass [ ] visa under s116(1)(g) and Reg 2.43(1)(ka) as [ ] did not appear to have an intention to stay in Australia temporarily for tourism purposes for which the visa was granted, or had ceased to have that intention.

Evidence supporting this was:

- [ ] claimed that the purpose of [ ] stay in Australia was to stay with a [ ] where [ ] would be expected to [ ]
- Messages located on [ ] mobile phone indicated that [ ] was willing to earn extra money working as a baby sitter.
- Messages located on [ ] phone indicated that [ ] is travelling to Australia to work as an aupair.

[ ] disputed that grounds for cancellation exist and stated that although [ ] would be living with the [ ]

[ ] primary reason for travelling to Australia to day was to live in a house where [ ] could practice [ ] English 24 hours per day.

On the basis of the above evidence, I am satisfied [ ] did not have, at the time of the grant of the visa, or has ceased to have, an intention only to stay in, or visit, Australia temporarily for the tourism purposes for which the visa was granted.

## Visa conditions

- 8101** The holder must not engage in work in Australia.
- 8102** The holder must not engage in work in Australia (other than in relation to the holder's course of study or training).
- 8103** The holder must not receive salary in Australia without the permission in writing of the Secretary.
- 8104 (1)** Subject to subclauses (2) to (6), the holder must not engage in work for more than 40 hours a fortnight while the holder is in Australia.
- (2) If the holder is a member of the family unit of a person who satisfies the primary criteria for the grant of a student visa, the holder must not engage in work in Australia until the person who satisfies the primary criteria has commenced a course of study.
- (3) If the holder is able to engage in work in accordance with subclause (2), the holder must not engage in work for more than 40 hours a fortnight while the holder is in Australia unless subclause (4) or (5) applies.
- (4) Subclause (3) does not apply if:
- (a) the visa for which the primary criteria were satisfied is:
- (i) a Subclass 573 (Higher Education Sector) visa; or
- (ii) a Subclass 574 (Postgraduate Research Sector) visa; and
- (b) the course of study is a course for the award of a masters or doctorate degree that is registered on the Commonwealth Register of Institutions and Courses of Overseas Students.
- (5) Subclause (3) does not apply if:
- (a) the visa for which the primary criteria were satisfied is a Subclass 576 (Foreign Affairs or Defence Sector) visa; and
- (b) the course of study is a course for the award of a masters or doctorate degree.
- (6) In this clause:  
**fortnight** means the period of 14 days commencing on a Monday.
- 8105 (1A)** The holder must not engage in any work in Australia before the holder's course of study commences.
- (1) Subject to subclause (2), the holder must not engage in work in Australia for more than 40 hours a fortnight during any fortnight when the holder's course of study or training is in session.
- (2) Subclause (1) does not apply:
- (a) to work that was specified as a requirement of the course when the course particulars were entered in the Commonwealth Register of Institutions and Courses for Overseas Students; and
- (b) in relation to a Subclass 574 (Postgraduate Research Sector) visa if the holder has commenced the masters degree by research or doctoral degree.
- (3) In this clause:  
**fortnight** means the period of 14 days commencing on a Monday.
- 8106** The holder must engage in work in Australia only if the work is relevant to the conduct of the business, or performance of the tasks, specified in the visa application.
- 8107 (1)** If the visa is not a visa mentioned in subclause (3) or (4), and was granted to enable the holder to be employed in Australia, the holder must not:
- (a) cease to be employed by the employer in relation to which the visa was granted; or
- (b) work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; or
- (c) engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted.
- (2) If the visa is not a visa mentioned in subclause (3) or (4), and subclause (1) does not apply, the holder must not:
- (a) cease to undertake the activity in relation to which the visa was granted; or
- (b) engage in an activity inconsistent with the activity in relation to which the visa was granted; or
- (c) engage in work for another person or on the holder's own account inconsistent with the activity in relation to which the visa was granted.
- (3) If the visa is a Subclass 457 (Business (Long Stay)) visa that was granted on the basis that the holder met the requirements of subclause 457.223 (2) or 457.223 (4):
- (a) the holder must:
- (i) work only in the occupation listed in the most recently approved nomination for the holder; and
- (ii) unless the circumstances in subclause (3A) apply – work only for:
- (A) the standard business sponsor, former standard business sponsor, party to a labour agreement or former party to a labour agreement (the sponsor) who nominated the holder in the most recently approved nomination; or
- (B) if the sponsor is a standard business sponsor or a former standard business sponsor who lawfully operates a business in Australia – an associated entity of the sponsor; and
- (b) if the holder ceases employment – the period during which the holder ceases employment must not exceed 28 consecutive days.
- (3A)** For subparagraph (3) (a) (ii), the circumstances are that:
- (a) the holder's occupation is specified in an instrument in writing for subparagraph 2.72 (10)(d)(ii) or (iii); or
- (b) the holder is continuing to work for the sponsor, or the associated entity of the sponsor, for the purpose of fulfilling a requirement under a law relating to industrial relations and relating to the giving of notice.
- (3B)** If the visa is a Subclass 457 (Business (Long Stay)) visa that was granted on the basis that the holder met the requirements of subclause 457.223 (8), (9) or (10):
- (a) the holder must work only in the occupation or position in relation to which the visa was granted; and
- (b) if the holder ceases employment – the period during which the holder ceases employment must not exceed 28 consecutive days.
- (4)** If:
- (a) the visa is:
- (i) a Subclass 411 (Exchange) visa; or
- (ii) a Subclass 419 (Visiting Academic) visa; or
- (iii) a Subclass 420 (Entertainment) visa; or
- (iv) a Subclass 421 (Sport) visa; or
- (v) a Subclass 423 (Media and Film Staff) visa; or
- (vi) a Subclass 427 (Domestic Worker (Temporary) – Executive) visa; or
- (vii) a Subclass 428 (Religious Worker) visa; or
- (viii) a Subclass 442 (Occupational Trainee) visa; and
- (b) in the case of a holder of a Subclass 442 (Occupational Trainee) visa – the occupational training is not provided to the holder by the Commonwealth;
- the holder must not:
- (c) cease to engage in the most recently nominated occupation, programme or activity in relation to which the holder is identified; or
- (d) engage in work or an activity that is inconsistent with the most recently nominated occupation, programme or activity in relation to which the holder is identified; or
- (e) engage in work or an activity for an employer (within the meaning of subregulation 2.72A(8)) other than the employer identified in accordance with paragraph 2.72A(7)(a) in the most recent nomination in which the holder is identified.
- 8108** The holder must not be employed in Australia by any one employer for more than 3 months, without the prior permission in writing of the Secretary.
- 8109** The holder must not change details of times and places of engagements specified in the application to be undertaken in Australia during the visa period, without the prior permission in writing of the Secretary.
- 8110** The holder:
- (a) must not engage in work in Australia except in the household of the employer in relation to whom the visa was granted; and
- (b) must not work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; and
- (c) must not engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted; and
- (d) must not cease to be employed by the employer in relation to which the visa was granted, unless paragraph (e) applies; and
- (e) except with the written permission of the Foreign Minister, must not remain in Australia after the permanent departure of that employer.
- 8111** The holder must not:
- (a) perform work in Australia except in the household of the employer who is the holder's sponsor in relation to the visa; or
- (b) remain in Australia after the permanent departure of that employer.
- 8112** The holder must not engage in work in Australia that might otherwise be carried out by an Australian citizen or an Australian permanent resident.
- 8113** The holder must not work in Australia otherwise than as a member of the crew of a non-military ship.
- 8114** The holder must not work in Australia otherwise than as a member of the crew of a superyacht.
- 8115** The holder must not work in Australia other than by engaging in a business visitor activity.

Part B – Record of decision whether to cancel visa (continued)

8 Reasons the visa should not be cancelled

Provide a summary of the reasons the visa holder gave why their visa should not be cancelled

██████████ gave the following reasons why ██████ visa should not be cancelled:

- "It didn't occur to me that I couldn't take money for a job."
- "I said was an ██████ but it is not true." ██████ stated that ██████ did not explain to ██████ friend that ██████ would not be paid and that the amount of work is not the same as the work an ██████ would need to perform.
- "It was a sacrifice for me to come here. I worked everyday I didn't come to school."
- "I only come to Australia to study and speak English."
- "It will be hard for me to go back to ██████. It was my dream from when I was a child to come to Australia to live for a little bit of time. It seems beautiful and very different."

Extent of compliance with visa conditions

This factor is not relevant as ██████ visa is not being considered for cancellation for a breach of visa condition under s116(1)(b).

9 Delegate's assessment of the reasons the visa should not be cancelled. (This question does not need to be completed if decided at Question 6 that no grounds for cancellation exist.)

Note: Not applicable to mandatory cancellation under Reg 2.43(2). Go to Question 11

These factors include, but are not limited to, the following. The delegate should consider any relevant factor.

Purpose of travel to and stay in Australia

██████████ advised me that ██████ is here to stay with a ██████ for the entirety of ██████ stay and practice her English. ██████ states ██████ is not being paid for this work.

The ██████ confirmed these details and verified that ██████ will not be paid for this work.

I note however that the visa holder has also agreed to undertake paid work as a baby sitter. In addition to this, the ██████, stated that initially, the visa holder did expect to be paid for the ██████ and ██████ that ██████ would perform while a visitor at their residence.

Therefore I give little weight in favour of ██████ claim.

The degree of hardship which may be caused to the visa holder, their family members and others, if the visa is cancelled. (Where applicable, the best interests of a child in Australia under 18 years must be considered in accordance with Australia's obligations under the Convention on the Rights of the Child.)

I have considered the degree of hardship that may be caused to ██████ if her visa is cancelled.

██████████ has informed me that it has been a dream of ██████ since ██████ was a child to live in Australia for a little while. ██████ has stated that it will be hard for ██████ to return to ██████ without realising ██████ dream and I have applied some weight in favour of ██████ claim.

██████████ has also stated that it was a sacrifice for ██████ to travel to Australia as ██████ worked everyday that ██████ did not attend school. I have also considered that cancellation of this visa may result in some financial loss for the visa holder and I therefore give this some weight in ██████ favour.

## Visa conditions (continued)

**8201 (1)** While in Australia, the holder must not engage, for more than 3 months, in any studies or training.

**(2)** However, subclause (1) does not apply to a visa mentioned in the table.

Item Visa

- 1** Subclass 580 (Student Guardian) visa in relation to which the holder is undertaking an ELICOS of less than 20 hours per week.
- 1A** Subclass 602 (Medical Treatment) visa in relation to which the holder:
- is under 18; and
  - has experienced a change in circumstances while in Australia; and
  - has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances
- 2** Subclass 675 (Medical Treatment (Short Stay)) visa in relation to which the holder:
- is under 18; and
  - has experienced a change in circumstances while in Australia; and
  - has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances
- 3** Subclass 685 (Medical Treatment (Long Stay)) visa in relation to which the holder:
- is under 18; and
  - has experienced a change in circumstances while in Australia; and
  - has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances
- 8202 (1)** The holder (other than the holder of a Subclass 560 (Student) visa who is a Foreign Affairs student or the holder of a Subclass 576 (Foreign Affairs or Defence Sector) visa) must meet the requirements of subclauses (2) and (3).
- (2)** A holder meets the requirements of this subclause if:
- the holder is enrolled in a registered course; or
  - in the case of the holder of a Subclass 560 or 571 (Schools Sector) visa who is a secondary exchange student – the holder is enrolled in a full-time course of study or training.
- (3)** A holder meets the requirements of this subclause if neither of the following applies:
- the education provider has certified the holder, for a registered course undertaken by the holder, 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 2007;
  - the education provider has certified the holder, for a registered course undertaken by the holder, as not achieving satisfactory course attendance for:
    - section 19 of the *Education Services for Overseas Students Act 2000*; and
    - standard 11 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007.
- (4)** In the case of the holder of a Subclass 560 visa who is a Foreign Affairs student or the holder of a Subclass 576 (Foreign Affairs or Defence Sector) visa – the holder is enrolled in a full-time course of study or training.
- 8203** The holder must not change his or her course of study, or thesis or research topic, unless approval is given by the Minister after the Minister has obtained an assessment from the competent Australian authorities that the holder is not likely to be directly or indirectly a risk to Australian national security.
- 8204** The holder must not undertake or change a course of study or research, or thesis or research topic, for:
- a graduate certificate, a graduate diploma, a master's degree or a doctorate; or
  - any bridging course required as a prerequisite to a course of study or research for a master's degree or a doctorate;
- unless approval is given by the Minister after the Minister has obtained an assessment from the competent Australian authorities that the holder is not likely to be directly or indirectly a risk to Australian national security.

- 8205** If the holder is at least 11 years of age and:
- is from a country other than a country that is designated, by Gazette Notice, as a country in relation to which this condition does not apply; and
  - intends to study in a class-room environment for a period greater than 4 weeks;
- the holder must, before commencing that study, pass a chest x-ray examination carried out by a medical practitioner who is qualified as a radiologist.
- [8206 omitted by SLI 2007. 190 with effect from 1/07/2007 – LEGEND note]**
- 8207** The holder must not engage in any studies or training in Australia.
- 8301** After entry to Australia, the holder must satisfy relevant public interest criteria before the visa ceases.
- 8302** After entry to Australia, all relevant members of the family unit must satisfy the relevant public interest criteria before the visa ceases.
- 8303** The holder must not become involved in activities disruptive to, or violence threatening harm to, the Australian community or a group within the Australian community.
- 8401** The holder must report:
- at a time or times; and
  - at a place: specified by the Minister for the purpose
- 8402** The holder must report:
- within 5 working days of grant, to an office of immigration; and
  - to that office on the first working day of every week after reporting under paragraph (a).
- 8403** The holder must visit an office of Immigration specified by the Minister for the purpose, within the time specified by the Minister for the purpose, to have evidence of the visa placed in the holder's passport.
- 8501** The holder must maintain adequate arrangements for health insurance while the holder is in Australia.
- 8502** The holder of the visa must not enter Australia before the entry to Australia of a person specified in the visa.
- 8503** The holder will not, after entering Australia, be entitled to be granted a substantive visa, other than a protection visa, while the holder remains in Australia.
- 8504** The holder must enter Australia as the holder of the visa to which the condition applies before a date specified by the Minister.
- 8505** The holder must continue to live at the address specified by the holder before grant of the visa.
- 8506** The holder must notify Immigration at least 2 working days in advance of any change in the holder's address.
- 8507** The holder must, within the period specified by the Minister for the purpose:
- pay; or
  - make an arrangement that is satisfactory to the Minister to pay; the costs (within the meaning of Division 10 of Part 2 of the Act) of the holder's detention.
- 8508** The holder must make a valid application for a visa of a class that can be granted in Australia, within the time specified by the Minister for the purpose.
- Note:** For the meaning of valid application see s46 of the Act. Broadly, a valid application is one that is formally in order for consideration, not necessarily one that can be granted.
- 8509** Within 5 working days after the date of grant, the holder must:
- make a valid application for a substantive visa; or
  - show an officer a ticket for travel to a country other than Australia that the Minister is satisfied will allow the holder to enter on his or her arrival.
- 8510** Within the time specified by the Minister for the purpose, the holder must, either:
- show an officer a passport that is in force; or
  - make an arrangement satisfactory to the Minister to obtain a passport.
- 8511** Within the time specified by the Minister for the purpose, the holder must, show an officer a ticket for travel to a country other than Australia that the Minister is satisfied will allow the holder to enter on his or her arrival.
- 8512** The holder must leave Australia by the date specified by the Minister for the purpose.
- 8513** The holder must notify Immigration of his or her residential address within 5 working days of grant.
- 8514** During the visa period of the visa, there must be no material change in the circumstances on the basis of which it was granted.
- 8515** The holder of the visa must not marry or enter into a de facto relationship before entering Australia.
- 8516** The holder must continue to be a person who would satisfy the primary or secondary criteria, as the case requires, for the grant of the visa.

Continued on reverse of page 6 ►

Part B – Record of decision whether to cancel visa (continued)

Client circumstances in which the ground for cancellation arose

██████████ claims that ██████████ applied for the eVisitor visa because ██████████ only intended a three month stay in Australia and would not be undertaking paid work. However, when the message located on ██████████ mobile phone regarding working as a baby sitter to earn 'extra cash' was put to ██████████, ██████████ stated that it didn't occur to ██████████ that ██████████ couldn't take money for a job on the eVisitor visa. I therefore give little weight in favour of the visa holder's claim as a reason not to cancel.

██████████ also stated that ██████████ did not consider ██████████ intended onshore activities to be "work" as ██████████ would not be working in a restaurant everyday or seeking employment that attracts a salary. While I give some weight in favour of ██████████ claim that ██████████ misunderstood the meaning of "work", it is the responsibility of the visa holder to be aware of the conditions of the visa they hold.

10 Other relevant reasons (if applicable)

I have considered the legal consequences of a decision to cancel the visa, which includes detaining, removal, exclusion periods or bars from applying for other visas. I do not consider the consequences will severely impact ██████████, therefore I apply little weight in ██████████ favour when considering this factor.

Visa holder's behaviour in relation to the department, now and on any previous occasion

██████████ has been honest, forthcoming and cooperative in ██████████ dealings with the Department today and I therefore give this some weight in ██████████ favour.

11 Decision

After weighing up all of the information available to me, I am satisfied that the grounds for cancelling the visa outweigh the reasons for not cancelling. I have therefore decided to cancel the visa.


OR


After weighing up all of the information available to me, I am satisfied that the reasons not to cancel the visa outweigh the grounds for cancellation. I have therefore decided not to cancel the visa.

OR


After weighing up all of the information available to me, I am not satisfied that there is a ground for cancellation. I have therefore decided not to cancel the visa.

12 Delegate's details

**Signature of officer** 

**Name** 

**Position number**

**Date**  Day  Month  Year  Time 

## Visa conditions (continued)

- 8517** The holder must maintain adequate arrangements for the education of any school-age dependant of the holder who is in Australia for more than 3 months as the holder of a Subclass 560, 570, 571, 572, 573, 574, 575 or 576 visa (as a person who has satisfied the secondary criteria) or Subclass 563 visa.
- 8518** Adequate arrangements must be maintained for the education of the holder while he or she is in Australia.
- 8519** The holder must enter into the marriage in relation to which the visa was granted within the visa period of the visa.
- 8520** The relevant person who holds a Subclass 300 visa on the basis of having satisfied the primary criteria must enter into the marriage in relation to which that visa was granted within the visa period of that visa.
- 8521** *omitted by SR 1996, 75 with effect from 1/08/1996 – LEGEND note – PRE 1/10/1996 TRANSITIONAL PROVISION]*
- 8522** The holder must leave Australia not later than the time of departure of the person:
- who has satisfied the primary criteria and
  - of whose family unit the holder is a member.
- 8523** Each person who:
- is a member of the family unit of the holder (being a spouse or de facto partner of the holder or an unmarried child of the holder who has not turned 18); and
  - has satisfied the secondary criteria; and
  - holds a student visa because of paragraphs (a) and (b);
- must leave Australia not later than the time of departure of the holder.
- 8524** The holder must satisfy the remaining criteria (within the meaning of Part 303 of Schedule 2) on or before a date specified by the Minister.
- 8525** The holder must leave Australia by a specified means of transport on a specified day or within a specified period.
- 8526** The holder must notify the Secretary in writing, not earlier than 7 days before the day the visa ceases to be in effect, and not later than that day, of the holder's place of residence in Australia by posting the notification to the Central Office of Immigration in the Australian Capital Territory.
- 8527** The holder must be free from tuberculosis at the time of travel to, and entry into, Australia.
- 8528** The holder must not have one or more criminal convictions, for which the sentence or sentences (whether served or not) are for a total period of 12 months duration or more, at the time of travel to, and entry into, Australia.
- 8529** The holder must, after entering Australia:
- undergo a medical examination carried out by:
    - a Commonwealth Medical Officer; or
    - a medical practitioner approved by the Minister; or
    - a medical practitioner employed by an organisation approved by the Minister; and
  - undergo a chest x-ray examination conducted by a medical practitioner who is qualified as a radiologist in Australia, unless the holder:
    - is under 11 years of age and is not a person in respect of whom a Commonwealth Medical Officer has requested such an examination; or
    - is a person:
      - who is confirmed by a Commonwealth Medical Officer to be pregnant; and
      - who has been examined for tuberculosis by a chest clinic officer employed by a health authority of a state or territory; and
      - who has signed an undertaking to place herself under the professional supervision of a health authority in a state or territory and to undergo any necessary treatment; and
      - whom the Minister is satisfied should not be required to undergo a chest x-ray examination at this time.
- 8530** The holder must not deviate from the organised tour referred to in clause 600.252 of Schedule 2.
- 8531** The holder must not remain in Australia after the end of the period of stay permitted by the visa.
- 8532** If the holder has not turned 18 and is not a Foreign Affairs student or a Defence student:
- the holder must stay in Australia with a person who is:
    - a parent of the holder or a person who has custody of the holder; or
    - a relative of the holder who:
      - is nominated by a parent of the holder or a person who has custody of the holder; and
      - has turned 21; and
      - is of good character; or
  - the arrangements for the holder's accommodation, support and general welfare must be approved by the education provider for the course to which the holder's visa relates, and the holder must not enter Australia before the day nominated by the education provider as the day on which those arrangements are to commence.
- 8533** The holder must:
- in the case of a holder who was outside Australia when the visa was granted, notify the education provider of the holder's residential address in Australia within 7 days after arriving in Australia; and
  - in all cases:
    - notify the education provider of any change in the holder's residential address in Australia within 7 days after the change occurs; and
    - notify his or her current education provider of a change of education provider within 7 days after the holder receives:
      - a certificate of enrolment from the new education provider; or
      - if no certificate of enrolment is required to be sent, or if a failure of electronic transmission has prevented an education provider from sending a certificate of enrolment – evidence that the applicant has been enrolled by the new education provider.
- 8534** The holder will not be entitled to be granted a substantive visa, other than:
- a protection visa; or
  - a student visa the application for which must be made on form 157P or 157P (Internet); or
  - a Subclass 497 (Graduate – Skilled) visa; or
  - a Subclass 580 (Student Guardian) visa;
- while the holder remains in Australia.
- 8535** The holder will not be entitled to be granted a substantive visa, other than:
- a protection visa; or
  - a student visa the application for which must be made on form 157P or 157P (Internet); or
  - a Student (Temporary) (Class TU) visa that is granted to an applicant who satisfies the criterion in clause 570.230, 571.229, 572.229, 573.229, 574.229, 575.229, 576.227 or 580.229 of Schedule 2;
- while the holder remains in Australia.
- 8536** The holder must not discontinue, or deviate from, the professional development programme in relation to which the visa was granted.
- 8537** (1) While the nominating student (within the meaning of Part 580 of Schedule 2) in relation to the holder is in Australia, the holder must reside in Australia.
- (2) While the holder is in Australia, the holder must:
- stay with the nominating student (within the meaning of Part 580 of Schedule 2) in relation to the holder; and
  - provide appropriate accommodation and support for the nominating student; and
  - provide for the general welfare of the nominating student.
- 8538** If the holder leaves Australia without the nominating student (within the meaning of Part 580 of Schedule 2) in relation to the holder, the holder must first give to the Minister evidence that:
- there are compelling or compassionate reasons for doing so; and
  - the holder has made alternative arrangements for the accommodation, support and general welfare of the nominating student until the holder's return to Australia; and
  - if the nominating student has not turned 18, the alternative arrangements are approved by the education provider for the course to which the nominating student's visa relates.
- 8539** While the holder is in Australia, the holder must live, study and work only in an area specified by the Minister in an instrument in writing for item 6A1001 of Schedule 6A, as in force:
- when the visa was granted; or
  - if the holder has held more than 1 visa that is subject to this condition – when the first of those visas was granted.



