



Australian Government

Department of Immigration and Border Protection

**Attachment A**

**DECISION RECORD**

**Request Details**

FOI Request FA 15/04/00808

File Number ADF2015/14837

**Scope of request**

*... documents since January 1, 2012, relating to:*

1. *The number of visitors on either*
  - a. *student visas*
  - b. *working holidaymaker visas*
  - c. *bridging visas or*
  - d. *S457 visas,*
  - e. *who have been discovered or believed to have engaged in prostitution activity while in Australia each year for the last three years. Information about the cancellation of visas because of prostitution related activity would be useful in fulfilling this aspect of my request.*
  
2. *The number of applications received each year by Immigration for any of the already mentioned visas classes where the purpose of the visit is prostitution, escort or massage related activity. I am interested in the annual statistics on this issue for the last three years.*
  
3. *Any report to senior management and/or the minister's office produced in the last two years about the extent and use of either*
  - a. *student visas*
  - b. *working holidaymaker visas*
  - c. *bridging visas or*
  - d. *S457 visas for the transport and employment of prostitutes and sex workers in Australia.*

**Documents in scope**

1. Departmental document – Senate Estimates Back Pocket Brief, May 2012 – containing 4 folios.
2. Departmental document – Senate Estimates Back Pocket Brief, October 2012 – containing 5 folios.
3. Departmental document – Draft Divisional Brief, April 2013 – containing 4 folios.

### **Authority to make decision**

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate departmental records.

### **Information considered**

In reaching my decision, I have considered the following:

- ✓ The *Freedom of Information Act 1982*;
- ✓ Departmental documents (identified above); and
- ✓ The Australian Information Commissioner's Guidelines relating to access to documents held by government.

### **Reasons for decision**

In relation to part one of your request, I am satisfied that I have been provided with all the relevant documents to consider in my decision. I have considered the documents and am satisfied that no exemptions apply. Therefore, I am releasing the relevant documents in full.

In relation to parts two and three of the scope of your request, I consulted within the Department regarding the documents in question. The relevant business areas have confirmed that the Department holds no documents in relation to these parts of your request.

Based on the advice from the relevant business areas, I am satisfied that the Department has taken all reasonable steps to find any relevant documents, as required by s.24A(1)(a) of the Act. I am also satisfied that the Department does not hold any documents that fall within the scope of your request. Therefore I am refusing your request for access for documents relating to parts two and three of your request under s.24A(1)(b)(ii) of the Act, on the basis that the documents do not exist.

Peter Richards  
Authorised decision maker  
Department of Immigration and Border Protection

17 July 2015



Australian Government

Department of Immigration and Border Protection

**Attachment B**

**SCHEDULE OF DOCUMENTS TO DECISION RECORD**

FOI Request FA 15/04/00808  
File Number ADF2015/14837

**1. Departmental Document:**

*Senate Estimates Back Pocket Brief – Additional Budget Estimate Hearings, 21-22 May 2012*

Folio	Description	Decision	Legislation
1-4	Back Pocket Brief	Release in full	

**2. Departmental Document:**

*Senate Estimates Back Pocket Brief – Supplementary Budget Estimate Hearings, October 2012*

Folio	Description	Decision	Legislation
1-5	Back Pocket Brief	Release in full	

**3. Departmental Document:**

*DRAFT – Divisional Brief – Additional Estimates Hearings, 29 April 2013*

Folio	Description	Decision	Legislation
1-4	Divisional Brief	Release in full	

**SENATE ESTIMATES BACK POCKET BRIEF  
ADDITIONAL BUDGET ESTIMATES HEARINGS  
21-22 MAY 2012**

**ISSUE:       SEX TRAFFICKING AND THE STUDENT VISA PROGRAM**

**TALKING POINTS:**

- Departmental records show that during the period 1997 to 31 October 2011, 1 412 current or former student visa holders were found working in the sex industry. The majority (98 per cent) were located, that is, working at a sex industry premises either as an unlawful non-citizen or as a lawful non-citizen working in breach of a work related visa condition or encountered, that is, found working at a sex industry premises as the holder of a valid visa that enables work in the period 1 July 2002 to 31 October 2011. Improved reporting capabilities instituted in DIAC from 2002 have