# Notification of decision

## Part C – Notification of decision to cancel visa under s116 of the Migration Act 1958

1 Full name  
Family name  
[Redacted]  
Given names  
[Redacted]

2 On [Day] [Month] [Year]  
you were notified of an intention to consider cancelling your  
subclass [Redacted] visa granted on [Day] [Month] [Year] 09-Dec-2014  
under section 116 of the Migration Act 1958.

3 You:  
DID NOT RESPOND to the notice of intention to consider cancelling the visa   
RESPONDED to the notice of intention to consider cancelling the visa (Refer to Item 5 and Item 8, Part B for details of your response)  Your comments have been taken into account in making this decision.

4 I am satisfied that there are grounds for visa cancellation under:  
 s116(1)(a)  
 s116(1)(aa)  
 s116(1)(b) because I am satisfied that you have breached condition [Redacted]  
(Refer to reverse of pages 4, 5, 6 and 7 for details of condition)  
 s116(1)(c)  
 s116(1)(d) because I am satisfied a ground exists at [Redacted]  
(Enter relevant ground here – s101, s102, s103, s104 or s105)  
 s116(1)(e)  
 s116(1)(f)  
 s116(1)(fa) (i)  (ii)   
 s116(1)(g) because I am satisfied a ground exists at Reg 2.43(1) (ka) [Redacted]  
 other [Redacted]

Please refer to reverse of pages 1, 2 and 3 for reference to the relevant legislation.

Where the Minister can cancel a visa under subsection 116(1) of the Act, the Minister must do so if there exist prescribed circumstances in which the visa must be cancelled (see subsection 116(3) of the Act and the 'prescribed circumstances' in subregulation 2.43(2) of the Migration Regulations 1994) – refer to reverse of page 3.

After weighing up all of the information available to me I was satisfied that the grounds for cancelling your visa outweighed the reasons for not cancelling.

A copy of the department's decision record is attached.

5 Your visa (and the visa of any dependants) has been cancelled on  
Day Month Year  
[Redacted]

As your visa has been cancelled you may be refused immigration clearance. You may also be detained and removed from Australia as an unlawful non-citizen under s189 of the Migration Act 1958.

Where your visa is evidenced in your passport, it will be stamped 'INOPERATIVE' due to the cancellation. Note: The decision to cancel is not merits-reviewable under the Migration Act 1958.

Other relevant agencies will be advised that your visa has been cancelled.

6 Delegate's details  
Signature of officer [Redacted]  
Name [Redacted]  
Position number 2694  
Date [Day] [Month] [Year] [Redacted] Time [Redacted]

7 Visa holder's signature to verify that Part B (Record of decision whether to cancel visa) and Part C (Notification of decision to cancel visa under s116) has been received  
Signature of visa holder [Redacted]  
Date [Day] [Month] [Year] [Redacted] Time [Redacted]

8 Interpreter details  
Signature of interpreter [Redacted] not used  
Date [Day] [Month] [Year] [Redacted] Time [Redacted]  
TIS number [Redacted]

The information recorded on this form may be used as a basis for recording the electronic report of the cancellation.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 17 June 2015 9:37 PM  
**To:** Peter RICHARDS [REDACTED]  
**Cc:** DLO; [REDACTED]; [REDACTED]; Kruno KUKOC; Guy BOEKENSTEIN  
**Subject:** RE: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

Peter - yes, I absolutely agree. Thanks to all.

[REDACTED]

The Minister's Office is contacting [REDACTED] hosts at the moment to advise them of this outcome.

I'm leaving the office now, but will be available on my mobile (and by email). If [REDACTED] has further details about [REDACTED] [REDACTED] release, I'd be very happy to pass them on to the MO. For now, I have said 30 mins to 1 hour.

Kind regards

[REDACTED]

Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite [REDACTED] Parliament House, Canberra

T: [REDACTED]

M: [REDACTED]

E: [REDACTED]

[REDACTED]

Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite [REDACTED] Parliament House, Canberra

T: (02) [REDACTED]

M: [REDACTED]

E: [REDACTED]

For-Official-Use-Only

From: Peter RICHARDS

Sent: Wednesday, 17 June 2015 9:35 PM

To: [REDACTED]

Cc: DLO; [REDACTED]; Kruno KUKOC; Guy BOEKENSTEIN

Subject: RE: Ministerial intervention submission [REDACTED] [DLM=For-Official-Use-Only]

[REDACTED]

Thanks for all your efforts this evening on this matter.

Peter

Sent with Good (www.good.com <<http://www.good.com>> )

-----Original Message-----

From: [REDACTED]

Sent: Wednesday, June 17, 2015 09:28 PM AUS Eastern Standard Time

To: [REDACTED]

Cc: DLO; [REDACTED]; Peter RICHARDS; [REDACTED]; Kruno KUKOC; Guy BOEKENSTEIN

Subject: RE: Ministerial intervention submission [REDACTED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi [REDACTED]

We have granted [REDACTED] Tourist visa (subclass 600) as per the Minister's decision. [REDACTED] has been in contact with staff in Brisbane for arrangements to release [REDACTED] from detention. [REDACTED] is trying to ascertain a time frame.

As discussed, grateful if the office could contact the host family to advise of this outcome. They may wish to pick [REDACTED] up when released.

Regards, [REDACTED]

[REDACTED]  
Assistant Director

Complex Case Resolution Section

Caseload Assurance Branch

Community Protection Division  
Department of Immigration and Border Protection  
Telephone: [REDACTED]

Email: [REDACTED]

For-Official-Use-Only

[REDACTED]  
Sent: Wednesday, 17 June 2015 9:13 PM

To: [REDACTED]  
Cc: DLO; [REDACTED]; Peter RICHARDS; [REDACTED]; Kruno KUKOC; Guy BOEKENSTEIN  
Subject: RE: Ministerial intervention submission [REDACTED] [DLM=For-Official-Use-Only]

For-Official-Use-Only

[REDACTED]  
The Minister has signed submission MS15 [REDACTED] and has agreed to intervene under section 195A of the Migration Act 1958 in relation to [REDACTED] to grant a subclass 600 visa.

Scanned copies of signed paper work is attached. Hard copies will be returned to the Department tomorrow.

Grateful if you can confirm when a visa has been granted.

We also need to ensure that [REDACTED] is not held in detention overnight. I will call you to ensure that is in train.

Thanks again for your efforts on this.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite [REDACTED] Parliament House, Canberra

T: [REDACTED]

M: [REDACTED]

E: [REDACTED]

For-Official-Use-Only

From: [REDACTED]  
Sent: Wednesday, 17 June 2015 8:31 PM  
To: [REDACTED]  
Cc: DLO; [REDACTED]; Peter RICHARDS; [REDACTED]; Kruno KUKOC  
Subject: Ministerial intervention submission - [REDACTED] [DLM=For-Official-Use-Only]  
Importance: High

For-Official-Use-Only

H [REDACTED]

Please find attached the submission for [REDACTED], cleared by A/g Assistant Secretary [REDACTED]. Also attached are the decision documents (attachment A) and cancellation decision record (attachment B).

Thanks.

Regards, [REDACTED]

[REDACTED]

Assistant Director

Complex Case Resolution Section

Caseload Assurance Branch

Community Protection Division

Department of Immigration and Border Protection

Telephone: (02) [REDACTED]

Email: [REDACTED]

For-Official-Use-Only

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 12:29 PM  
**To:** Craig MACLACHLAN  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

On it.

Sent with Good (www.good.com)

-----Original Message-----

**From:** Craig MACLACHLAN  
**Sent:** Sunday, November 01, 2015 11:47 AM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Subject:** FW: Re [REDACTED] [SEC=UNCLASSIFIED]

[REDACTED]  
Can you pls follow up w the dept asap to find out what the story is here pls?  
Tks  
C

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]@afl.com.au [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> ]  
**Sent:** Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Subject:** Fwd: Re [REDACTED]

Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

[REDACTED]  
[REDACTED]  
Begin forwarded message:

**From:** [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> >  
**Date:** 1 November 2015 at 10:59:13 AM AEDT

To: [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> >  
Subject: Fwd: Re [REDACTED]

Begin forwarded message:

From: [REDACTED]  
Date: 1 November 2015 at 10:55:53 AM AEDT  
To: [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> >  
Subject: Re [REDACTED]

Writing in relation to [REDACTED] who has come out to visit us and other friends in Adelaide for three months holiday, returning to [REDACTED] in January. [REDACTED] was denied a visa by immigration at Adelaide airport late last night and is scheduled to be deported back to [REDACTED] tonight (Sunday). We haven't spoken with immigration but apparently we are the reason and rationale [REDACTED] has been denied the visa. There has clearly been a misunderstanding that [REDACTED] was intending to work for us when [REDACTED] is here to spend time with our family, as we consider [REDACTED] to be family. We live in the [REDACTED] and have four kids who will be devastated not to see [REDACTED]. A [REDACTED] of outstanding character and integrity. [REDACTED] also made many friends in Adelaide and will spend time with them. What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?  
Kind regards  
[REDACTED]

Sent from my iPad

--

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.<http://www.mailguard.com.au/mg>  
Click here to report this message as spam:  
<https://console.mailguard.com.au/ras/1N8rvY7UuU/5lxw14G8SkCoPYCtzvF54I/0>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] | Fax: [REDACTED] | Please consider the environment before printing this email

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001



Ph: [REDACTED] | Fax: [REDACTED] | Mob: [REDACTED] Please consider the environment before printing this email

This e-mail and any files transmitted with it are intended for the named addressee, are confidential in nature and may contain legally privileged information. The copying or distribution of this e-mail or any information it contains, by anyone other than the addressee or the person responsible for delivering this e-mail to the intended addressee, is prohibited. Any views or opinions represented in this e-mail are solely those of the author and do not represent those of the organisation. If you receive this communication in error, please notify the sender immediately, then delete the e-mail.

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<http://www.mailguard.com.au/mg>

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 12:32 PM  
**To:** ABOC  
**Cc:** DLO  
**Subject:** FW: Re [REDACTED] [SEC=UNCLASSIFIED]

Hi SBCC

Can we please get a explanation of this situation, whether visa has been cancelled, reasons for cancellation, current location of client and removal plans if any.

I will follow up with a phone call soon.

[REDACTED]  
Senior Departmental Liaison Officer  
Minister dutton's office

Sent with Good (www.good.com)

-----Original Message-----

**From:** Craig MACLACHLAN  
**Sent:** Sunday, November 01, 2015 11:47 AM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Subject:** FW: Re [REDACTED] [SEC=UNCLASSIFIED]

[REDACTED]  
Can you pls follow up w the dept asap to find out what the story is here pls?  
Tks  
C

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]@afl.com.au [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> ]  
**Sent:** Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Subject:** Fwd: Re [REDACTED]

Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

█  
█  
Begin forwarded message:

From: █@afl.com.au <mailto:█@afl.com.au> >  
Date: 1 November 2015 at 10:59:13 AM AEDT  
To: █@afl.com.au <mailto:█@afl.com.au> >  
Subject: Fwd: Re █

Begin forwarded message:

From: █  
Date: 1 November 2015 at 10:55:53 AM AEDT  
To: █@afl.com.au <mailto:█@afl.com.au> >  
Subject: Re █

Writing in relation to █ who has come out to visit us and other friends in Adelaide for three months holiday, returning to █ in January. █ was denied a visa by immigration at Adelaide airport late last night and is scheduled to be deported back to █ tonight (Sunday). We haven't spoken with immigration but apparently we are the reason and rationale █ has been denied the visa. There has clearly been a misunderstanding that █ was intending to work for us when █ is here to spend time with our family, as we consider █ to be family. We live in the █ and have four kids who will be devastated not to see █. A █ of outstanding character and integrity. █ also made many friends in Adelaide and will spend time with them. What can we do to have this injustice resolved and have █ tourist visa reinstated before █ flies out tonight?  
Kind regards  
█

Sent from my iPad

--  
Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.  
<http://www.mailguard.com.au/mg>  
Click here to report this message as spam:  
<https://console.mailguard.com.au/ras/1N8rvY7UuU/5lxw14G8SkCoPYCtzvF54I/0>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] | Fax: [REDACTED] | Please consider the environment before printing this email

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] | Fax: [REDACTED] | Mob: [REDACTED] Please consider the environment before printing this email

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<http://www.mailguard.com.au/mg>

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 2:09 PM  
**To:** Craig MACLACHLAN  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

Craig

Am getting a client brief for you with all the details. It looks like [REDACTED] due to be removed tonight. Have asked for it to include options for ministerial intervention.

Sent with Good (www.good.com)

-----Original Message-----

**From:** Craig MACLACHLAN  
**Sent:** Sunday, November 01, 2015 01:21 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Subject:** FW: Re [REDACTED] [SEC=UNCLASSIFIED]

Here are [REDACTED] passport details

C

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]@afl.com.au [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> ]  
**Sent:** Sunday, November 01, 2015 12:35 PM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Subject:** Re: Re [REDACTED] [SEC=UNCLASSIFIED]

Thanks Craig,

[REDACTED] on a [REDACTED] passport and the number is

[REDACTED]

Cheers

[REDACTED]

On 1 Nov 2015, at 11:48 AM, Craig MACLACHLAN <CRAIG.MACLACHLAN@BORDER.GOV.AU <mailto:CRAIG.MACLACHLAN@border.gov.au> > wrote:

Thanks. Will come back to you.

Tks

C

Sent with Good (www.good.com <<http://www.good.com>> )

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] | Fax: [REDACTED] | Mob: [REDACTED] Please consider the environment before printing this email

-----Original Message-----

From: [REDACTED]@afl.com.au <[mailto:\[REDACTED\]@afl.com.au](mailto:[REDACTED]@afl.com.au)> [REDACTED]@afl.com.au <[mailto:\[REDACTED\]@afl.com.au](mailto:[REDACTED]@afl.com.au)> ]

Sent: Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time

To: Craig MACLACHLAN

Subject: Fwd: Re [REDACTED]

Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

[REDACTED]

[REDACTED]

Begin forwarded message:

From: [REDACTED]@afl.com.au <[mailto:\[REDACTED\]@afl.com.au](mailto:[REDACTED]@afl.com.au)> >

Date: 1 November 2015 at 10:59:13 AM AEDT

To: [REDACTED]@afl.com.au <[mailto:\[REDACTED\]@afl.com.au](mailto:[REDACTED]@afl.com.au)> >

Subject: Fwd: Re [REDACTED]

Begin forwarded message:

From: [REDACTED]  
Date: 1 November 2015 at 10:55:53 AM AEDT  
To: [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> >  
Subject: Re [REDACTED]

Writing in relation to [REDACTED], who has come out to visit us and other friends in Adelaide for three months holiday, returning to [REDACTED] in January. [REDACTED] was denied a visa by immigration at Adelaide airport late last night and is scheduled to be deported back to [REDACTED] tonight (Sunday). We haven't spoken with immigration but apparently we are the reason and rationale [REDACTED] has been denied the visa.

There has clearly been a misunderstanding that [REDACTED] was intending to work for us when [REDACTED] is here to spend time with our family, as we consider [REDACTED] to be family. We live in the [REDACTED] and have four kids who will be devastated not to see [REDACTED].

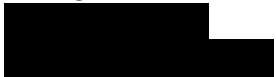
A [REDACTED] of outstanding character and integrity. [REDACTED] also made many friends in Adelaide and will spend time with them. What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?  
Kind regards  
[REDACTED]

Sent from my iPad

--

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Click here to report this message as spam:  
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<image899234.PNG>



AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] | Fax: [REDACTED] | Please consider the environment before printing this email

<imageae113f.PNG>



AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] | Fax: [REDACTED] | Mob: [REDACTED] Please consider the environment before printing this email

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 2:51 PM  
**To:** Guy BOEKENSTEIN  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

No. We do 10 client briefs a day normally. Just a summary of the situation.

If a 195a submission is required (not known yet) then we'll need to make contact with [REDACTED] in Peter Richards branch. But the MO need the basic facts of case so they can decide next steps. So that's what we need now, a basic client brief.

Sent with Good (www.good.com)

-----Original Message-----

**From:** Guy BOEKENSTEIN  
**Sent:** Sunday, November 01, 2015 02:48 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

What is the normal process? Don't legal and other areas need to be involved in preparing a brief like this?

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 02:46 PM AUS Eastern Standard Time  
**To:** Maree BRIDGER; Agnieszka HOLLAND; Guy BOEKENSTEIN; [REDACTED]  
**Cc:** James WATSON; Strategic Border Command Centre; Clive MURRAY; DLO; Ministerial Support; MO Registration  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

James & SBCC

Can I please get an estimated time frame for delivery of this client brief so I can manage the MO's expectations.

Note that the minister is travelling overseas this evening so it would be good to get this resolved as soon as possible.

Regards

[REDACTED]

Sent with Good (www.good.com)

-----Original Message-----

From: [REDACTED]  
Sent: Sunday, November 01, 2015 01:52 PM AUS Eastern Standard Time  
To: Maree BRIDGER; Agnieszka HOLLAND; Guy BOEKENSTEIN; [REDACTED]  
Cc: James WATSON; Strategic Border Command Centre; Clive MURRAY; DLO; Ministerial Support; MO Registration  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

All

I understand that the email below has resulted in SBCC identifying more significant issues in relation to this client.

As such grateful if we could please get a client brief on the client below. As well as information originally requested, this should include options for the Minister to intervene (eg under s195A) should he wish (noting that he has no details on regards to this case at this time and thus his intentions with respect to this case are not clear).

Kind regards

[REDACTED]

Sent with Good (www.good.com)

-----Original Message-----

From: [REDACTED]  
Sent: Sunday, November 01, 2015 12:31 PM AUS Eastern Standard Time  
To: Strategic Border Command Centre  
Cc: DLO  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

Hi SBCC

Can we please get a explanation of this situation, whether visa has been cancelled, reasons for cancellation, current location of client and removal plans if any.

I will follow up with a phone call soon.

[REDACTED]  
Senior Departmental Liaison Officer  
Minister dutton's office

Sent with Good (www.good.com)

-----Original Message-----

From: Craig MACLACHLAN  
Sent: Sunday, November 01, 2015 11:47 AM AUS Eastern Standard Time  
To: [REDACTED]  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

[REDACTED]  
Can you pls follow up w the dept asap to find out what the story is here pls?  
Tks

C

Sent with Good (www.good.com)

-----Original Message-----

From: [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> ]

Sent: Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time

To: Craig MACLACHLAN

Subject: Fwd: Re [REDACTED]

Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

[REDACTED]

[REDACTED]

Begin forwarded message:

From: [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> >

Date: 1 November 2015 at 10:59:13 AM AEDT

To: [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> >

Subject: Fwd: Re [REDACTED]

Begin forwarded message:

From: [REDACTED]

Date: 1 November 2015 at 10:55:53 AM AEDT

To: [REDACTED]@afl.com.au <mailto:[REDACTED]@afl.com.au> >

Subject: Re [REDACTED]

Writing in relation to [REDACTED] who has come out to visit us and other friends in Adelaide for three months holiday, returning to [REDACTED] in January.

[REDACTED] was denied a visa by immigration at Adelaide airport late last night and is scheduled to be deported back to [REDACTED] tonight (Sunday). We haven't spoken with immigration but apparently we are the reason and rationale [REDACTED] has been denied the visa.

There has clearly been a misunderstanding that [REDACTED] was intending to work for us when [REDACTED] is here to spend time with our family, as we consider [REDACTED] to be family. We live in the [REDACTED] and have four kids who will be devastated not to see [REDACTED].

A [REDACTED] of outstanding character and integrity. [REDACTED] also made many friends in Adelaide and will spend time with them. What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?  
Kind regards

[REDACTED]  
[REDACTED]

Sent from my iPad

--

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[REDACTED]  
[REDACTED]

AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001

Ph: [REDACTED] | Fax: [REDACTED] | Please consider the environment before printing this email

[REDACTED]  
[REDACTED]

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Ph: [REDACTED] | Fax: [REDACTED] | Mob: [REDACTED] Please consider the environment before printing this email

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<http://www.mailguard.com.au/mg>

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 3:12 PM  
**To:** Guy BOEKENSTEIN; DLO  
**Cc:** Maree BRIDGER  
**Subject:** RE: [REDACTED] [SEC=PROTECTED]

Guy

I'll go into work now and pull this into a useable format for Craig. Not sure it is appropriate to give him all the detail that is in the email trail below. Im about 30 mins away. Will send you a copy of what I provide him.

Sent with Good (www.good.com)

-----Original Message-----

**From:** Guy BOEKENSTEIN  
**Sent:** Sunday, November 01, 2015 03:00 PM AUS Eastern Standard Time  
**To:** DLO; [REDACTED]  
**Cc:** Maree BRIDGER  
**Subject:** FW: [REDACTED] [SEC=PROTECTED]

[REDACTED] - as discussed

Sent with Good (www.good.com)

-----Original Message-----

**From:** James WATSON  
**Sent:** Sunday, November 01, 2015 01:48 PM AUS Eastern Standard Time  
**To:** Clive MURRAY; Maree BRIDGER; Guy BOEKENSTEIN  
**Subject:** FW: [REDACTED] [SEC=PROTECTED]

Dear all,

I see that the earlier string didn't have the request from the DLO. That is now below.

Maree, I have just spoken to Clive and confirm that we would like to respond to the request through Executive Div channels.

The information is contained in these emails

James Watson  
Commander | Detention and Compliance Operations Strategic Border Command Australian Border Force

P: : [REDACTED] | M: [REDACTED]  
E: james.watson@border.gov.au  
W : www.border.gov.au

---

From: [REDACTED]@border.gov.au>  
Sent: ?1/?11/?2015 12:58 PM  
To: WATSON James<mailto:james.watson@border.gov.au>  
Cc: [REDACTED]@border.gov.au>  
Subject: [REDACTED] [SEC=PROTECTED]

Good afternoon James

As discussed, please find the attached SitRep and M304 which clarify the situation presented to Adelaide Portfolio Officers last night.

[REDACTED] is currently located at Adelaide Immigration Transit Accommodation pending removal (TBA).

Happy to transcribe the information on the documents if you are not in a position to open them.

Regards

[REDACTED]  
A/g Duty Inspector – Command Centre  
Operations Branch | Strategic Border Command Operations Group Australian Border Force  
P: 02 6275 [REDACTED]  
E: [REDACTED]@border.gov.au<mailto:[REDACTED]@border.gov.au>

From: [REDACTED] [mailto:[REDACTED]@border.gov.au]  
Sent: Sunday, 1 November 2015 12:32 PM  
To: Strategic Border Command Centre  
Cc: DLO  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

Hi SBCC

Can we please get a explanation of this situation, whether visa has been cancelled, reasons for cancellation, current location of client and removal plans if any.

I will follow up with a phone call soon.

[REDACTED]  
Senior Departmental Liaison Officer  
Minister dutton's office

Sent with Good (www.good.com<http://www.good.com>)

-----Original Message-----

From: Craig MACLACHLAN  
Sent: Sunday, November 01, 2015 11:47 AM AUS Eastern Standard Time  
To: [REDACTED]  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

[REDACTED]  
Can you pls follow up w the dept asap to find out what the story is here pls?  
Tks

C

Sent with Good (www.good.com<http://www.good.com>)

-----Original Message-----

From: [REDACTED]@afl.com.au<mailto:[REDACTED]@afl.com.au>  
[REDACTED]@afl.com.au<mailto:[REDACTED]@afl.com.au>]  
Sent: Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
To: Craig MACLACHLAN  
Subject: Fwd: Re [REDACTED]  
Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

[REDACTED]

[REDACTED]

Begin forwarded message:

From: [REDACTED]@afl.com.au<mailto:[REDACTED]@afl.com.au>>  
Date: 1 November 2015 at 10:59:13 AM AEDT  
To: [REDACTED]@afl.com.au<mailto:[REDACTED]@afl.com.au>>  
Subject: Fwd: Re [REDACTED]  
Begin forwarded message:

From: [REDACTED]  
Date: 1 November 2015 at 10:55:53 AM AEDT  
To: [REDACTED]@afl.com.au<mailto:[REDACTED]@afl.com.au>>  
Subject: Re [REDACTED]

Writing in relation to [REDACTED], who has come out to visit us and other friends in Adelaide for three months holiday, returning to [REDACTED] in January.

[REDACTED] was denied a visa by immigration at Adelaide airport late last night and is scheduled to be deported back to [REDACTED] tonight (Sunday). We haven't spoken with immigration but apparently we are the reason and rationale [REDACTED] has been denied the visa.

There has clearly been a misunderstanding that [REDACTED] was intending to work for us when [REDACTED] is here to spend time with our family, as we consider [REDACTED] to be family. We live in the [REDACTED] on farm and have four kids who will be devastated not to see [REDACTED].

A [REDACTED] of outstanding character and integrity [REDACTED] also made many friends in Adelaide and will spend time with them. What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?

Kind regards

[REDACTED]

Sent from my iPad

--

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[cid:image001.png@01D114A3.6C41EE60]

[REDACTED]

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Ph: [REDACTED] | Fax: [REDACTED] | Please consider the environment before printing this email

[cid:image001.png@01D114A3.6C41EE60]

[REDACTED]  
[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001

Ph: [REDACTED] | Fax: [REDACTED] | Mob: [REDACTED] Please consider the environment before printing this email

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<http://www.mailguard.com.au/mg>



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 3:50 PM  
**To:** James WATSON; Maree BRIDGER; Agnieszka HOLLAND; Guy BOEKENSTEIN; [REDACTED]  
**Cc:** ABOC; Clive MURRAY; DLO; Ministerial Support; MO Registration  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

James

Having reviewed the documents you sent Guy and Maree, I am just seeking to confirm that there is currently no scheduled removal date/time for this passenger. All references I can see say 'TBA,' but I just wanted to confirm this. Are there any plans to remove [REDACTED] tonight - if so, on which flight?

This is one of the key things that the MO will want to know.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: (02) 6277 [REDACTED]  
M: [REDACTED]  
E: [REDACTED]@border.gov.au

-----Original Message-----

**From:** James WATSON  
**Sent:** Sunday, 1 November 2015 2:52 PM  
**To:** [REDACTED]; Maree BRIDGER; Agnieszka HOLLAND; Guy BOEKENSTEIN; [REDACTED]; [REDACTED]  
**Cc:** Strategic Border Command Centre; Clive MURRAY; DLO; Ministerial Support; MO Registration  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

Guy,,

As discussed, the operational decisions in relation to the matter have been forwarded to Exec division for input into the response. Please let me know if you want any further assistance from SBC at this time.

James Watson  
Commander | Detention and Compliance Operations Strategic Border Command Australian Border Force  
P: : 02 6275 [REDACTED] | M: [REDACTED]  
E: james.watson@border.gov.au  
W : www.border.gov.au

---

**From:** [REDACTED] <mailto:[REDACTED]@border.gov.au>  
**Sent:** 1/11/2015 2:46 PM  
**To:** BRIDGER Maree<mailto:Maree.Bridger@border.gov.au>; HOLLAND Agnieszka<mailto:agnieszka.holland@border.gov.au>; BOEKENSTEIN Guy<mailto:guy.boekenstein@border.gov.au>; [REDACTED]@border.gov.au; [REDACTED]

Cc: WATSON James<mailto:james.watson@border.gov.au>; [REDACTED]  
[REDACTED]@border.gov.au>; MURRAY Clive<mailto:Clive.Murray@border.gov.au>;

Subject: RE: Re [REDACTED] [SEC=UNCLASSIFIED]

James & SBCC

Can I please get an estimated time frame for delivery of this client brief so I can manage the MO's expectations.

Note that the minister is travelling overseas this evening so it would be good to get this resolved as soon as possible.

Regards

Sent with Good (www.good.com)

-----Original Message-----

From: [REDACTED]  
Sent: Sunday, November 01, 2015 01:52 PM AUS Eastern Standard Time  
To: Maree BRIDGER; Agnieszka HOLLAND; Guy BOEKENSTEIN; [REDACTED]  
Cc: James WATSON; Strategic Border Command Centre; Clive MURRAY; DLO; Ministerial Support; MO Registration  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

All

I understand that the email below has resulted in SBCC identifying more significant issues in relation to this client.

As such grateful if we could please get a client brief on the client below. As well as information originally requested, this should include options for the Minister to intervene (eg under s195A) should he wish (noting that he has no details on regards to this case at this time and thus his intentions with respect to this case are not clear).

Kind regards

Sent with Good (www.good.com)

-----Original Message-----

From: [REDACTED]  
Sent: Sunday, November 01, 2015 12:31 PM AUS Eastern Standard Time  
To: Strategic Border Command Centre  
Cc: DLO  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

Hi SBCC

Can we please get a explanation of this situation, whether visa has been cancelled, reasons for cancellation, current location of client and removal plans if any.

I will follow up with a phone call soon.

[REDACTED]  
Senior Departmental Liaison Officer  
Minister dutton's office

Sent with Good (www.good.com)

-----Original Message-----

From: Craig MACLACHLAN  
Sent: Sunday, November 01, 2015 11:47 AM AUS Eastern Standard Time  
To: [REDACTED]  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

[REDACTED]  
Can you pls follow up w the dept asap to find out what the story is here pls?  
Tks  
C

Sent with Good (www.good.com)

-----Original Message-----

From: [REDACTED]@afl.com.au [REDACTED]@afl.com.au<mailto:[REDACTED]@afl.com.au>]  
Sent: Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
To: Craig MACLACHLAN  
Subject: Fwd: Re [REDACTED]

Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

[REDACTED]  
[REDACTED]  
Begin forwarded message:

From: [REDACTED]@afl.com.au<mailto:[REDACTED]@afl.com.au>>  
Date: 1 November 2015 at 10:59:13 AM AEDT  
To: [REDACTED]@afl.com.au<mailto:[REDACTED]@afl.com.au>>  
Subject: Fwd: Re [REDACTED]

Begin forwarded message:

From: [REDACTED]  
Date: 1 November 2015 at 10:55:53 AM AEDT  
To: [REDACTED]@afl.com.au>>  
Subject: Re [REDACTED]

Writing in relation to [REDACTED], who has come out to visit us and other friends in Adelaide for three months holiday, returning to [REDACTED] in January. [REDACTED] was denied a visa by immigration at Adelaide airport late last night and is scheduled to be deported back to [REDACTED] tonight (Sunday). We haven't spoken with immigration but apparently we are the reason and rationale [REDACTED] has been denied the visa.

There has clearly been a misunderstanding that [REDACTED] was intending to work for us when [REDACTED] is here to spend time with our family, as we consider [REDACTED] to be family. We live in the [REDACTED] and have four kids who will be devastated not to see [REDACTED]

A [REDACTED] of outstanding character and integrity. [REDACTED] also made many friends in Adelaide and will spend time with them. What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?

Kind regards  
[REDACTED]

Sent from my iPad  
--

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[cid:image899234.PNG@81212c0f.45938fc9]

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
[REDACTED] | Please consider the environment before printing this email

[cid:imageae113f.PNG@67b32adf.4da1a25e]

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
[REDACTED] Please consider the environment before printing this email

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<http://www.mailguard.com.au/mg>

UNCLASSIFIED

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 4:51 PM  
**To:** ABOC; James WATSON; Clive MURRAY; Peter RICHARDS; [REDACTED]; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; Guy BOEKENSTEIN; DLO; [REDACTED]  
**Subject:** MO Registration; Ministerial Support  
Urgent Tasking - Possible 195A submission for [REDACTED]  
[SEC=UNCLASSIFIED]  
**Attachments:** Record of interview.pdf

UNCLASSIFIED

All

Using the information provided by James Watson/SBCC, I prepared the email below for MIBP's Chief of Staff summarising the situation with this [REDACTED] in Adelaide.

The CoS is briefing the Minister on this issue now.

However, CoS has asked for two things:

- 1) The Department to be on stand-by to prepare a s195A submission for this client before he (MIBP) departs Australia tonight (he checks in at 7.45pm in Brisbane, so 8.45pm Canberra time. He takes off at 8.45pm in Brisbane, so 9.45pm in Canberra). **I believe Peter Richard's branch would lead on this.**
- 2) If the Minister decides that he does want to consider intervening but is happy to do so on arrival in the Middle East tomorrow, can the Dept provide advice on whether client's removal tonight can be delayed? For clarity, the MO is not yet requesting that this removal be delayed, just advice on whether it is possible/feasible to delay this if required to give the Dept longer to prepare the s195A submission and the Minister longer to consider it. **SBC to lead on this.**

Grateful confirmation of this tasking. I understand that Guy will call relevant SES to alert them to this tasking.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 4:34 PM  
**To:** Guy BOEKENSTEIN; Maree BRIDGER; Agnieszka HOLLAND; [REDACTED]  
**Cc:** MO Registration  
**Subject:** FW: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Guy/Maree/Agnieszka [REDACTED] – for your information (I called Guy to discuss this response before I sent it).

MO Registration – please register.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 4:33 PM  
**To:** Craig MACLACHLAN  
**Cc:** DLO  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Craig

Key details about this case as below:

- Client is [REDACTED]
- On [REDACTED] arrived at Adelaide International Airport on board EK 440, holding a valid TV 651 Visitor visa.
- [REDACTED] was interviewed by Border Entry Officer who established that [REDACTED] returned to Australia holding a tourist visa with intentions to work as a nanny.
- ABF refused entry into Australia.
- The Decision was made by the ABF to cancel [REDACTED] visa under s116(1)(g), Reg 2.43(1)(ka) as [REDACTED] was found to be a non-genuine visitor. Further detail about this decision to cancel is below.
- Passenger has been placed into detention at Adelaide Immigration Transit Accommodation pending removal from Australia.
- Emirates Airlines have been contacted to make arrangements for [REDACTED] return flight. Details of the departure flight are TBA, but it is expected to be evening tonight 01NOV2015 (possibly on EK441 at 2235 AEDT).

Background to cancellation decision:

- Client has been in Australia since 2012 on a combination of subclass 417 (Working Holiday), subclass 572 (Student) and subclass 651 (Visitor) visas.
- Client last departed Australia on 3 May as the holder of a subclass 651 (Tourist) visa.
- On [REDACTED] last entry to Australia, the client was spoken to by ABF officers and counselled regarding [REDACTED] work rights on a Tourist visa. The client was counselled not to undertake any form of work on a Tourist visa, including child minding.
- Client was interviewed on arrival in Adelaide last night.
- In this interview [REDACTED] stated that [REDACTED] would be residing with [REDACTED] for 3 months at their farm in the [REDACTED]. Client was an au-pair for this family when [REDACTED] held a Working Holiday visa in 2013 and 2014.

- [REDACTED] stated that [REDACTED] main goal in coming to Australia is to volunteer work. Client claimed [REDACTED] had made an appointment with the South Australian volunteer officer to seek volunteer work.
- Client also confirmed at interview that [REDACTED] would receive free accommodation for 3 months in return for helping with this family's children, cooking and riding their horses.
- Text messages on the client's phone support this.
- Client was given an opportunity to comment on why [REDACTED] visa should not be cancelled. In response [REDACTED] stated that [REDACTED] was doing volunteer work only for this family and was not being paid so [REDACTED] visa should not be cancelled.

Options available for this client in the future include:

- Once the client departs, [REDACTED] will have what is commonly known as a '3 year exclusion period'. As part of a future visa application, the client can request this be waived (in relation to that visa application only). The decision maker will assess whether [REDACTED] meets the requirements for the grant of a visa despite the existence of an exclusion period (eg. compassionate or compelling reasons affecting an Australian citizen or permanent resident). [REDACTED] would still need to be meet the criteria for the visa applied for.
- The Minister does have a non-compellable Ministerial Intervention power under s195A of the Migration Act 1958 to grant a visa to a client who is currently detained. If the Minister was minded to use his Ministerial Intervention powers, it would take some time (approx 24 hours) to prepare a submission for the Minister's consideration.

You should also be aware that since I arrived at the office, the family this client was to visit ([REDACTED]) has called the office to raise this issue. I just noted that the office was aware of the case but didn't go into details.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** Craig MACLACHLAN  
**Sent:** Sunday, 1 November 2015 1:22 PM  
**To:** [REDACTED]  
**Subject:** FW: Re: [REDACTED] [SEC=UNCLASSIFIED]

Here are [REDACTED] passport details  
C

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]@afl.com.au  
**Sent:** Sunday, November 01, 2015 12:35 PM AUS Eastern Standard Time



To: Craig MACLACHLAN  
Subject: Re: Re [REDACTED] [SEC=UNCLASSIFIED]

Thanks Craig,

[REDACTED] on a [REDACTED] passport and the number is

[REDACTED]

Cheers

[REDACTED]

On 1 Nov 2015, at 11:48 AM, Craig MACLACHLAN <[CRAIG.MACLACHLAN@BORDER.GOV.AU](mailto:CRAIG.MACLACHLAN@BORDER.GOV.AU)> wrote:

Thanks. Will come back to you.

Tks

C

Sent with Good ([www.good.com](http://www.good.com))



[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED]  
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-----Original Message-----

**From:** [REDACTED] <[\[REDACTED\]@afl.com.au](mailto:[REDACTED]@afl.com.au)>  
**Sent:** Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Subject:** Fwd: Re [REDACTED]

Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

[REDACTED]

[REDACTED]

Begin forwarded message:

**From:** [REDACTED] <[\[REDACTED\]@afl.com.au](mailto:[REDACTED]@afl.com.au)>  
**Date:** 1 November 2015 at 10:59:13 AM AEDT

To: [REDACTED]@afl.com.au>  
Subject: Fwd: Re [REDACTED]

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 1 November 2015 at 10:55:53 AM AEDT  
**To:** [REDACTED]@afl.com.au>  
**Subject:** Re [REDACTED]

Writing in relation to [REDACTED]  
[REDACTED] who has come out to visit us and other friends in  
Adelaide for three months holiday, returning to [REDACTED] in  
January.

[REDACTED] was denied a visa by immigration at Adelaide airport late  
last night and is scheduled to be deported back to [REDACTED]  
tonight (Sunday). We haven't spoken with immigration but  
apparently we are the reason and rationale [REDACTED] has been denied  
the visa.

There has clearly been a misunderstanding that [REDACTED] was  
intending to work for us when [REDACTED] is here to spend time with  
our family, as we consider [REDACTED] to be family. We live in the  
[REDACTED] and have four kids who will be  
devastated not to see [REDACTED]

A [REDACTED] of outstanding character and integrity. [REDACTED] also made  
many friends in Adelaide and will spend time with them.  
What can we do to have this injustice resolved and have [REDACTED]  
tourist visa reinstated before [REDACTED] flies out tonight?

Kind regards  
[REDACTED]

Sent from my iPad

--

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SkCoPYCtzvF54I/0](https://console.mailguard.com.au/ras/1N8rvY7UuU/5Ixxw14G8SkCoPYCtzvF54I/0)

<image899234.PNG>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001

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<imageae113f.PNG>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001

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**DIBP Inspectors Report (M304/Border Referral)**  
**ADELAIDE**  
**Referral ID No AD0000189051**

Vessel/Flight No.: EK440

Arrival Date: 31/10/2015

Family Name: [REDACTED] Given Names: [REDACTED]

Relationship St: [REDACTED] Date of Birth: [REDACTED] Sex: [REDACTED]

Visa Label No : 000000000000 Place of Issue: CENTRAL OFFICE  
Visa Grant No : [REDACTED]

Visa Granted on: 07/08/2015 Class/Subclass: TV - 651P000

Travel Doc ID : [REDACTED] TD Cntry: [REDACTED]

Intended Address:  
  
Postcode:

Reason for Referral: BONAFIDES CHECK

Outcome:

Reason :

Authority to Enter: E-VISA HOLDER

Circumstances Reported:

BONAFIDES REFERRAL CREATED BY PRRCAD THROUGH THE APP SYSTEM

1. SOURCE OF THE REFERRAL: APP
2. REASONS WHY THE PERSON WAS REFERRED/SELECTED - PAX HAS BEEN LIVING IN A/A SINCE 2012 ON COMBINATION OF S/C 417 AND S/C 572 VISAS. PAX RETURNING ON A TOURIST VISA.
3. TIME OF REFERRAL TO DIAC: 09:15
4. INFORMATION LEADING TO GROUNDS FOR CANCELLATION  
YOU HAVE ARRIVED AT **ADELAIDE** AIRPORT AS THE HOLDER OF A TOURISM VISITOR VISA.

YOU HAVE STATED DURING INTERVIEW WITH AN AUSTRALIAN BORDER OFFICER (ABF) THAT YOUR MAIN GOAL IS TO DO VOLUNTEER WORK WITH DISADVANTAGED CHILDREN. YOU HAVE CONTACTED THE SOUTH AUSTRALIAN VOLUNTEER OFFICE AND HAVE MADE AN APPOINTMENT FOR AN INTERVIEW TO SEEK VOLUNTEER WORK.

YOU WILL BE RESIDING WITH [REDACTED] FOR 3 MONTHS AT THEIR FARM IN [REDACTED], YOU WERE AN AU-PAIR FOR THEM ON YOUR PREVIOUS WORKING HOLIDAY MAKER VISAS IN 2012 AND 2013, AS THEY HAVE 4 CHILDREN WITH A 5TH ON THE WAY.

MESSAGES ON YOUR MOBILE PHONE BETWEEN YOU AND YOUR FORMER EMPLOYER [REDACTED], STATE THAT [REDACTED] HAS INVITED YOU TO [REDACTED] HOUSE, SO YOU CAN DO AU-PAIR TYPE WORK FOR [REDACTED] ON THE 2ND, 4TH AND 26TH OF NOVEMBER 2015.

[REDACTED] ..... 01/11/2015  
Officer Position Signature Date

**DIBP Inspectors Report (M304/Border Referral)  
ADELAIDE  
Referral ID No AD0000189051**

Vessel/Flight No.: EK440

Arrival Date: 31/10/2015

Family Name: [REDACTED]

Given Names: [REDACTED]

YOU WILL ALSO BE DOING SOME HORSE WORK FOR AT A POLO EVENT IN **ADELAIDE**. [REDACTED] WILL ORGANISE A CAR FOR YOU. YOU RESPONDED TO THIS MESSAGE ADVISING THAT YOU WOULD LOVE TO STAY AT THE FARM AND DO THE HORSES AND CAN LOOK AFTER [REDACTED] ON THE ABOVE MENTIONED DATES. DURING FORMAL INTERVIEW, YOU HAVE STATED THAT IN RETURN FOR HELPING WITH THE CHILDREN, COOKING, AND RIDING THEIR HORSES YOU WILL RECEIVE FREE ACCOMMODATION FOR 3 MONTHS. YOU STATED YOU WILL NOT RECEIVE MONETARY PAYMENT.

ON YOUR LAST ENTRY TO AUSTRALIA IN APRIL 2015 ON ANOTHER 651 TOURIST VISA, YOU WERE SPOKEN TO BY ABF OFFICERS AND COUNSELLED REGARDING YOUR WORK RIGHTS ON A TOURIST VISA, AND NOT TO UNDERTAKE ANY FORM OF WORK, INCLUDING CHILD MINDING.

BASED ON THE ABOVE INFORMATION, IT APPEARS THAT, IN THE CASE OF A HOLDER OF A SUBCLASS 651 (EVISITOR) VISA THAT, DESPITE THE GRANT OF THE VISA, THE VISA HOLDER DID NOT HAVE, AT THE TIME OF THE GRANT OF THE VISA, OR HAS CEASED TO HAVE, AN INTENTION ONLY TO STAY IN, OR VISIT, AUSTRALIA TEMPORARILY FOR THE TOURISM OR BUSINESS PURPOSES FOR WHICH THE VISA WAS GRANTED.

5. RESPONSE BY VISA HOLDER: PAX CONSIDERS GROUNDS DO NO EXIST AS [REDACTED] IS DOING VOLUNTEER WORK FOR [REDACTED] AND IS NOT BEING PAID RATHER [REDACTED] IS RECEIVING FREE ACCOMMODATION AND FOOD IN EXCHANGE FOR COOKING, LOOKING AFTER CHILDREN AND HELPING WITH HORSES.

6. DISCUSSED WITH AIRPORT MANAGER: PEER TO PEER WITH PERTH DUTY MANAGER [REDACTED]

8. DECISION AND POWER/GROUNDS USED TO CANCEL: S116(1)(G) REG 2.43 (1) (KA)

9. TIME OF SERVING THE DECISION AND DETENTION - 21:35

10. OFFER OF CONSULAR ACCESS - YES - DECLINED

11. REMOVAL/TRANSFER TO IDC DETAILS AND TIME: 02:08

12. MEDICAL OR OTHER CONCERNS OR OBSERVATIONS - NIL

13. EXPECTED COMPLETION DATE OF M304 - 3/11/2015

I HAVE ASKED PAX THE FOLLOWING QUESTIONS:

- ARE YOU AN AUSTRALIAN CITIZEN? NO
- ARE YOU AN AUSTRALIAN PERMANENT RESIDENT? NO

IN ADDITION TO THE ABOVE, IF THERE IS ANY INFORMATION RELATED TO AN ISSUE THAT COULD BE OF INTEREST TO THE MINISTER /DIAC / MEDIA, PLEASE

[REDACTED]	.....	.....	01/11/2015
Officer	Position	Signature	Date

**DIBP Inspectors Report (M304/Border Referral)**  
**ADELAIDE**  
**Referral ID No AD0000189051**

Vessel/Flight No.: EK440

Arrival Date: 31/10/2015

=====  
Family Name: [REDACTED]

Given Names: [REDACTED]

-----  
INCLUDE IT. - NO

-----  
[REDACTED]  
Officer

.....  
Position

.....  
Signature

01/11/2015  
Date

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 5:20 PM  
**To:** Craig MACLACHLAN  
**Cc:** DLO; Thomas FLEMING; [REDACTED]  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Yes, I am organising. This will be very tight, but we're on it.

I will try and organise for ABF officers to meet the Minister at the airport with the submission. I will give them [REDACTED] and Tom's numbers as contacts so they can deliver the submission.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** Craig MACLACHLAN  
**Sent:** Sunday, 1 November 2015 5:11 PM  
**To:** [REDACTED]  
**Cc:** DLO; Tom FLEMING; [REDACTED]  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

[REDACTED]  
Can we pls get an MI to the Minister before he leaves for Jordan this evening?  
Tks  
C

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 04:33 PM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Cc:** DLO  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Craig

Key details about this case as below:

- Client is [REDACTED]
- On [REDACTED] arrived at Adelaide International Airport on board EK 440, holding a valid TV 651 Visitor visa.
- [REDACTED] was interviewed by Border Entry Officer who established that [REDACTED] returned to Australia holding a tourist visa with intentions to work as a nanny.
- ABF refused entry into Australia.
- The Decision was made by the ABF to cancel [REDACTED] visa under s116(1)(g), Reg 2.43(1)(ka) as [REDACTED] was found to be a non-genuine visitor. Further detail about this decision to cancel is below.
- Passenger has been placed into detention at Adelaide Immigration Transit Accommodation pending removal from Australia.
- Emirates Airlines have been contacted to make arrangements for [REDACTED] return flight. Details of the departure flight are TBA, but it is expected to be evening tonight 01NOV2015 (possibly on EK441 at 2235 AEDT).

Background to cancellation decision:

- Client has been in Australia since 2012 on a combination of subclass 417 (Working Holiday), subclass 572 (Student) and subclass 651 (Visitor) visas.
- Client last departed Australia on 3 May as the holder of a subclass 651 (Tourist) visa.
- On [REDACTED] last entry to Australia, the client was spoken to by ABF officers and counselled regarding [REDACTED] work rights on a Tourist visa. The client was counselled not to undertake any form of work on a Tourist visa, including child minding.
- Client was interviewed on arrival in Adelaide last night.
- In this interview [REDACTED] stated that [REDACTED] would be residing with [REDACTED] for 3 months at their farm in the [REDACTED]. Client was an au-pair for this family when [REDACTED] held a Working Holiday visa in 2013 and 2014.
- [REDACTED] stated that [REDACTED] main goal in coming to Australia is to volunteer work. Client claimed [REDACTED] had made an appointment with the South Australian volunteer officer to seek volunteer work.
- Client also confirmed at interview that [REDACTED] would receive free accommodation for 3 months in return for helping with this family's children, cooking and riding their horses.
- Text messages on the client's phone support this.
- Client was given an opportunity to comment on why [REDACTED] visa should not be cancelled. In response [REDACTED] stated that [REDACTED] was doing volunteer work only for this family and was not being paid so [REDACTED] visa should not be cancelled.

Options available for this client in the future include:

- Once the client departs, [REDACTED] will have what is commonly known as a '3 year exclusion period'. As part of a future visa application, the client can request this be waived (in relation to that visa application only). The decision maker will assess whether [REDACTED] meets the requirements for the grant of a visa despite the existence of an exclusion period (eg. compassionate or compelling reasons affecting an Australian citizen or permanent resident). [REDACTED] would still need to be meet the criteria for the visa applied for.
- The Minister does have a non-compellable Ministerial Intervention power under s195A of the Migration Act 1958 to grant a visa to a client who is currently detained. If the Minister was minded to use his Ministerial Intervention powers, it would take some time (approx 24 hours) to prepare a submission for the Minister's consideration.

You should also be aware that since I arrived at the office, the family this client was to visit ([REDACTED]) has called the office to raise this issue. I just noted that the office was aware of the case but didn't go into details.

Kind regards

[REDACTED]



Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** Craig MACLACHLAN  
**Sent:** Sunday, 1 November 2015 1:22 PM  
**To:** [REDACTED]  
**Subject:** FW: Re: [REDACTED] [SEC=UNCLASSIFIED]

Here are [REDACTED] passport details  
C

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]@afl.com.au  
**Sent:** Sunday, November 01, 2015 12:35 PM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Subject:** Re: Re: [REDACTED] [SEC=UNCLASSIFIED]

Thanks Craig,

[REDACTED] on a [REDACTED] passport and the number is

[REDACTED]

Cheers

[REDACTED]

On 1 Nov 2015, at 11:48 AM, Craig MACLACHLAN <[CRAIG.MACLACHLAN@BORDER.GOV.AU](mailto:CRAIG.MACLACHLAN@BORDER.GOV.AU)> wrote:

Thanks. Will come back to you.  
Tks  
C

Sent with Good ([www.good.com](http://www.good.com))



[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED]  
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-----Original Message-----

**From:** [REDACTED] <[REDACTED]@afl.com.au>  
**Sent:** Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Subject:** Fwd: Re [REDACTED]

Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

[REDACTED]

[REDACTED]

Begin forwarded message:

**From:** [REDACTED] <[REDACTED]@afl.com.au>  
**Date:** 1 November 2015 at 10:59:13 AM AEDT  
**To:** [REDACTED] <[REDACTED]@afl.com.au>  
**Subject:** Fwd: Re [REDACTED]

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 1 November 2015 at 10:55:53 AM AEDT  
**To:** [REDACTED] <[REDACTED]@afl.com.au>  
**Subject:** Re [REDACTED]

Writing in relation to [REDACTED]  
[REDACTED] who has come out to visit us and other friends in  
Adelaide for three months holiday, returning to [REDACTED] in  
January.

[REDACTED] was denied a visa by immigration at Adelaide airport late  
last night and is scheduled to be deported back to [REDACTED]  
tonight (Sunday). We haven't spoken with immigration but  
apparently we are the reason and rationale [REDACTED] has been denied  
the visa.

There has clearly been a misunderstanding that [REDACTED] was  
intending to work for us when [REDACTED] is here to spend time with

our family, as we consider [REDACTED] to be family. We live in the [REDACTED] and have four kids who will be devastated not to see [REDACTED]. A [REDACTED] of outstanding character and integrity. [REDACTED] also made many friends in Adelaide and will spend time with them. What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?  
Kind regards  
[REDACTED]

Sent from my iPad

--

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<image899234.PNG>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED]  
Please consider the environment before printing this email

<imageae113f.PNG>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED]  
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<http://www.mailguard.com.au/mg>

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 5:29 PM  
**To:** Guy BOEKENSTEIN  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Got on to him on the phone just then.

He will acknowledge via email soon (he can't right now, but will soon).

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** Guy BOEKENSTEIN  
**Sent:** Sunday, 1 November 2015 5:27 PM  
**To:** [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Let me know if you get onto [REDACTED].

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 05:26 PM AUS Eastern Standard Time  
**To:** Guy BOEKENSTEIN  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Yep. Will do.

Just FYI. My mobile has just run out of battery.

Call my landline at work if you need me.

Should be charged up again enough to work soon.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** Guy BOEKENSTEIN  
**Sent:** Sunday, 1 November 2015 5:25 PM  
**To:** [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Can you try [REDACTED] I have sent him a text and can't get any response from Peta or Peter. I will try [REDACTED] again.

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 05:23 PM AUS Eastern Standard Time  
**To:** Guy BOEKENSTEIN; [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS; [REDACTED]; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED] MO Registration; Ministerial Support  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Guy – thank you.

MIBP has now reviewed the case and has asked for a s195A Ministerial Intervention submission to be presented to him in Brisbane tonight before he departs (he takes off at 8.45pm Brisbane time, 9.45pm Canberra time).

Peta/Peter/[REDACTED] – can you please confirm you are working on this submission and timeframe for finalisation?

James – note that MIBP may use his MI powers tonight. Should he decide to intervene and grant a visa, then the removal would not proceed. Also, I understand that SBC arranged for airport facilitation for the Minister on departure in Brisbane tonight. Are the officers doing this facilitation able to print of a copy of the submission (when it is ready) and present it to the Minister at the airport for signature?

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** Guy BOEKENSTEIN  
**Sent:** Sunday, 1 November 2015 5:07 PM  
**To:** [REDACTED]; [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS;  
[REDACTED]; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support  
**Subject:** RE: Urgent Tasking - Possible 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

James - thanks for the advice you are working up a response to point two.

Peta/Peter - can you advise please on point one.

Regards  
Guy

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 04:51 PM AUS Eastern Standard Time  
**To:** [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS;  
[REDACTED]; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; Guy BOEKENSTEIN; DLO; [REDACTED]; MO  
Registration; Ministerial Support  
**Subject:** Urgent Tasking - Possible 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

All

Using the information provided by James Watson/SBCC, I prepared the email below for MIBP's Chief of Staff summarising the situation with this [REDACTED] Tourist in Adelaide.

The CoS is briefing the Minister on this issue now.

However, CoS has asked for two things:

- 1) The Department to be on stand-by to prepare a s195A submission for this client before he (MIBP) departs Australia tonight (he checks in at 7.45pm in Brisbane, so 8.45pm Canberra time. He takes off at 8.45pm in Brisbane, so 9.45pm in Canberra). **I believe Peter Richard's branch would lead on this.**
- 2) If the Minister decides that he does want to consider intervening but is happy to do so on arrival in the Middle East tomorrow, can the Dept provide advice on whether client's removal tonight can be delayed ? For clarity, the MO is not yet requesting that this removal be delayed, just advice on whether it is

possible/feasible to delay this if required to give the Dept longer to prepare the s195A submission and the Minister longer to consider it. **SBC to lead on this.**

Grateful confirmation of this tasking. I understand that Guy will call relevant SES to alert them to this tasking.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 4:34 PM  
**To:** Guy BOEKENSTEIN; Maree BRIDGER; Agnieszka HOLLAND; [REDACTED]  
**Cc:** MO Registration  
**Subject:** FW: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Guy/Maree/Agnieszka/[REDACTED] – for your information (I called Guy to discuss this response before I sent it).

MO Registration – please register.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 4:33 PM  
**To:** Craig MACLACHLAN  
**Cc:** DLO  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Craig



Key details about this case as below:

- Client is [REDACTED]
- On [REDACTED] arrived at Adelaide International Airport on board EK 440, holding a valid TV 651 Visitor visa.
- [REDACTED] was interviewed by Border Entry Officer who established that [REDACTED] returned to Australia holding a tourist visa with intentions to work as a nanny.
- ABF refused entry into Australia.
- The Decision was made by the ABF to cancel [REDACTED]'s visa under s116(1)(g), Reg 2.43(1)(ka) as [REDACTED] was found to be a non-genuine visitor. Further detail about this decision to cancel is below.
- Passenger has been placed into detention at Adelaide Immigration Transit Accommodation pending removal from Australia.
- Emirates Airlines have been contacted to make arrangements for [REDACTED] return flight. Details of the departure flight are TBA, but it is expected to be evening tonight 01NOV2015 (possibly on EK441 at 2235 AEDT).

Background to cancellation decision:

- Client has been in Australia since 2012 on a combination of subclass 417 (Working Holiday), subclass 572 (Student) and subclass 651 (Visitor) visas.
- Client last departed Australia on 3 May as the holder of a subclass 651 (Tourist) visa.
- On [REDACTED] last entry to Australia, the client was spoken to by ABF officers and counselled regarding [REDACTED] work rights on a Tourist visa. The client was counselled not to undertake any form of work on a Tourist visa, including child minding.
- Client was interviewed on arrival in Adelaide last night.
- In this interview [REDACTED] stated that [REDACTED] would be residing with [REDACTED] for 3 months at their farm in the [REDACTED]. Client was an au-pair for this family when [REDACTED] held a Working Holiday visa in 2013 and 2014.
- [REDACTED] stated that [REDACTED] main goal in coming to Australia is to volunteer work. Client claimed [REDACTED] had made an appointment with the South Australian volunteer officer to seek volunteer work.
- Client also confirmed at interview that [REDACTED] would receive free accommodation for 3 months in return for helping with this family's children, cooking and riding their horses.
- Text messages on the client's phone support this.
- Client was given an opportunity to comment on why [REDACTED] visa should not be cancelled. In response [REDACTED] stated that [REDACTED] was doing volunteer work only for this family and was not being paid so [REDACTED] visa should not be cancelled.

Options available for this client in the future include:

- Once the client departs, [REDACTED] will have what is commonly known as a '3 year exclusion period'. As part of a future visa application, the client can request this be waived (in relation to that visa application only). The decision maker will assess whether [REDACTED] meets the requirements for the grant of a visa despite the existence of an exclusion period (eg. compassionate or compelling reasons affecting an Australian citizen or permanent resident). [REDACTED] would still need to be meet the criteria for the visa applied for.
- The Minister does have a non-compellable Ministerial Intervention power under s195A of the Migration Act 1958 to grant a visa to a client who is currently detained. If the Minister was minded to use his Ministerial Intervention powers, it would take some time (approx 24 hours) to prepare a submission for the Minister's consideration.

You should also be aware that since I arrived at the office, the family this client was to visit ([REDACTED]) has called the office to raise this issue. I just noted that the office was aware of the case but didn't go into details.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** Craig MACLACHLAN  
**Sent:** Sunday, 1 November 2015 1:22 PM  
**To:** [REDACTED]  
**Subject:** FW: Re: [REDACTED] [SEC=UNCLASSIFIED]

Here are [REDACTED] passport details  
C

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]@afl.com.au  
**Sent:** Sunday, November 01, 2015 12:35 PM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Subject:** Re: Re: [REDACTED] [SEC=UNCLASSIFIED]

Thanks Craig,

[REDACTED] on a [REDACTED] and the number is

[REDACTED]

Cheers

[REDACTED]

On 1 Nov 2015, at 11:48 AM, Craig MACLACHLAN <[CRAIG.MACLACHLAN@BORDER.GOV.AU](mailto:CRAIG.MACLACHLAN@BORDER.GOV.AU)> wrote:

Thanks. Will come back to you.  
Tks  
C

Sent with Good ([www.good.com](http://www.good.com))



[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED]  
Please consider the environment before printing this email

-----Original Message-----

**From:** [REDACTED] <[REDACTED]@afl.com.au>  
**Sent:** Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Subject:** Fwd: Re [REDACTED]

Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

[REDACTED]

[REDACTED]

Begin forwarded message:

**From:** [REDACTED] <[REDACTED]@afl.com.au>  
**Date:** 1 November 2015 at 10:59:13 AM AEDT  
**To:** [REDACTED] <[REDACTED]@afl.com.au>  
**Subject:** Fwd: Re [REDACTED]

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 1 November 2015 at 10:55:53 AM AEDT  
**To:** [REDACTED] <[REDACTED]@afl.com.au>  
**Subject:** Re [REDACTED]

Writing in relation to [REDACTED]  
[REDACTED] who has come out to visit us and other friends in  
Adelaide for three months holiday, returning to [REDACTED] in  
January.  
[REDACTED] was denied a visa by immigration at Adelaide airport late  
last night and is scheduled to be deported back to [REDACTED]  
tonight (Sunday). We haven't spoken with immigration but  
apparently we are the reason and rationale [REDACTED] has been denied  
the visa.

There has clearly been a misunderstanding that [REDACTED] was  
intending to work for us when [REDACTED] is here to spend time with

our family, as we consider [REDACTED] to be family. We live in the [REDACTED] and have four kids who will be devastated not to see [REDACTED]. A [REDACTED] of outstanding character and integrity [REDACTED] also made many friends in Adelaide and will spend time with them. What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?  
Kind regards  
[REDACTED]

Sent from my iPad

--

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<https://console.mailguard.com.au/ras/1N8rvY7UuU/5Ixx14G8SkCoPYCtztvF54I/0>

<image899234.PNG>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] |  
Please consider the environment before printing this email

<imageae113f.PNG>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] |  
Please consider the environment before printing this email

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<http://www.mailguard.com.au/mg>

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 6:22 PM  
**To:** [REDACTED] James WATSON; Guy BOEKENSTEIN; ABOC; Clive MURRAY; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks [REDACTED]

[REDACTED] – please address email to SBCC but copy us all in for visibility (and thanks again).

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 6:12 PM  
**To:** [REDACTED] James WATSON; Guy BOEKENSTEIN; [REDACTED]; Clive MURRAY; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Thanks [REDACTED] acknowledged. [REDACTED] is currently at the office and drafting. She will forward the sub and decision docs to SBC et al when drafted.

[REDACTED]

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 06:06 PM AUS Eastern Standard Time  
**To:** James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Clive MURRAY; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial

Support; [REDACTED]; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

[REDACTED]  
Thanks for acknowledging this request. I understand you have someone heading into the office now (thankyou).

In response to your two questions by phone, I have just confirmed the following with the Chief of Staff:

- 1) A submission is required to accompany the decision documentation (but this can be extremely short)
- 2) The Minister should be given the option to grant a new Tourist/Visitor visa valid for 3 months.

The Minister has also asked that, if he intervenes to grant a visa, that the client be very strongly counselled that they cannot work, even do volunteer or in-kind work, and that their visa would be liable for cancellation should they do so.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: ([REDACTED])  
[REDACTED]@border.gov.au

-----Original Message-----

From: James WATSON  
Sent: Sunday, 1 November 2015 5:55 PM  
To: [REDACTED]; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Clive MURRAY; Peter RICHARDS; Peta DUNN  
Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Send document to SBC.

James Watson  
Commander | Detention and Compliance Operations Strategic Border Command Australian Border Force  
P: : 02 [REDACTED]  
E: [james.watson@border.gov.au](mailto:james.watson@border.gov.au)  
W : [www.border.gov.au](http://www.border.gov.au)

---

From: [REDACTED]@border.gov.au>  
Sent: 1/11/2015 5:52 PM  
To: WATSON James<<mailto:james.watson@border.gov.au>>; [REDACTED]@border.gov.au>; BOEKENSTEIN Guy<<mailto:guy.boekenstein@border.gov.au>>; [REDACTED]@border.gov.au>; MURRAY Clive<<mailto:Clive.Murray@border.gov.au>>; RICHARDS Peter<<mailto:peter.richards@border.gov.au>>; DUNN Peta<<mailto:peta.dunn@border.gov.au>>  
Cc: HOLLAND Agnieszka<<mailto:agnieszka.holland@border.gov.au>>; BRIDGER Maree<<mailto:Maree.Bridger@border.gov.au>>; DLO [REDACTED]@border.gov.au>; MO Registration [REDACTED] Ministerial Support [REDACTED]@border.gov.au>  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

James

Who is the contact point/email to facilitate transfer of docs?

Thanks

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

From: James WATSON

Sent: Sunday, November 01, 2015 05:27 PM AUS Eastern Standard Time

To: [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Clive MURRAY; Peter RICHARDS; [REDACTED]; Peta DUNN

Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support

Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

We will task RC Qld to facilitate the receipt of relevant documents.

James Watson

Commander | Detention and Compliance Operations Strategic Border Command Australian Border Force

P: : 02 [REDACTED]

E: [james.watson@border.gov.au](mailto:james.watson@border.gov.au)

W: [www.border.gov.au](http://www.border.gov.au)

From: [REDACTED] <[\[REDACTED\]@border.gov.au](mailto:[REDACTED]@border.gov.au)>

Sent: 1/11/2015 5:23 PM

To: BOEKENSTEIN Guy <<mailto:guy.boekenstein@border.gov.au>>; S [REDACTED]

[REDACTED] <[\[REDACTED\]@border.gov.au](mailto:[REDACTED]@border.gov.au)>; WATSON James <<mailto:james.watson@border.gov.au>>; MURRAY

Clive <<mailto:Clive.Murray@border.gov.au>>; RICHARDS Peter <<mailto:peter.richards@border.gov.au>>; [REDACTED]

[REDACTED] <[\[REDACTED\]@border.gov.au](mailto:[REDACTED]@border.gov.au)>; DUNN Peta <<mailto:peta.dunn@border.gov.au>>

Cc: HOLLAND Agnieszka <<mailto:agnieszka.holland@border.gov.au>>; BRIDGER

Maree <<mailto:Maree.Bridger@border.gov.au>>; DLO [REDACTED] Ministerial

Support [REDACTED]

Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Guy – thank you.

MIBP has now reviewed the case and has asked for a s195A Ministerial Intervention submission to be presented to him in Brisbane tonight before he departs (he takes off at 8.45pm Brisbane time, 9.45pm Canberra time).

Peta/Peter [REDACTED] – can you please confirm you are working on this submission and timeframe for finalisation?

James – note that MIBP may use his MI powers tonight. Should he decide to intervene and grant a visa, then the removal would not proceed. Also, I understand that SBC arranged for airport facilitation for the Minister on departure in Brisbane tonight. Are the officers doing this facilitation able to print of a copy of the submission (when it is ready) and present it to the Minister at the airport for signature?

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED] <[\[REDACTED\]@border.gov.au](mailto:[REDACTED]@border.gov.au)>

UNCLASSIFIED

From: Guy BOEKENSTEIN



Sent: Sunday, 1 November 2015 5:07 PM

To: [REDACTED]; [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS; [REDACTED]; Peta DUNN

Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support  
Subject: RE: Urgent Tasking - Possible 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

James - thanks for the advice you are working up a response to point two.

Peta/Peter - can you advise please on point one.

Regards  
Guy

Sent with Good (www.good.com<<http://www.good.com>>)

-----Original Message-----

From: [REDACTED]  
Sent: Sunday, November 01, 2015 04:51 PM AUS Eastern Standard Time  
To: [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS; [REDACTED]; Peta DUNN  
Cc: Agnieszka HOLLAND; Maree BRIDGER; Guy BOEKENSTEIN; DLO; [REDACTED]; MO Registration; Ministerial Support  
Subject: Urgent Tasking - Possible 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED  
All

Using the information provided by James Watson/SBCC, I prepared the email below for MIBP's Chief of Staff summarising the situation with this [REDACTED] Tourist in Adelaide.

The CoS is briefing the Minister on this issue now.

However, CoS has asked for two things:

- 1) The Department to be on stand-by to prepare a s195A submission for this client before he (MIBP) departs Australia tonight (he checks in at 7.45pm in Brisbane, so 8.45pm Canberra time. He takes off at 8.45pm in Brisbane, so 9.45pm in Canberra). I believe Peter Richard's branch would lead on this.
- 2) If the Minister decides that he does want to consider intervening but is happy to do so on arrival in the Middle East tomorrow, can the Dept provide advice on whether client's removal tonight can be delayed? For clarity, the MO is not yet requesting that this removal be delayed, just advice on whether it is possible/feasible to delay this if required to give the Dept longer to prepare the s195A submission and the Minister longer to consider it. SBC to lead on this.

Grateful confirmation of this tasking. I understand that Guy will call relevant SES to alert them to this tasking.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T [REDACTED]  
[REDACTED]@border.gov.au<[mailto:\[REDACTED\]@border.gov.au](mailto:[REDACTED]@border.gov.au)>

UNCLASSIFIED

From: [REDACTED]  
Sent: Sunday, 1 November 2015 4:34 PM  
To: Guy BOEKENSTEIN; Maree BRIDGER; Agnieszka HOLLAND; [REDACTED]

Cc: MO Registration  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED  
Guy/Maree/Agnieszka [REDACTED] – for your information (I called Guy to discuss this response before I sent it).

MO Registration – please register.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED] [border.gov.au](http://border.gov.au)>

UNCLASSIFIED  
From: [REDACTED]  
Sent: Sunday, 1 November 2015 4:33 PM  
To: Craig MACLACHLAN  
Cc: DLO  
Subject: RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED  
Craig

Key details about this case as below:

- Client is [REDACTED]
- On [REDACTED] arrived at Adelaide International Airport on board EK 440, holding a valid TV 651 Visitor visa.
- [REDACTED] was interviewed by Border Entry Officer who established that [REDACTED] returned to Australia holding a tourist visa with intentions to work as a nanny.
- ABF refused entry into Australia.
- The Decision was made by the ABF to cancel [REDACTED] visa under s116(1)(g), Reg 2.43(1)(ka) as [REDACTED] was found to be a non-genuine visitor. Further detail about this decision to cancel is below.
- Passenger has been placed into detention at Adelaide Immigration Transit Accommodation pending removal from Australia.
- Emirates Airlines have been contacted to make arrangements for [REDACTED] return flight. Details of the departure flight are TBA, but it is expected to be evening tonight 01NOV2015 (possibly on EK441 at 2235 AEDT).

Background to cancellation decision:

- Client has been in Australia since 2012 on a combination of subclass 417 (Working Holiday), subclass 572 (Student) and subclass 651 (Visitor) visas.
- Client last departed Australia on 3 May as the holder of a subclass 651 (Tourist) visa.
- On her last entry to Australia, the client was spoken to by ABF officers and counselled regarding [REDACTED] work rights on a Tourist visa. The client was counselled not to undertake any form of work on a Tourist visa, including child minding.
- Client was interviewed on arrival in Adelaide last night.
- In this interview [REDACTED] stated that [REDACTED] would be residing with [REDACTED] for 3 months at their farm in the

[REDACTED]. Client was an au-pair for this family when [REDACTED] held a Working Holiday visa in 2013 and 2014.

[REDACTED] stated that [REDACTED] main goal in coming to Australia is to volunteer work. Client claimed [REDACTED] had made an appointment with the South Australian volunteer officer to seek volunteer work.

Client also confirmed at interview that [REDACTED] would receive free accommodation for 3 months in return for helping with this family's children, cooking and riding their horses.

Text messages on the client's phone support this.

Client was given an opportunity to comment on why [REDACTED] visa should not be cancelled. In response [REDACTED] stated that [REDACTED] was doing volunteer work only for this family and was not being paid so [REDACTED] visa should not be cancelled.

Options available for this client in the future include:

Once the client departs, [REDACTED] will have what is commonly known as a '3 year exclusion period'. As part of a future visa application, the client can request this be waived (in relation to that visa application only). The decision maker will assess whether [REDACTED] meets the requirements for the grant of a visa despite the existence of an exclusion period (eg. compassionate or compelling reasons affecting an Australian citizen or permanent resident). [REDACTED] would still need to be meet the criteria for the visa applied for.

The Minister does have a non-compellable Ministerial Intervention power under s195A of the Migration Act 1958 to grant a visa to a client who is currently detained. If the Minister was minded to use his Ministerial Intervention powers, it would take some time (approx 24 hours) to prepare a submission for the Minister's consideration.

You should also be aware that since I arrived at the office, the family this client was to visit [REDACTED] has called the office to raise this issue. I just noted that the office was aware of the case but didn't go into details.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: (02) 6277 [REDACTED]  
[REDACTED] <[\[REDACTED\]@border.gov.au](mailto:[REDACTED]@border.gov.au)>

UNCLASSIFIED  
From: Craig MACLACHLAN  
Sent: Sunday, 1 November 2015 1:22 PM  
To: [REDACTED]  
Subject: FW: Re: [REDACTED] [SEC=UNCLASSIFIED]

Here are [REDACTED] passport details  
C

Sent with Good (www.good.com<<http://www.good.com>>)

-----Original Message-----  
From: [REDACTED] <[\[REDACTED\]@afl.com.au](mailto:[REDACTED]@afl.com.au)>  
[REDACTED] <[\[REDACTED\]@afl.com.au](mailto:[REDACTED]@afl.com.au)>  
Sent: Sunday, November 01, 2015 12:35 PM AUS Eastern Standard Time  
To: Craig MACLACHLAN  
Subject: Re: Re: [REDACTED] [SEC=UNCLASSIFIED] Thanks Craig,

[REDACTED] on a [REDACTED] passport and the number is

[REDACTED]

Cheers

On 1 Nov 2015, at 11:48 AM, Craig MACLACHLAN  
<CRAIG.MACLACHLAN@BORDER.GOV.AU<<mailto:CRAIG.MACLACHLAN@border.gov.au>>> wrote:  
Thanks. Will come back to you.  
Tks  
C

Sent with Good (www.good.com<<http://www.good.com>>)  
[[cid:image001.png@01D114BD.1A1715B0](#)]

AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: ( ) Please consider the environment before printing this email

-----Original Message-----  
From: J <<@afl.com.au>  
<<@afl.com.au>]  
Sent: Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
To: Craig MACLACHLAN  
Subject: Fwd: Re <<

Hi Craig,

As discussed. I will try and get <> passport number too.

Many thanks

Begin forwarded message:  
From: <<@afl.com.au>>  
Date: 1 November 2015 at 10:59:13 AM AEDT  
To: <<@afl.com.au>>  
Subject: Fwd: Re <<

Begin forwarded message:  
From: <>  
Date: 1 November 2015 at 10:55:53 AM AEDT  
To: <<@afl.com.au>>  
Subject: Re <>  
Writing in relation to <> who has come out to visit us and other friends in  
Adelaide for three months holiday, returning to <> in January.  
<> was denied a visa by immigration at Adelaide airport late last night and is scheduled to be deported back to <> tonight  
(Sunday). We haven't spoken with immigration but apparently we are the reason and rationale <> has been denied the visa.  
There has clearly been a misunderstanding that <> was intending to work for us when <> is here to spend time with our family,  
as we consider <> to be family. We live in the <> and have four kids who will be devastated not to see <>  
A <> of outstanding character and integrity. <> also made many friends in Adelaide and will spend time with them.  
What can we do to have this injustice resolved and have <> tourist visa reinstated before <> flies out tonight?  
Kind regards  
<>

Sent from my iPad

--  
Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering <http://www.mailguard.com.au/mg>  
Click here to report this message as spam:  
<https://console.mailguard.com.au/ras/1N8rvY7UuU/5Iwx14G8SkCoPYCtzvF54I/0>  
<image899234.PNG>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] | Please consider the environment before printing this email

<imageae113f.PNG>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] Please consider the environment before printing this email

This e-mail and any files transmitted with it are intended for the named addressee, are confidential in nature and may contain legally privileged information. The copying or distribution of this e-mail or any information it contains, by anyone other than the addressee or the person responsible for delivering this e-mail to the intended addressee, is prohibited. Any views or opinions represented in this e-mail are solely those of the author and do not represent those of the organisation. If you receive this communication in error, please notify the sender immediately, then delete the e-mail.

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<http://www.mailguard.com.au/mg>

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<http://www.mailguard.com.au/mg>

Report this message as spam<<https://console.mailguard.com.au/ras/1N8sqTvBwH/6zoMQNb7HUavqHRqgSBViR/0.202>>

UNCLASSIFIED

[REDACTED]

**From:** DLO  
**Sent:** Sunday, 1 November 2015 6:46 PM  
**To:** DLO; Clive MURRAY; James WATSON; [REDACTED]; Guy BOEKENSTEIN; ABOC; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; [REDACTED] MO Registration; Ministerial Support; [REDACTED]; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

James/Clive,

After conversation with [REDACTED] and his team about logistics should the Minister decide to intervene it seems that there are two key things that will need to be looked at this evening (depending on his decision). I am just seeking confirmation that SBC will take the lead on these if we notify SBC of the Minister's decision once it has been made (just noting that if we can get these arrangements in place now, it should remove the necessity for a range of late night emails/phone calls).

- 1) Counselling the client strongly (again) about [REDACTED] visa conditions.
- 2) Arranging for the client's release from detention.

I am just seeking confirmation that SBC will take the lead on these if we notify SBC of the Minister's decision once made (just noting that if we can get these arrangements in place now, it should remove the necessity for a range of late night emails/phone calls following the Minister's consideration of the submission).

I would propose that if the Minister signs the submission and agrees to intervene that I alert SBC (and all cc'd) into this decision, and SBC then lead on these items. However, if you'd like to handle this a different way, please let me know.

Kind regards

[REDACTED]

Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

-----Original Message-----

**From:** DLO  
**Sent:** Sunday, 1 November 2015 6:31 PM  
**To:** Clive MURRAY; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks Clive.

I did include (and underline) the section about the client being formally counselled earlier in the year when I forwarded SBC advice, and also called the CoS to bring this to his attention as I thought it was important information for the Minister to be aware of.

Please do provide whatever information you think should be brought to the Minister's consideration to the team preparing the 195A submission (noting that the short turnarounds).

In the meantime, I will flag with the CoS the advice about financial liability for the removal.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

-----Original Message-----

From: Clive MURRAY  
Sent: Sunday, 1 November 2015 6:25 PM  
To: [REDACTED]; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]  
[REDACTED] Peter RICHARDS; Peta DUNN  
Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED] MO Registration; Ministerial Support; [REDACTED]  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

[REDACTED]

I note the last section of the below email re suggestion to counsel [REDACTED] (if Minister intervenes). Please note [REDACTED] was previously counselled in May 2015 about this very issue and there may be some financial liability to the Dept if the removal does not proceed as the Airline has been formally served. SBC will be providing detail which does not support the Minister intervening.

Rgds

Clive Murray  
Assistant Commissioner  
Strategic Border Command

Office +61 2 6246 [REDACTED]  
Mobile [REDACTED]  
Email clive.murray@border.gov.au  
Web www.border.gov.au

---

From: [REDACTED]@border.gov.au>  
Sent: 1/11/2015 6:06 PM  
To: WATSON James<mailto:james.watson@border.gov.au>; [REDACTED]  
[REDACTED]@border.gov.au>; BOEKENSTEIN Guy<mailto:guy.boekenstein@border.gov.au>;  
[REDACTED]@border.gov.au>; MURRAY

Clive<mailto:Clive.Murray@border.gov.au>; RICHARDS Peter<mailto:peter.richards@border.gov.au>; DUNN Peta<mailto:peta.dunn@border.gov.au>  
Cc: HOLLAND Agnieszka<mailto:agnieszka.holland@border.gov.au>; BRIDGER Maree<mailto:Maree.Bridger@border.gov.au>; DLO [REDACTED];  
[REDACTED]@border.gov.au>; MO Registration [REDACTED];  
Ministerial [REDACTED];  
[REDACTED]@border.gov.au>; [REDACTED]@border.gov.au>  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

[REDACTED]

Thanks for acknowledging this request. I understand you have someone heading into the office now (thankyou).

In response to your two questions by phone, I have just confirmed the following with the Chief of Staff:

- 1) A submission is required to accompany the decision documentation (but this can be extremely short)
- 2) The Minister should be given the option to grant a new Tourist/Visitor visa valid for 3 months.

The Minister has also asked that, if he intervenes to grant a visa, that the client be very strongly counselled that they cannot work, even do volunteer or in-kind work, and that their visa would be liable for cancellation should they do so.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

-----Original Message-----

From: James WATSON  
Sent: Sunday, 1 November 2015 5:55 PM  
To: [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Clive MURRAY; Peter RICHARDS; Peta DUNN  
Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Send document to SBC.

James Watson  
Commander | Detention and Compliance Operations Strategic Border Command Australian Border Force  
P : 02 6275 [REDACTED] | M: [REDACTED]  
E: james.watson@border.gov.au  
W : www.border.gov.au<http://www.border.gov.au>

---

From: [REDACTED]@border.gov.au  
Sent: 1/11/2015 5:52 PM



To: WATSON James<mailto:james.watson@border.gov.au>; [REDACTED]  
[REDACTED]@border.gov.au; BOEKENSTEIN  
Guy<mailto:guy.boekenstein@border.gov.au>; [REDACTED]@border.gov.au>;  
MURRAY Clive<mailto:Clive.Murray@border.gov.au>; RICHARDS Peter<mailto:peter.richards@border.gov.au>;  
DUNN Peta<mailto:peta.dunn@border.gov.au>  
Cc: HOLLAND Agnieszka<mailto:agnieszka.holland@border.gov.au>; BRIDGER  
Maree<mailto:Maree.Bridger@border.gov.au>; DLO [REDACTED]  
[REDACTED]@border.gov.au; MO Registration  
Ministerial [REDACTED]  
[REDACTED]@border.gov.au>  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

James

Who is the contact point/email to facilitate transfer of docs?

Thanks

[REDACTED]

Sent with Good (www.good.com<http://www.good.com>)

-----Original Message-----

From: James WATSON  
Sent: Sunday, November 01, 2015 05:27 PM AUS Eastern Standard Time  
To: [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Clive MURRAY; Peter RICHARDS;  
[REDACTED]; Peta DUNN  
Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

We will task RC Qld to facilitate the receipt of relevant documents.

James Watson  
Commander | Detention and Compliance Operations Strategic Border Command Australian Border Force  
P : 02 6275 [REDACTED] | M: [REDACTED]  
E: james.watson@border.gov.au  
W : www.border.gov.au<http://www.border.gov.au>

---

From: [REDACTED]@border.gov.au>  
Sent: 1/11/2015 5:23 PM  
To: BOEKENSTEIN Guy<mailto:guy.boekenstein@border.gov.au>; [REDACTED]  
[REDACTED]@border.gov.au; WATSON James<mailto:james.watson@border.gov.au>; MURRAY  
Clive<mailto:Clive.Murray@border.gov.au>; RICHARDS Peter<mailto:peter.richards@border.gov.au>; [REDACTED]  
[REDACTED]@border.gov.au; DUNN Peta<mailto:peta.dunn@border.gov.au>  
Cc: HOLLAND Agnieszka<mailto:agnieszka.holland@border.gov.au>; BRIDGER  
Maree<mailto:Maree.Bridger@border.gov.au>; [REDACTED]; [REDACTED]  
[REDACTED]@border.gov.au; MO Registration [REDACTED]  
Ministerial Support [REDACTED]  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Guy – thank you.

MIBP has now reviewed the case and has asked for a s195A Ministerial Intervention submission to be presented to him in Brisbane tonight before he departs (he takes off at 8.45pm Brisbane time, 9.45pm Canberra time).

Peta/Peter [REDACTED] – can you please confirm you are working on this submission and timeframe for finalisation?

James – note that MIBP may use his MI powers tonight. Should he decide to intervene and grant a visa, then the removal would not proceed. Also, I understand that SBC arranged for airport facilitation for the Minister on departure in Brisbane tonight. Are the officers doing this facilitation able to print of a copy of the submission (when it is ready) and present it to the Minister at the airport for signature?

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

From: Guy BOEKENSTEIN

Sent: Sunday, 1 November 2015 5:07 PM

To: [REDACTED]; [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS;  
[REDACTED]; Peta DUNN

Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support

Subject: RE: Urgent Tasking - Possible 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

James - thanks for the advice you are working up a response to point two.

Peta/Peter - can you advise please on point one.

Regards  
Guy

Sent with Good (www.good.com<http://www.good.com<http://www.good.com<http://www.good.com>>>)

-----Original Message-----

From: [REDACTED]

Sent: Sunday, November 01, 2015 04:51 PM AUS Eastern Standard Time

To: [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS; [REDACTED];  
Peta DUNN

Cc: Agnieszka HOLLAND; Maree BRIDGER; Guy BOEKENSTEIN; DLO; [REDACTED]; MO Registration; Ministerial Support

Subject: Urgent Tasking - Possible 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

All

Using the information provided by James Watson/SBCC, I prepared the email below for MIBP's Chief of Staff summarising the situation with this French Tourist in Adelaide.

The CoS is briefing the Minister on this issue now.

However, CoS has asked for two things:

- 1) The Department to be on stand-by to prepare a s195A submission for this client before he (MIBP) departs Australia tonight (he checks in at 7.45pm in Brisbane, so 8.45pm Canberra time. He takes off at 8.45pm in Brisbane, so 9.45pm in Canberra). I believe Peter Richard's branch would lead on this.
- 2) If the Minister decides that he does want to consider intervening but is happy to do so on arrival in the Middle East tomorrow, can the Dept provide advice on whether client's removal tonight can be delayed? For clarity, the MO is not yet requesting that this removal be delayed, just advice on whether it is possible/feasible to delay this if required to give the Dept longer to prepare the s195A submission and the Minister longer to consider it. SBC to lead on this.

Grateful confirmation of this tasking. I understand that Guy will call relevant SES to alert them to this tasking.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

From: [REDACTED]  
Sent: Sunday, 1 November 2015 4:34 PM  
To: Guy BOEKENSTEIN; Maree BRIDGER; Agnieszka HOLLAND; [REDACTED]  
Cc: MO Registration  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Guy/Maree/Agnieszka [REDACTED] – for your information (I called Guy to discuss this response before I sent it).

MO Registration – please register.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

From: [REDACTED]  
Sent: Sunday, 1 November 2015 4:33 PM  
To: Craig MACLACHLAN  
Cc: DLO  
Subject: RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Craig

Key details about this case as below:

- Client is [REDACTED]
- On [REDACTED] arrived at Adelaide International Airport on board EK 440, holding a valid TV 651 Visitor visa.
- [REDACTED] was interviewed by Border Entry Officer who established that [REDACTED] returned to Australia holding a tourist visa with intentions to work as a nanny.
- ABF refused entry into Australia.
- The Decision was made by the ABF to cancel [REDACTED] visa under s116(1)(g), Reg 2.43(1)(ka) as [REDACTED] was found to be a non-genuine visitor. Further detail about this decision to cancel is below.
- Passenger has been placed into detention at Adelaide Immigration Transit Accommodation pending removal from Australia.
- Emirates Airlines have been contacted to make arrangements for [REDACTED] return flight. Details of the departure flight are TBA, but it is expected to be evening tonight 01NOV2015 (possibly on EK441 at 2235 AEDT).

Background to cancellation decision:

- Client has been in Australia since 2012 on a combination of subclass 417 (Working Holiday), subclass 572 (Student) and subclass 651 (Visitor) visas.
- Client last departed Australia on 3 May as the holder of a subclass 651 (Tourist) visa.
- On [REDACTED] last entry to Australia, the client was spoken to by ABF officers and counselled regarding [REDACTED] work rights on a Tourist visa. The client was counselled not to undertake any form of work on a Tourist visa, including child minding.
- Client was interviewed on arrival in Adelaide last night.
- In this interview [REDACTED] stated that [REDACTED] would be residing with [REDACTED] for 3 months at their farm in the [REDACTED]. Client was an au-pair for this family when [REDACTED] held a Working Holiday visa in 2013 and 2014.
- [REDACTED] stated that [REDACTED] main goal in coming to Australia is to volunteer work. Client claimed [REDACTED] had made an appointment with the South Australian volunteer officer to seek volunteer work.
- Client also confirmed at interview that [REDACTED] would receive free accommodation for 3 months in return for helping with this family's children, cooking and riding their horses.

· Text messages on the client's phone support this.

· Client was given an opportunity to comment on why [REDACTED] visa should not be cancelled. In response [REDACTED] stated that [REDACTED] was doing volunteer work only for this family and was not being paid so [REDACTED] visa should not be cancelled.

Options available for this client in the future include:

· Once the client departs, [REDACTED] will have what is commonly known as a '3 year exclusion period'. As part of a future visa application, the client can request this be waived (in relation to that visa application only). The decision maker will assess whether [REDACTED] meets the requirements for the grant of a visa despite the existence of an exclusion period (eg. compassionate or compelling reasons affecting an Australian citizen or permanent resident). [REDACTED] would still need to be meet the criteria for the visa applied for.

· The Minister does have a non-compellable Ministerial Intervention power under s195A of the Migration Act 1958 to grant a visa to a client who is currently detained. If the Minister was minded to use his Ministerial Intervention powers, it would take some time (approx 24 hours) to prepare a submission for the Minister's consideration.

You should also be aware that since I arrived at the office, the family this client was to visit ([REDACTED]) has called the office to raise this issue. I just noted that the office was aware of the case but didn't go into details.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

From: Craig MACLACHLAN

Sent: Sunday, 1 November 2015 1:22 PM

To: [REDACTED]

Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

Here are [REDACTED] passport details

C

Sent with Good (www.good.com<http://www.good.com<http://www.good.com<http://www.good.com>>>)

-----Original Message-----

From: [REDACTED]@afl.com.au>

[REDACTED]@afl.com.au]

Sent: Sunday, November 01, 2015 12:35 PM AUS Eastern Standard Time

To: Craig MACLACHLAN

Subject: Re: Re [REDACTED] [SEC=UNCLASSIFIED] Thanks Craig,

[REDACTED] on a [REDACTED] passport and the number is

[Redacted]

Cheers

[Redacted]

On 1 Nov 2015, at 11:48 AM, Craig MACLACHLAN  
<CRAIG.MACLACHLAN@BORDER.GOV.AU<mailto:CRAIG.MACLACHLAN@border.gov.au>> wrote:  
Thanks. Will come back to you.  
Tks  
C

Sent with Good (www.good.com<http://www.good.com<http://www.good.com<http://www.good.com>>>)  
[cid:image001.png@01D114BD.1A1715B0]

[Redacted]

AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [Redacted] Please consider the environment before printing this  
email

-----Original Message-----

From: [Redacted]@afl.com.au>  
[Redacted]@afl.com.au]  
Sent: Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
To: Craig MACLACHLAN  
Subject: Fwd: Re [Redacted]

Hi Craig,

As discussed. I will try and get [Redacted] passport number too.

Many thanks

[Redacted]

[Redacted]

Begin forwarded message:

From: [Redacted]afl.com.au>>  
Date: 1 November 2015 at 10:59:13 AM AEDT  
To: [Redacted]@afl.com.au>>  
Subject: Fwd: Re [Redacted]

Begin forwarded message:

From: [Redacted]  
Date: 1 November 2015 at 10:55:53 AM AEDT  
To: [Redacted]@afl.com.au>>

Subject: Re [REDACTED]  
Writing in relation to [REDACTED], who has come out to visit us and other friends in Adelaide for three months holiday, returning to [REDACTED] in January.  
[REDACTED] was denied a visa by immigration at Adelaide airport late last night and is scheduled to be deported back to [REDACTED] tonight (Sunday). We haven't spoken with immigration but apparently we are the reason and rationale [REDACTED] has been denied the visa.  
There has clearly been a misunderstanding that [REDACTED] was intending to work for us when [REDACTED] is here to spend time with our family, as we consider [REDACTED] to be family. We live in the [REDACTED] and have four kids who will be devastated not to see [REDACTED].  
A [REDACTED] of outstanding character and integrity [REDACTED] also made many friends in Adelaide and will spend time with them. What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?  
Kind regards

[REDACTED]

Sent from my iPad

--

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<https://console.mailguard.com.au/ras/1N8rvY7UuU/5lxw14G8SkCoPYCtzvF54l/0>  
<image899234.PNG>

[REDACTED]

AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] | Please consider the environment before printing this email

<imageae113f.PNG>

[REDACTED]

AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED] Please consider the environment before printing this email

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UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 6:54 PM  
**To:** Craig MACLACHLAN  
**Cc:** DLO; Thomas FLEMING; [REDACTED]  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Craig

Just a heads up that as part of the s195A MI submission, the Strategic Border Command (SBC) team will be including some advice for the Minister which highlights the fact that there will be financial implications for 'cancelling' the planned removal tonight (ie. the Dept will be financially liable for costs as formal notice had been served on Emirates of the need to remove).

They just wanted the Minister to be aware of this as part of his decision making process (I wasn't aware of it until a few mins ago).

All is currently on track to get a short submission delivered to the Minister in the lounge in Brisbane with supporting documentation. Tom – it may not be tabbed or tagged anywhere due to timeframes and the fact that airport staff don't usually deal with submissions. Are you able to double check to make sure the Minister has signed in all the places he needs to (there will be the sub and I think also at least two attachments that need his signature).

The ABF are across all the timings and contact points. I've also got SBC on standby to counsel the client about [REDACTED] visa conditions and/or release [REDACTED] from detention (of course depending on the Minister's decision).

Just to manage expectations, it may not be possible to release the client from detention tonight (given the late hour) and it would probably not be reasonable from a duty of care perspective to do so. But [REDACTED] release (should this be required) will be implemented as quickly as possible.

I'm heading home now, but available on my mobile (of course) as required.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

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**From:** Craig MACLACHLAN  
**Sent:** Sunday, 1 November 2015 5:28 PM  
**To:** [REDACTED]  
**Cc:** DLO; Tom FLEMING; [REDACTED]  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

Thanks [REDACTED] - much obliged!

Tks

C

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 05:19 PM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Cc:** DLO; Tom FLEMING; [REDACTED] '  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Yes, I am organising. This will be very tight, but we're on it.

I will try and organise for ABF officers to meet the Minister at the airport with the submission. I will give them [REDACTED] and Tom's numbers as contacts so they can deliver the submission.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** Craig MACLACHLAN  
**Sent:** Sunday, 1 November 2015 5:11 PM  
**To:** [REDACTED]  
**Cc:** DLO; Tom FLEMING; [REDACTED] '  
**Subject:** RE: Re [REDACTED] [SEC=UNCLASSIFIED]

[REDACTED]  
Can we pls get an MI to the Minister before he leaves for Jordan this evening?

Tks

C

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]

Sent: Sunday, November 01, 2015 04:33 PM AUS Eastern Standard Time  
To: Craig MACLACHLAN  
Cc: DLO  
Subject: RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Craig

Key details about this case as below:

- Client is [REDACTED]
- On [REDACTED] arrived at Adelaide International Airport on board EK 440, holding a valid TV 651 Visitor visa.
- [REDACTED] was interviewed by Border Entry Officer who established that [REDACTED] returned to Australia holding a tourist visa with intentions to work as a nanny.
- ABF refused entry into Australia.
- The Decision was made by the ABF to cancel [REDACTED] visa under s116(1)(g), Reg 2.43(1)(ka) as [REDACTED] was found to be a non-genuine visitor. Further detail about this decision to cancel is below.
- Passenger has been placed into detention at Adelaide Immigration Transit Accommodation pending removal from Australia.
- Emirates Airlines have been contacted to make arrangements for [REDACTED] return flight. Details of the departure flight are TBA, but it is expected to be evening tonight 01NOV2015 (possibly on EK441 at 2235 AEDT).

Background to cancellation decision:

- Client has been in Australia since 2012 on a combination of subclass 417 (Working Holiday), subclass 572 (Student) and subclass 651 (Visitor) visas.
- Client last departed Australia on 3 May as the holder of a subclass 651 (Tourist) visa.
- On [REDACTED] last entry to Australia, the client was spoken to by ABF officers and counselled regarding [REDACTED] work rights on a Tourist visa. The client was counselled not to undertake any form of work on a Tourist visa, including child minding.
- Client was interviewed on arrival in Adelaide last night.
- In this interview [REDACTED] stated that [REDACTED] would be residing with [REDACTED] for 3 months at their farm in the [REDACTED]. Client was an au-pair for this family when [REDACTED] held a Working Holiday visa in 2013 and 2014.
- [REDACTED] stated that [REDACTED] main goal in coming to Australia is to volunteer work. Client claimed [REDACTED] had made an appointment with the South Australian volunteer officer to seek volunteer work.
- Client also confirmed at interview that [REDACTED] would receive free accommodation for 3 months in return for helping with this family's children, cooking and riding their horses.
- Text messages on the client's phone support this.
- Client was given an opportunity to comment on why [REDACTED] visa should not be cancelled. In response [REDACTED] stated that [REDACTED] was doing volunteer work only for this family and was not being paid so [REDACTED] visa should not be cancelled.

Options available for this client in the future include:

- Once the client departs, [REDACTED] will have what is commonly known as a '3 year exclusion period'. As part of a future visa application, the client can request this be waived (in relation to that visa application only). The decision maker will assess whether [REDACTED] meets the requirements for the grant of a visa despite the existence of an exclusion period (eg. compassionate or compelling reasons affecting an Australian citizen or permanent resident). [REDACTED] would still need to be meet the criteria for the visa applied for.
- The Minister does have a non-compellable Ministerial Intervention power under s195A of the Migration Act 1958 to grant a visa to a client who is currently detained. If the Minister was minded to use his Ministerial Intervention powers, it would take some time (approx 24 hours) to prepare a submission for the Minister's consideration.

You should also be aware that since I arrived at the office, the family this client was to visit [REDACTED] has called the office to raise this issue. I just noted that the office was aware of the case but didn't go into details.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection  
Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

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**From:** Craig MACLACHLAN  
**Sent:** Sunday, 1 November 2015 1:22 PM  
**To:** [REDACTED]  
**Subject:** FW: Re: [REDACTED] [SEC=UNCLASSIFIED]

Here are [REDACTED] passport details  
C

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]@afl.com.au  
**Sent:** Sunday, November 01, 2015 12:35 PM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Subject:** Re: Re: [REDACTED] [SEC=UNCLASSIFIED]

Thanks Craig,

[REDACTED] on a [REDACTED] passport and the number is

[REDACTED]

Cheers

[REDACTED]

On 1 Nov 2015, at 11:48 AM, Craig MACLACHLAN <[CRAIG.MACLACHLAN@BORDER.GOV.AU](mailto:CRAIG.MACLACHLAN@BORDER.GOV.AU)> wrote:

Thanks. Will come back to you.  
Tks  
C

Sent with Good ([www.good.com](http://www.good.com))



[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001  
Ph: [REDACTED]  
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-----Original Message-----

**From:** [REDACTED] [@afl.com.au](mailto:[REDACTED]@afl.com.au)  
**Sent:** Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
**To:** Craig MACLACHLAN  
**Subject:** Fwd: Re [REDACTED]

Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

[REDACTED]

[REDACTED]

Begin forwarded message:

**From:** [REDACTED] [@afl.com.au](mailto:[REDACTED]@afl.com.au)>  
**Date:** 1 November 2015 at 10:59:13 AM AEDT  
**To:** [REDACTED] [@afl.com.au](mailto:[REDACTED]@afl.com.au)>  
**Subject:** Fwd: Re [REDACTED]

Begin forwarded message:

**From:** [REDACTED]  
[REDACTED]  
**Date:** 1 November 2015 at 10:55:53 AM AEDT  
**To:** [REDACTED] [@afl.com.au](mailto:[REDACTED]@afl.com.au)>  
**Subject:** Re [REDACTED]

Writing in relation to [REDACTED]  
[REDACTED] who has come out to visit us and other friends in  
Adelaide for three months holiday, returning to [REDACTED] in  
January.

[REDACTED] was denied a visa by immigration at Adelaide airport late  
last night and is scheduled to be deported back to [REDACTED]  
tonight (Sunday). We haven't spoken with immigration but

apparently we are the reason and rationale [REDACTED] has been denied the visa.

There has clearly been a misunderstanding that [REDACTED] was intending to work for us when [REDACTED] is here to spend time with our family, as we consider [REDACTED] to be family. We live in the [REDACTED] and have four kids who will be devastated not to see [REDACTED]

A [REDACTED] of outstanding character and integrity. [REDACTED] also made many friends in Adelaide and will spend time with them.

What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?

Kind regards

[REDACTED]

Sent from my iPad

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<image899234.PNG>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001

Ph: [REDACTED]

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<imageae113f.PNG>

[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008  
GPO Box 1449 | Melbourne VIC 3001

Ph: [REDACTED]

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 8:05 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Thank you [REDACTED] (sooooo much). Have a good night and great work.

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 08:03 PM AUS Eastern Standard Time  
**To:** [REDACTED]; Clive MURRAY; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi all,

Please find attached the Ministerial submission and attachments.

Kind regards,

[REDACTED]  
Senior Case Officer, Complex Case Resolution Section  
Caseload Assurance Branch | Community Protection Division  
Visa & Citizenship Services  
Department of Immigration and Border Protection  
P: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 8:02 PM  
**To:** Clive MURRAY; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]



Thanks SBC for words as below.

█ please insert and send submission to SBC copied to all addresses ASAP.

Where DIBP seeks to alter arrangements once the "Notice to Remove" under s217 has been served, there is a risk that the removal costs will no longer be met by the airline and that they will instead fall on the Department.

In the time available, we are unable to establish the extent of any further liability which may result from a decision to overturn or defer the removal.

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** █  
**Sent:** Sunday, November 01, 2015 07:46 PM AUS Eastern Standard Time  
**To:** Clive MURRAY; James WATSON; █; Guy BOEKENSTEIN; █  
█; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; █; MO Registration; Ministerial Support; █; █  
**Subject:** RE: Urgent Tasking - 195A submission for █ [SEC=UNCLASSIFIED]

James and Clive

█ have the submission ready to go but need your input now as per your suggestion below. It needs to be worded exactly as you want the minister to read it (as they will just drop it into the submission given it isn't their area of expertise). Guy is about to call you to discuss, but grateful if you could action urgently. As mentioned below, given your earlier heads up on this is the MO has specifically requested this is included.

█  
  
Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** █  
**Sent:** Sunday, November 01, 2015 07:13 PM AUS Eastern Standard Time  
**To:** Clive MURRAY; James WATSON; █; Guy BOEKENSTEIN; █  
█; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; █; MO Registration; Ministerial Support; █; █  
**Subject:** RE: Urgent Tasking - 195A submission for █ [SEC=UNCLASSIFIED]

Clive

I have spoken to COS. He definitely wants details of these financial implications placed in the submission for the Minister's consideration.

regards

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** Clive MURRAY

**Sent:** Sunday, November 01, 2015 06:24 PM AUS Eastern Standard Time

**To:** [REDACTED]; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN

**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]; [REDACTED]

**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

I note the last section of the below email re suggestion to counsel [REDACTED] (if Minister intervenes). Please note [REDACTED] was previously counselled in May 2015 about this very issue and there may be some financial liability to the Dept if the removal does not proceed as the Airline has been formally served. SBC will be providing detail which does not support the Minister intervening.

Rgds

Clive Murray  
Assistant Commissioner  
Strategic Border Command

Office +61 2 [REDACTED]  
Mobile +61 [REDACTED]  
Email [clive.murray@border.gov.au](mailto:clive.murray@border.gov.au)  
Web [www.border.gov.au](http://www.border.gov.au)

---

**From:** [REDACTED] [@border.gov.au](mailto:[REDACTED]@border.gov.au)  
**Sent:** 1/11/2015 6:06 PM  
**To:** WATSON James <<mailto:james.watson@border.gov.au>>; [REDACTED] [@border.gov.au](mailto:[REDACTED]@border.gov.au)>; BOEKENSTEIN Guy <<mailto:guy.boekenstein@border.gov.au>>; [REDACTED] [@border.gov.au](mailto:[REDACTED]@border.gov.au)>; MURRAY Clive <<mailto:Clive.Murray@border.gov.au>>; RICHARDS Peter <<mailto:peter.richards@border.gov.au>>; DUNN Peta <<mailto:peta.dunn@border.gov.au>>  
**Cc:** HOLLAND Agnieszka <<mailto:agnieszka.holland@border.gov.au>>; BRIDGER Maree <<mailto:Maree.Bridger@border.gov.au>>; DLO [REDACTED] [@border.gov.au](mailto:[REDACTED]@border.gov.au)>; MO Registration [REDACTED] Ministerial Support [REDACTED] [@border.gov.au](mailto:[REDACTED]@border.gov.au)>; [REDACTED] [@border.gov.au](mailto:[REDACTED]@border.gov.au)>  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks for acknowledging this request. I understand you have someone heading into the office now (thankyou).

In response to your two questions by phone, I have just confirmed the following with the Chief of Staff:

- 1) A submission is required to accompany the decision documentation (but this can be extremely short)
- 2) The Minister should be given the option to grant a new Tourist/Visitor visa valid for 3 months.

The Minister has also asked that, if he intervenes to grant a visa, that the client be very strongly counselled that they cannot work, even do volunteer or in-kind work, and that their visa would be liable for cancellation should they do so.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au

-----Original Message-----

From: James WATSON  
Sent: Sunday, 1 November 2015 5:55 PM  
To: [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Clive MURRAY; Peter RICHARDS; Peta DUNN  
Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Send document to SBC.

James Watson  
Commander | Detention and Compliance Operations Strategic Border Command Australian Border Force  
P: : 02 [REDACTED]  
E: [james.watson@border.gov.au](mailto:james.watson@border.gov.au)  
W : [www.border.gov.au](http://www.border.gov.au)<<http://www.border.gov.au>>

From: [REDACTED]@border.gov.au>  
Sent: 1/11/2015 5:52 PM  
To: WATSON James<<mailto:james.watson@border.gov.au>>; [REDACTED]@border.gov.au>; BOEKENSTEIN Guy<<mailto:guy.boekenstein@border.gov.au>>; [REDACTED]@border.gov.au>; MURRAY Clive<<mailto:Clive.Murray@border.gov.au>>; RICHARDS Peter<<mailto:peter.richards@border.gov.au>>; DUNN Peta<<mailto:peta.dunn@border.gov.au>>  
Cc: HOLLAND Agnieszka<<mailto:agnieszka.holland@border.gov.au>>; BRIDGER Maree<<mailto:Maree.Bridger@border.gov.au>>; DLO; [REDACTED]@border.gov.au>; MO Registration [REDACTED] Ministerial Support [REDACTED]@border.gov.au>  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

James

Who is the contact point/email to facilitate transfer of docs?

Thanks

[REDACTED]

Sent with Good ([www.good.com](http://www.good.com)<<http://www.good.com>>)

-----Original Message-----

From: James WATSON  
Sent: Sunday, November 01, 2015 05:27 PM AUS Eastern Standard Time  
To: [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Clive MURRAY; Peter RICHARDS; [REDACTED]; Peta DUNN  
Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

We will task RC Qld to facilitate the receipt of relevant documents.

James Watson

Commander | Detention and Compliance Operations Strategic Border Command Australian Border Force

P: : 02 [REDACTED]

E: [james.watson@border.gov.au](mailto:james.watson@border.gov.au)

W : [www.border.gov.au](http://www.border.gov.au)<<http://www.border.gov.au>>

From: [REDACTED] <[REDACTED]@border.gov.au>

Sent: 1/11/2015 5:23 PM

To: BOEKENSTEIN Guy <<mailto:guy.boekenstein@border.gov.au>>; [REDACTED] <[REDACTED]@border.gov.au>; WATSON James <<mailto:james.watson@border.gov.au>>; MURRAY Clive <<mailto:Clive.Murray@border.gov.au>>; RICHARDS Peter <<mailto:peter.richards@border.gov.au>>; [REDACTED] <[REDACTED]@border.gov.au>; DUNN Peta <<mailto:peta.dunn@border.gov.au>>

Cc: HOLLAND Agnieszka <<mailto:agnieszka.holland@border.gov.au>>; BRIDGER Maree <<mailto:Maree.Bridger@border.gov.au>>; DLO [REDACTED]

[REDACTED] <[REDACTED]@border.gov.au>; MO Registration [REDACTED] Ministerial Support [REDACTED]

Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Guy – thank you.

MIBP has now reviewed the case and has asked for a s195A Ministerial Intervention submission to be presented to him in Brisbane tonight before he departs (he takes off at 8.45pm Brisbane time, 9.45pm Canberra time).

Peta/Peter [REDACTED] – can you please confirm you are working on this submission and timeframe for finalisation?

James – note that MIBP may use his MI powers tonight. Should he decide to intervene and grant a visa, then the removal would not proceed. Also, I understand that SBC arranged for airport facilitation for the Minister on departure in Brisbane tonight. Are the officers doing this facilitation able to print a copy of the submission (when it is ready) and present it to the Minister at the airport for signature?

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: ([REDACTED])  
[REDACTED] <[\[REDACTED\]@border.gov.au](mailto:[REDACTED]@border.gov.au)>

UNCLASSIFIED

From: Guy BOEKENSTEIN

Sent: Sunday, 1 November 2015 5:07 PM

To: [REDACTED]; [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS; [REDACTED]; Peta DUNN

Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support

Subject: RE: Urgent Tasking - Possible 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

James - thanks for the advice you are working up a response to point two.

Peta/Peter - can you advise please on point one.

Regards

Guy

Sent with Good ([www.good.com](http://www.good.com)<<http://www.good.com>>>)

-----Original Message-----

From: [REDACTED]  
Sent: Sunday, November 01, 2015 04:51 PM AUS Eastern Standard Time  
To: [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS; [REDACTED]; Peta DUNN  
Cc: Agnieszka HOLLAND; Maree BRIDGER; Guy BOEKENSTEIN; DLO; [REDACTED]; MO Registration; Ministerial Support  
Subject: Urgent Tasking - Possible 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED  
All

Using the information provided by James Watson/SBCC, I prepared the email below for MIBP's Chief of Staff summarising the situation with this [REDACTED] Tourist in Adelaide.

The CoS is briefing the Minister on this issue now.

However, CoS has asked for two things:

- 1) The Department to be on stand-by to prepare a s195A submission for this client before he (MIBP) departs Australia tonight (he checks in at 7.45pm in Brisbane, so 8.45pm Canberra time. He takes off at 8.45pm in Brisbane, so 9.45pm in Canberra). I believe Peter Richard's branch would lead on this.
- 2) If the Minister decides that he does want to consider intervening but is happy to do so on arrival in the Middle East tomorrow, can the Dept provide advice on whether client's removal tonight can be delayed? For clarity, the MO is not yet requesting that this removal be delayed, just advice on whether it is possible/feasible to delay this if required to give the Dept longer to prepare the s195A submission and the Minister longer to consider it. SBC to lead on this.

Grateful confirmation of this tasking. I understand that Guy will call relevant SES to alert them to this tasking.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au>

UNCLASSIFIED

From: [REDACTED]  
Sent: Sunday, 1 November 2015 4:34 PM  
To: Guy BOEKENSTEIN; Maree BRIDGER; Agnieszka HOLLAND; [REDACTED]  
Cc: MO Registration  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Guy/Maree/Agnieszka [REDACTED] – for your information (I called Guy to discuss this response before I sent it).

MO Registration – please register.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: ([REDACTED])  
[REDACTED]@border.gov.au>

UNCLASSIFIED

From: [REDACTED]  
Sent: Sunday, 1 November 2015 4:33 PM  
To: Craig MACLACHLAN  
Cc: DLO  
Subject: RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Craig

Key details about this case as below:

- Client is [REDACTED]
- On [REDACTED] arrived at Adelaide International Airport on board EK 440, holding a valid TV 651 Visitor visa.
- [REDACTED] was interviewed by Border Entry Officer who established that [REDACTED] returned to Australia holding a tourist visa with intentions to work as a nanny.
- ABF refused entry into Australia.
- The Decision was made by the ABF to cancel [REDACTED] visa under s116(1)(g), Reg 2.43(1)(ka) as [REDACTED] was found to be a non-genuine visitor. Further detail about this decision to cancel is below.
- Passenger has been placed into detention at Adelaide Immigration Transit Accommodation pending removal from Australia.
- Emirates Airlines have been contacted to make arrangements for [REDACTED] return flight. Details of the departure flight are TBA, but it is expected to be evening tonight 01NOV2015 (possibly on EK441 at 2235 AEDT).

Background to cancellation decision:

- Client has been in Australia since 2012 on a combination of subclass 417 (Working Holiday), subclass 572 (Student) and subclass 651 (Visitor) visas.
- Client last departed Australia on 3 May as the holder of a subclass 651 (Tourist) visa.
- On [REDACTED] last entry to Australia, the client was spoken to by ABF officers and counselled regarding [REDACTED] work rights on a Tourist visa. The client was counselled not to undertake any form of work on a Tourist visa, including child minding.
- Client was interviewed on arrival in Adelaide last night.
- In this interview [REDACTED] stated that [REDACTED] would be residing with [REDACTED] for 3 months at their farm in the [REDACTED]. Client was an au-pair for this family when [REDACTED] held a Working Holiday visa in 2013 and 2014.
- [REDACTED] stated that [REDACTED] main goal in coming to Australia is to volunteer work. Client claimed [REDACTED] had made an appointment with the South Australian volunteer officer to seek volunteer work.
- Client also confirmed at interview that [REDACTED] would receive free accommodation for 3 months in return for helping with this family's children, cooking and riding their horses.
- Text messages on the client's phone support this.
- Client was given an opportunity to comment on why [REDACTED] visa should not be cancelled. In response [REDACTED] stated that [REDACTED] was doing volunteer work only for this family and was not being paid so [REDACTED] visa should not be cancelled.

Options available for this client in the future include:

- Once the client departs, [REDACTED] will have what is commonly known as a '3 year exclusion period'. As part of a future visa

application, the client can request this be waived (in relation to that visa application only). The decision maker will assess whether [REDACTED] meets the requirements for the grant of a visa despite the existence of an exclusion period (eg. compassionate or compelling reasons affecting an Australian citizen or permanent resident). [REDACTED] would still need to be meet the criteria for the visa applied for.

The Minister does have a non-compellable Ministerial Intervention power under s195A of the Migration Act 1958 to grant a visa to a client who is currently detained. If the Minister was minded to use his Ministerial Intervention powers, it would take some time (approx 24 hours) to prepare a submission for the Minister's consideration.

You should also be aware that since I arrived at the office, the family this client was to visit ([REDACTED]) has called the office to raise this issue. I just noted that the office was aware of the case but didn't go into details.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: ([REDACTED])  
[REDACTED]@border.gov.au>

UNCLASSIFIED  
From: Craig MACLACHLAN  
Sent: Sunday, 1 November 2015 1:22 PM  
To: [REDACTED]  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

Here are [REDACTED] passport details  
C

Sent with Good (www.good.com<<http://www.good.com>>>)

-----Original Message-----  
From: [REDACTED]@afl.com.au>  
[REDACTED]@afl.com.au>]  
Sent: Sunday, November 01, 2015 12:35 PM AUS Eastern Standard Time  
To: Craig MACLACHLAN  
Subject: Re: Re [REDACTED] [SEC=UNCLASSIFIED] Thanks Craig,

[REDACTED] on a [REDACTED] passport and the number is

[REDACTED]  
Cheers

[REDACTED]  
On 1 Nov 2015, at 11:48 AM, Craig MACLACHLAN  
<CRAIG.MACLACHLAN@BORDER.GOV.AU<<mailto:CRAIG.MACLACHLAN@border.gov.au>>> wrote:  
Thanks. Will come back to you.  
Tks  
C

Sent with Good (www.good.com<<http://www.good.com>>>)  
[cid:image001.png@01D114BD.1A1715B0]

-----Original Message-----

From: [REDACTED] <[REDACTED]@afl.com.au>

[REDACTED] <[REDACTED]@afl.com.au>]

Sent: Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time

To: Craig MACLACHLAN

Subject: Fwd: Re [REDACTED]

Hi Craig,

As discussed. I will try and get [REDACTED] passport number too.

Many thanks

[REDACTED]

[REDACTED]

Begin forwarded message:

From: [REDACTED] <[REDACTED]@afl.com.au>>

Date: 1 November 2015 at 10:59:13 AM AEDT

To: [REDACTED] <[REDACTED]@afl.com.au>>

Subject: Fwd: Re [REDACTED]

Begin forwarded message:

From: [REDACTED]

Date: 1 November 2015 at 10:55:53 AM AEDT

To: [REDACTED] <[REDACTED]@afl.com.au>>

Subject: Re [REDACTED]

Writing in relation to [REDACTED], who has come out to visit us and other friends in Adelaide for three months holiday, returning to [REDACTED] in January.

[REDACTED] was denied a visa by immigration at Adelaide airport late last night and is scheduled to be deported back to [REDACTED] tonight (Sunday). We haven't spoken with immigration but apparently we are the reason and rationale [REDACTED] has been denied the visa.

There has clearly been a misunderstanding that [REDACTED] was intending to work for us when [REDACTED] is here to spend time with our family, as we consider [REDACTED] to be family. We live in the [REDACTED] on farm and have four kids who will be devastated not to see [REDACTED]

A [REDACTED] of outstanding character and integrity. [REDACTED] also made many friends in Adelaide and will spend time with them.

What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?

Kind regards

[REDACTED]

Sent from my iPad

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<https://console.mailguard.com.au/ras/1N8rvY7UuU/5Iwx14G8SkCoPYCtzvF54I/0>

<image899234.PNG>

[REDACTED]

<imageae113f.PNG>



[REDACTED]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001

Ph: [REDACTED] Please consider the environment before printing this email

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UNCLASSIFIED

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 8:35 PM  
**To:** Guy BOEKENSTEIN; Maree BRIDGER  
**Subject:** FW: Amendments [SEC=PROTECTED]  
**Attachments:** MS15-027915 (2).docx

Help!

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 08:31 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Cc:** James WATSON; Clive MURRAY  
**Subject:** Amendments [SEC=PROTECTED]

[REDACTED]

The ABF does not agree with the content, or think it appropriate that the Minister intervene, and have made some changes to the doc for your consideration. We note also some typographical errors, and reference to Customs and Border Protection, for your review. We note that we have about 5 minutes to get this to Qld.

[REDACTED]

---

[REDACTED]  
Duty Inspector - Command Centre  
Operations Branch | Strategic Border Command Operations Group Australian Border Force  
P: [REDACTED]  
E: <mailto:[REDACTED]@border.gov.au?>



**To** Minister for Immigration and Border Protection  
**Subject** Ministerial intervention under section 195A of the *Migration Act 1958* in relation to [REDACTED]  
(DOB: [REDACTED])

**Timing**

**Recommendation**

That you:

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. agree to intervene under section 195A of the <i>Migration Act 1958</i> to grant [REDACTED] a Visitor visa (subclass 600) for a period of three months;</li> <li>- indicate whether you wish to [REDACTED];</li> <li>- if agreed, please sign the decision documentations at <b><u>Attachment A</u></b>.</li> </ol> | <p>Intervene / decline to<br/>intervene</p> <p>[REDACTED]</p> |
|--|---|

**Minister for Immigration and Border Protection**

**Signature**.....

**Date**:...../...../2015

Minister's Comments				
<b>Rejected</b> Yes/No	<b>Timely</b> Yes/No	<b>Relevance</b> <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	<b>Length</b> <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	<b>Quality</b> Poor 1.....2.....3.....4.....5 Excellent <b>Comments:</b>

**Key Issues**

- [REDACTED] year old [REDACTED] national, arrived in Australia at [REDACTED] on [REDACTED], as the holder of an eVisitor visa (subclass 651) valid for a stay period of three months. [REDACTED]
2. On [REDACTED] entry to Australia in [REDACTED], as the holder of an eVisitor visa (subclass 651), [REDACTED] was [REDACTED].
  3. Upon arrival in [REDACTED], a Border Entry Officer established that [REDACTED] returned to Australia holding a tourist visa [REDACTED]. As such, [REDACTED] visa was cancelled under section 116(1)(g) of the *Migration Act 1953* (the Act). A copy of the cancellation decision record is at **Attachment B**. It is noted that in response to why [REDACTED] visa should not be cancelled, [REDACTED].
  4. Following the cancellation of [REDACTED] visa, [REDACTED] was refused immigration clearance and detained under section 189 of the Act. As a person refused immigration clearance, the Department cannot grant [REDACTED] a further visa onshore.
  5. The Department notes [REDACTED] have been [REDACTED]. There may be some [REDACTED] (discussed below at paragraph 16).
  6. Your office has requested that [REDACTED] case be referred to you for consideration under section 195A of the Act.

**Option for future management**

- 7. Your non-compellable power under section 195A is enlivened in [REDACTED] case as [REDACTED] is in immigration detention.

Ministerial intervention under section 195A

[REDACTED] If you are inclined to intervene in [REDACTED] case under section 195A of the Act, the Department considers the grant of a Visitor visa (subclass 600), for a period of three months to be ~~apprrpropraite~~ appropriate. [REDACTED]

- 9. It is open to you to [REDACTED]. Should you wish to [REDACTED], the Department will advise [REDACTED]. The ABF also notes that [REDACTED]. On [REDACTED] also advised ABF officers of [REDACTED] on this occasion.

- 10. If you agree to intervene, please sign the decision documentation at **Attachment A**.

Decline to intervene

- 11. Should you not agree to intervene in [REDACTED] case, [REDACTED] is liable to be removed from Australia.

**Consultation – internal/external**

- 12. Your office, Detention and Compliance Operations and Brisbane Airport Staff Query? Brisbane is not involved in this. Should this be ABF Regional Command Central

**Consultation – Secretary/CEO**

- 13. This submission has not been cleared by the Department’s Secretary, Deputy Secretaries or the CEO of the Australian Customs and Border Protection Service. ?? query Who should this be – it isn’t ACBPS. Should it be Commissioner ABF?

**Client service implications**

- 14. There are minimal client service implications.

**Sensitivities**

- 15. N/A

**Financial/systems/legislation/deregulation implications**

- 16. Where the Department seeks to [REDACTED]



**Attachments**

**Attachment A** Section 195A decision documentation

**Attachment B** Cancellation decision record

Authorising Officer
Cleared by:  Peter Richards Assistant Secretary Caseload Assurance Branch  Date: Ph: [REDACTED]

**Contact Officer:** [REDACTED] Director, Complex Case Resolution Section, Ph [REDACTED]

**CC** FAS, CPD  
Manager, Qld Airports

[REDACTED]

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 10:04 PM  
**To:** [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Sorry about all of this. Your team are awesome. Wish everyone else's was too!

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 10:02 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Ok, thanks [REDACTED]. Will do.

[REDACTED]

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 09:55 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Hi [REDACTED]

Unfortunately I've not heard more than you on this front.

I'm told signed docs are incoming. When they do, Can you guys reply to this and ask again for what you need them to do?

Thanks

[REDACTED]

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 09:40 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Hi [REDACTED]

Not sure if you've heard anything back from SBC re facilitating hand down of the grant letter at the AITA? Not sure either if they are facilitating release tonight, or obtaining consent to remain at the facility overnight if not. [REDACTED] can send the grant letter to the SBC once complete, but just need confirmation if possible.

Thanks

[REDACTED]

Sent with Good (www.good.com)

-----Original Message-----

**From:** RCQLDCC  
**Sent:** Sunday, November 01, 2015 09:26 PM AUS Eastern Standard Time  
**To:** [REDACTED]; Clive MURRAY; James WATSON; [REDACTED]  
[REDACTED] Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED] MO Registration; Ministerial Support; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

All,

The aircraft doors were closed behind the Minister the Duty Manager is walking back to his office and will scan all signed documents and send to RCQLDCC.

Regards

[REDACTED]  
Senior Watch Keeper I Regional Command QLD Control Centre  
Regional Command Queensland I Strategic Border Command  
Australian Border Force

P: [REDACTED]  
[REDACTED]@border.gov.au  
E: [REDACTED]@border.gov.au



---

**From:** [REDACTED]@border.gov.au  
**Sent:** Sunday, 1 November 2015 8:20 PM  
**To:** [REDACTED] MURRAY Clive; WATSON James; [REDACTED] BOEKENSTEIN Guy; [REDACTED]



[REDACTED]; RICHARDS Peter; DUNN Peta  
**Cc:** HOLLAND Agnieszka; BRIDGER Maree; DLO; [REDACTED] MO Registration; Ministerial Support; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

I just received verbal confirmation that minister has just signed submission and decided to intervene.

SBC- Grateful if copy could be sent back to all on distribution list above as soon as possible to allow next steps to occur (ie visa grant and notification).

Also please confirm client will no longer be removed tonight and plans to remove client have been stopped.

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 09:02 PM AUS Eastern Standard Time  
**To:** [REDACTED] Clive MURRAY; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi all,

Final submission with changes as agreed.

Kind regards,

[REDACTED]  
Senior Case Officer, Complex Case Resolution Section  
Caseload Assurance Branch | Community Protection Division  
Visa & Citizenship Services  
Department of Immigration and Border Protection  
P: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 8:04 PM  
**To:** [REDACTED]; Clive MURRAY; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN

**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi all,

Please find attached the Ministerial submission and attachments.

Kind regards,

[REDACTED]  
Senior Case Officer, Complex Case Resolution Section  
Caseload Assurance Branch | Community Protection Division  
Visa & Citizenship Services  
Department of Immigration and Border Protection  
P: [REDACTED]  
[REDACTED]@border.gov.au

UNCLASSIFIED

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 8:02 PM  
**To:** Clive MURRAY; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Thanks SBC for words as below.

[REDACTED] please insert and send submission to SBC copied to all addresses ASAP.

Where DIBP seeks to alter arrangements once the "Notice to Remove" under s217 has been served, there is a risk that the removal costs will no longer be met by the airline and that they will instead fall on the Department.

In the time available, we are unable to establish the extent of any further liability which may result from a decision to overturn or defer the removal.

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 07:46 PM AUS Eastern Standard Time  
**To:** Clive MURRAY; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]; [REDACTED]

**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

James and Clive

[REDACTED] have the submission ready to go but need your input now as per your suggestion below. It needs to be worded exactly as you want the minister to read it (as they will just drop it into the submission given it isn't their area of expertise). Guy is about to call you to discuss, but grateful if you could action urgently. As mentioned below, given your earlier heads up on this is the MO has specifically requested this is included.

[REDACTED]

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 07:13 PM AUS Eastern Standard Time  
**To:** Clive MURRAY; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Clive

I have spoken to COS. He definitely wants details of these financial implications placed in the submission for the Minister's consideration.

regards

[REDACTED]

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** Clive MURRAY  
**Sent:** Sunday, November 01, 2015 06:24 PM AUS Eastern Standard Time  
**To:** [REDACTED]; James WATSON; [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Peter RICHARDS; Peta DUNN  
**Cc:** Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]; [REDACTED]  
**Subject:** RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

[REDACTED]

I note the last section of the below email re suggestion to counsel [REDACTED] (if Minister intervenes). Please note [REDACTED] was previously counselled in May 2015 about this very issue and there may be some financial liability to the Dept if the removal does not proceed as the Airline has been formally served. SBC will be providing detail which does not support the Minister intervening.

Rgds

Clive Murray  
Assistant Commissioner  
Strategic Border Command

Office +61 [REDACTED]  
Mobile [REDACTED]  
Email [clive.murray@border.gov.au](mailto:clive.murray@border.gov.au)  
Web [www.border.gov.au](http://www.border.gov.au)

From: [REDACTED] <[REDACTED]@border.gov.au>  
Sent: 1/11/2015 6:06 PM  
To: WATSON James <<mailto:james.watson@border.gov.au>>; [REDACTED] <[REDACTED]@border.gov.au>;  
BOEKENSTEIN Guy <<mailto:guy.boekenstein@border.gov.au>>; [REDACTED] <[REDACTED]@border.gov.au>; MURRAY Clive <<mailto:Clive.Murray@border.gov.au>>; RICHARDS  
Peter <<mailto:peter.richards@border.gov.au>>; DUNN Peta <<mailto:peta.dunn@border.gov.au>>  
Cc: HOLLAND Agnieszka <<mailto:agnieszka.holland@border.gov.au>>; BRIDGER  
Maree <<mailto:Maree.Bridger@border.gov.au>>; DLO [REDACTED]  
[REDACTED] <[REDACTED]@border.gov.au>; MO Registration [REDACTED] Ministerial  
Support [REDACTED] <[REDACTED]@border.gov.au>;  
[REDACTED]  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

[REDACTED]

Thanks for acknowledging this request. I understand you have someone heading into the office now (thankyou).

In response to your two questions by phone, I have just confirmed the following with the Chief of Staff:

- 1) A submission is required to accompany the decision documentation (but this can be extremely short)
- 2) The Minister should be given the option to grant a new Tourist/Visitor visa valid for 3 months.

The Minister has also asked that, if he intervenes to grant a visa, that the client be very strongly counselled that they cannot work, even do volunteer or in-kind work, and that their visa would be liable for cancellation should they do so.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED] <[\[REDACTED\]@border.gov.au](mailto:[REDACTED]@border.gov.au)>

-----Original Message-----

From: James WATSON  
Sent: Sunday, 1 November 2015 5:55 PM  
To: [REDACTED]; Guy BOEKENSTEIN; [REDACTED]; Clive  
MURRAY; Peter RICHARDS; Peta DUNN  
Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]  
[REDACTED]; [REDACTED]  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

Send document to SBC.

James Watson  
Commander | Detention and Compliance Operations Strategic Border Command Australian Border Force  
P: : 02 [REDACTED] | M: [REDACTED]  
E: [james.watson@border.gov.au](mailto:james.watson@border.gov.au)

W : [www.border.gov.au](http://www.border.gov.au)<<http://www.border.gov.au>>

From: [REDACTED] <[REDACTED]@border.gov.au>  
Sent: 1/11/2015 5:52 PM  
To: WATSON James <<mailto:james.watson@border.gov.au>>; [REDACTED] <[REDACTED]@border.gov.au>; BOEKENSTEIN Guy <<mailto:guy.boekenstein@border.gov.au>>; [REDACTED] <[REDACTED]@border.gov.au>; MURRAY Clive <<mailto:Clive.Murray@border.gov.au>>; RICHARDS Peter <<mailto:peter.richards@border.gov.au>>; DUNN Peta <<mailto:peta.dunn@border.gov.au>>  
Cc: HOLLAND Agnieszka <<mailto:agnieszka.holland@border.gov.au>>; BRIDGER Maree <<mailto:Maree.Bridger@border.gov.au>>; DLO [REDACTED] <[REDACTED]@border.gov.au>; MO Registration [REDACTED] <[REDACTED]@border.gov.au> Ministerial Support <[REDACTED]@border.gov.au>  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

James

Who is the contact point/email to facilitate transfer of docs?

Thanks

[REDACTED]

Sent with Good ([www.good.com](http://www.good.com)<<http://www.good.com>>)

-----Original Message-----

From: James WATSON  
Sent: Sunday, November 01, 2015 05:27 PM AUS Eastern Standard Time  
To: [REDACTED] <[REDACTED]@border.gov.au>; Guy BOEKENSTEIN; [REDACTED] <[REDACTED]@border.gov.au>; Clive MURRAY; Peter RICHARDS; [REDACTED] <[REDACTED]@border.gov.au>; Peta DUNN  
Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED] <[REDACTED]@border.gov.au>; MO Registration; Ministerial Support  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

We will task RC Qld to facilitate the receipt of relevant documents.

James Watson  
Commander | Detention and Compliance Operations Strategic Border Command Australian Border Force  
P : 02 6 [REDACTED] | M: [REDACTED]  
E : [james.watson@border.gov.au](mailto:james.watson@border.gov.au)  
W : [www.border.gov.au](http://www.border.gov.au)<<http://www.border.gov.au>>

From: [REDACTED] <[REDACTED]@border.gov.au>  
Sent: 1/11/2015 5:23 PM  
To: BOEKENSTEIN Guy <<mailto:guy.boekenstein@border.gov.au>>; [REDACTED] <[REDACTED]@border.gov.au>; WATSON James <<mailto:james.watson@border.gov.au>>; MURRAY Clive <<mailto:Clive.Murray@border.gov.au>>; RICHARDS Peter <<mailto:peter.richards@border.gov.au>>; [REDACTED] <[REDACTED]@border.gov.au>; DUNN Peta <<mailto:peta.dunn@border.gov.au>>  
Cc: HOLLAND Agnieszka <<mailto:agnieszka.holland@border.gov.au>>; BRIDGER Maree <<mailto:Maree.Bridger@border.gov.au>>; DLO [REDACTED] <[REDACTED]@border.gov.au>; MO Registration [REDACTED] <[REDACTED]@border.gov.au> Ministerial Support <[REDACTED]@border.gov.au>  
Subject: RE: Urgent Tasking - 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Guy – thank you.

MIBP has now reviewed the case and has asked for a s195A Ministerial Intervention submission to be presented to him in Brisbane tonight before he departs (he takes off at 8.45pm Brisbane time, 9.45pm Canberra time).

Peta/Peter [REDACTED] – can you please confirm you are working on this submission and timeframe for finalisation?

James – note that MIBP may use his MI powers tonight. Should he decide to intervene and grant a visa, then the removal would not proceed. Also, I understand that SBC arranged for airport facilitation for the Minister on departure in Brisbane tonight. Are the officers doing this facilitation able to print a copy of the submission (when it is ready) and present it to the Minister at the airport for signature?

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: ([REDACTED])  
[REDACTED]@border.gov.au

UNCLASSIFIED

From: Guy BOEKENSTEIN

Sent: Sunday, 1 November 2015 5:07 PM

To: [REDACTED]; [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS;  
[REDACTED]; Peta DUNN

Cc: Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support

Subject: RE: Urgent Tasking - Possible 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

James - thanks for the advice you are working up a response to point two.

Peta/Peter - can you advise please on point one.

Regards  
Guy

Sent with Good (www.good.com<<http://www.good.com>>>)

-----Original Message-----

From: [REDACTED]

Sent: Sunday, November 01, 2015 04:51 PM AUS Eastern Standard Time

To: [REDACTED]; James WATSON; Clive MURRAY; Peter RICHARDS; [REDACTED]; Peta DUNN

Cc: Agnieszka HOLLAND; Maree BRIDGER; Guy BOEKENSTEIN; DLO; [REDACTED] MO Registration; Ministerial Support

Subject: Urgent Tasking - Possible 195A submission for [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

All

Using the information provided by James Watson/SBCC, I prepared the email below for MIBP's Chief of Staff summarising the situation with this [REDACTED] Tourist in Adelaide.

The CoS is briefing the Minister on this issue now.

However, CoS has asked for two things:

1) The Department to be on stand-by to prepare a s195A submission for this client before he (MIBP) departs Australia tonight (he checks in at 7.45pm in Brisbane, so 8.45pm Canberra time. He takes off at 8.45pm in Brisbane, so 9.45pm in Canberra). I believe Peter Richard's branch would lead on this.

2) If the Minister decides that he does want to consider intervening but is happy to do so on arrival in the Middle East tomorrow, can the Dept provide advice on whether client's removal tonight can be delayed? For clarity, the MO is not yet requesting that this removal be delayed, just advice on whether it is possible/feasible to delay this if required to give the Dept

longer to prepare the s195A submission and the Minister longer to consider it. SBC to lead on this.

Grateful confirmation of this tasking. I understand that Guy will call relevant SES to alert them to this tasking.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au>

UNCLASSIFIED  
From: [REDACTED]  
Sent: Sunday, 1 November 2015 4:34 PM  
To: Guy BOEKENSTEIN; Maree BRIDGER; Agnieszka HOLLAND; [REDACTED]  
Cc: MO Registration  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED  
Guy/Maree/Agnieszka [REDACTED] – for your information (I called Guy to discuss this response before I sent it).

MO Registration – please register.

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]@border.gov.au>

UNCLASSIFIED  
From: [REDACTED]  
Sent: Sunday, 1 November 2015 4:33 PM  
To: Craig MACLACHLAN  
Cc: DLO  
Subject: RE: Re [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED  
Craig

Key details about this case as below:

- Client is [REDACTED]
- On [REDACTED] arrived at Adelaide International Airport on board EK 440, holding a valid TV 651 Visitor visa.
- [REDACTED] was interviewed by Border Entry Officer who established that [REDACTED] returned to Australia holding a tourist visa with intentions to work as a nanny.
- ABF refused entry into Australia.
- The Decision was made by the ABF to cancel [REDACTED] visa under s116(1)(g), Reg 2.43(1)(ka) as [REDACTED] was found to be a non-genuine visitor. Further detail about this decision to cancel is below.

· Passenger has been placed into detention at Adelaide Immigration Transit Accommodation pending removal from Australia.

· Emirates Airlines have been contacted to make arrangements for [REDACTED] return flight. Details of the departure flight are TBA, but it is expected to be evening tonight 01NOV2015 (possibly on EK441 at 2235 AEDT).

Background to cancellation decision:

· Client has been in Australia since 2012 on a combination of subclass 417 (Working Holiday), subclass 572 (Student) and subclass 651 (Visitor) visas.

· Client last departed Australia on 3 May as the holder of a subclass 651 (Tourist) visa.

· On [REDACTED] last entry to Australia, the client was spoken to by ABF officers and counselled regarding [REDACTED] work rights on a Tourist visa. The client was counselled not to undertake any form of work on a Tourist visa, including child minding.

· Client was interviewed on arrival in Adelaide last night.

· In this interview [REDACTED] stated that [REDACTED] would be residing with [REDACTED] for 3 months at their farm in the [REDACTED]. Client was an au-pair for this family when [REDACTED] held a Working Holiday visa in 2013 and 2014.

· [REDACTED] stated that [REDACTED] main goal in coming to Australia is to volunteer work. Client claimed [REDACTED] had made an appointment with the South Australian volunteer officer to seek volunteer work.

· Client also confirmed at interview that [REDACTED] would receive free accommodation for 3 months in return for helping with this family's children, cooking and riding their horses.

· Text messages on the client's phone support this.

· Client was given an opportunity to comment on why [REDACTED] visa should not be cancelled. In response [REDACTED] stated that [REDACTED] was doing volunteer work only for this family and was not being paid so [REDACTED] visa should not be cancelled.

Options available for this client in the future include:

· Once the client departs, [REDACTED] will have what is commonly known as a '3 year exclusion period'. As part of a future visa application, the client can request this be waived (in relation to that visa application only). The decision maker will assess whether [REDACTED] meets the requirements for the grant of a visa despite the existence of an exclusion period (eg. compassionate or compelling reasons affecting an Australian citizen or permanent resident). [REDACTED] would still need to be meet the criteria for the visa applied for.

· The Minister does have a non-compellable Ministerial Intervention power under s195A of the Migration Act 1958 to grant a visa to a client who is currently detained. If the Minister was minded to use his Ministerial Intervention powers, it would take some time (approx 24 hours) to prepare a submission for the Minister's consideration.

You should also be aware that since I arrived at the office, the family this client was to visit [REDACTED] has called the office to raise this issue. I just noted that the office was aware of the case but didn't go into details.

Kind regards

[REDACTED]  
Senior Departmental Liaison Officer  
Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED] <[\[REDACTED\]@border.gov.au](mailto:[REDACTED]@border.gov.au)>

UNCLASSIFIED  
From: Craig MACLACHLAN  
Sent: Sunday, 1 November 2015 1:22 PM  
To: [REDACTED]  
Subject: FW: Re [REDACTED] [SEC=UNCLASSIFIED]



Here are [redacted] passport details  
C

Sent with Good (www.good.com<<http://www.good.com>>>)

-----Original Message-----

From: [redacted] <[\[redacted\]@afl.com.au](mailto:[redacted]@afl.com.au)>  
[redacted] <[\[redacted\]@afl.com.au](mailto:[redacted]@afl.com.au)>  
Sent: Sunday, November 01, 2015 12:35 PM AUS Eastern Standard Time  
To: Craig MACLACHLAN  
Subject: Re: Re [redacted] [SEC=UNCLASSIFIED] Thanks Craig,

[redacted] on a [redacted] passport and the number is

[redacted]  
Cheers

[redacted]  
On 1 Nov 2015, at 11:48 AM, Craig MACLACHLAN  
<[CRAIG.MACLACHLAN@BORDER.GOV.AU](mailto:CRAIG.MACLACHLAN@BORDER.GOV.AU)<<mailto:CRAIG.MACLACHLAN@border.gov.au>>> wrote:  
Thanks. Will come back to you.  
Tks  
C

Sent with Good (www.good.com<<http://www.good.com>>>)  
[[cid:image001.png@01D114BD.1A1715B0](#)]

[redacted]  
AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001  
Ph: [redacted] Please consider the environment before printing this email

-----Original Message-----

From: [redacted] <[\[redacted\]@afl.com.au](mailto:[redacted]@afl.com.au)>  
[redacted] <[\[redacted\]@afl.com.au](mailto:[redacted]@afl.com.au)>  
Sent: Sunday, November 01, 2015 11:41 AM AUS Eastern Standard Time  
To: Craig MACLACHLAN  
Subject: Fwd: Re [redacted]

Hi Craig,

As discussed. I will try and get [redacted] passport number too.

Many thanks

[redacted]  
[redacted]  
Begin forwarded message:

From: [redacted] <[\[redacted\]@afl.com.au](mailto:[redacted]@afl.com.au)>>  
Date: 1 November 2015 at 10:59:13 AM AEDT  
To: [redacted] <[\[redacted\]@afl.com.au](mailto:[redacted]@afl.com.au)>>  
Subject: Fwd: Re [redacted]

Begin forwarded message:

From: [REDACTED]

Date: 1 November 2015 at 10:55:53 AM AEDT

To: [REDACTED]@afl.com.au>>

Subject: Re [REDACTED]

Writing in relation to [REDACTED], who has come out to visit us and other friends in Adelaide for three months holiday, returning to [REDACTED] in January.

[REDACTED] was denied a visa by immigration at Adelaide airport late last night and is scheduled to be deported back to [REDACTED] tonight (Sunday). We haven't spoken with immigration but apparently we are the reason and rationale [REDACTED] has been denied the visa. There has clearly been a misunderstanding that [REDACTED] was intending to work for us when [REDACTED] is here to spend time with our family, as we consider [REDACTED] to be family. We live in the [REDACTED] and have four kids who will be devastated not to see [REDACTED]. A [REDACTED] of outstanding character and integrity. [REDACTED] also made many friends in Adelaide and will spend time with them. What can we do to have this injustice resolved and have [REDACTED] tourist visa reinstated before [REDACTED] flies out tonight?

Kind regards

[REDACTED]

Sent from my iPad

--

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Click here to report this message as spam:

<https://console.mailguard.com.au/ras/1N8rvY7UuU/5Ixxw14G8SkCoPYCtzvF54I/0>

<image899234.PNG>

[REDACTED]

AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001

Ph: [REDACTED] | Please consider the environment before printing this email

<imageae113f.PNG>

[REDACTED]

AFL HOUSE | 140 Harbour Esplanade | Docklands VIC 3008 GPO Box 1449 | Melbourne VIC 3001

Ph: [REDACTED] Please consider the environment before printing this email

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UNCLASSIFIED

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, 1 November 2015 10:31 PM  
**To:** [REDACTED]  
**Subject:** RE: Documents for the Minister [SEC=PROTECTED]

Thanks [REDACTED] Keep me posted.

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 10:30 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Documents for the Minister [SEC=PROTECTED]

Sorry [REDACTED] just saw your email. Will wait to hear from [REDACTED] otherwise I will call her.

Thanks!

Sent with Good (www.good.com)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, November 01, 2015 10:25 PM AUS Eastern Standard Time  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Documents for the Minister [SEC=PROTECTED]

PROTECTED

[REDACTED] – worked out the problem. [REDACTED] is showing as having departed A/a tonight at about 9pm. But has obviously not left. Will contact the BOC.

Kind regards,

[REDACTED]

Senior Case Officer, Complex Case Resolution Section

Caseload Assurance Branch | Community Protection Division

Visa & Citizenship Services

Department of Immigration and Border Protection

P: [REDACTED]

E: [REDACTED]@border.gov.au

PROTECTED

From: [REDACTED]  
Sent: Sunday, 1 November 2015 10:23 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: FW: Documents for the Minister [SEC=PROTECTED]  
Importance: High

PROTECTED

Hi [REDACTED]

We are unable to grant the visa in ICSE – we are getting an error message which refers us to the ICSE helpdesk. Have tried all work arounds that we know but have had no luck. The ICSE helpdesk do not work 24 hours, so we cannot reach them until tomorrow morning.

As the Minister has signed the documents and intervened, [REDACTED] holds a valid Visitor visa. Attached is the notification letter matching the Minister's decision.

In the past, when we have had ICSE issues, we have given client's their notification letter and sent them on their way. Then fixed the systems issue as soon as possible following the decision.

Could you please advise if you're happy to tell the SBC/RCQLDCC that the visa has been granted, albeit not in systems, and that [REDACTED] can be released and counselled as per the agreed plan? Concerned that they will not allow [REDACTED] release without the systems reflecting that [REDACTED] holds a valid visa. Perhaps you could be the one to advise them?

Let us know.

Kind regards,

[REDACTED]  
Senior Case Officer, Complex Case Resolution Section

Caseload Assurance Branch | Community Protection Division

Visa & Citizenship Services

Department of Immigration and Border Protection

P: [REDACTED]

[REDACTED]@border.gov.au

PROTECTED

From: [REDACTED]

Sent: Sunday, 1 November 2015 10:07 PM

To: [REDACTED]; Clive MURRAY; James WATSON; Guy BOEKENSTEIN; Peter RICHARDS; Peta DUNN; Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED]; MO Registration; Ministerial Support; [REDACTED]

Cc: [REDACTED]

Subject: FW: Documents for the Minister [SEC=PROTECTED]

Importance: High

Good evening all –

Please find attached the documents requested. You will note that the Minister missed signing the Decision Instrument.

SBCC is liaising with RC Central to deliver on the Minister's intent; however would appreciate confirmation regarding next steps. [REDACTED] is currently in the interview rooms at Adelaide airport, pending further advice, having been offloaded from [REDACTED] removal flight.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 4 November 2015 7:11 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Documents for the Minister [SEC=PROTECTED]

PROTECTED

Thanks [REDACTED] I'll get the Minister to sign to reflect his decision on Sunday night.

Kind regards

[REDACTED]

Senior Departmental Liaison Officer

Office of the Minister for Immigration and Border Protection Suite MG.46 Parliament House, Canberra

T: [REDACTED]  
[REDACTED]  
[REDACTED]@border.gov.au

PROTECTED

**From:** [REDACTED]  
**Sent:** Wednesday, 4 November 2015 5:01 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Documents for the Minister [SEC=PROTECTED]

PROTECTED

Apologies – wrong document. Please see attached.

Kind regards,

[REDACTED]

Senior Case Officer, Complex Case Resolution Section  
Caseload Assurance Branch | Community Protection Division  
Visa & Citizenship Services  
Department of Immigration and Border Protection

P: [REDACTED]

E: <mailto:[REDACTED]@border.gov.au

PROTECTED

From: [REDACTED]  
Sent: Wednesday, 4 November 2015 5:00 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: FW: Documents for the Minister [SEC=PROTECTED]  
Importance: High

PROTECTED

Hi [REDACTED],

As discussed with [REDACTED] grateful if the Minister can sign the attached decision document to be dated 01/11/2015.

Thank you.

Kind regards,

[REDACTED]

Senior Case Officer, Complex Case Resolution Section  
Caseload Assurance Branch | Community Protection Division  
Visa & Citizenship Services



Department of Immigration and Border Protection

P: [REDACTED]

[REDACTED]@border.gov.au

PROTECTED

From: [REDACTED]

Sent: Sunday, 1 November 2015 10:07 PM

To: [REDACTED]; Clive MURRAY; James WATSON; Guy BOEKENSTEIN; Peter RICHARDS; Peta DUNN; Agnieszka HOLLAND; Maree BRIDGER; DLO; [REDACTED] MO Registration; Ministerial Support; [REDACTED]

Cc: [REDACTED]

Subject: FW: Documents for the Minister [SEC=PROTECTED]

Importance: High

Good evening all –

Please find attached the documents requested. You will note that the Minister missed signing the Decision Instrument.

SBCC is liaising with RC Central to deliver on the Minister's intent; however would appreciate confirmation regarding next steps. [REDACTED] is currently in the interview rooms at Adelaide airport, pending further advice, having been offloaded from [REDACTED] removal flight.

Regards, [REDACTED]

---

[REDACTED]  
Duty Inspector - Command Centre

Operations Branch I Strategic Border Command Operations Group Australian Border Force

P: [REDACTED]

E: <mailto:[REDACTED]@border.gov.au?>

[REDACTED] [REDACTED]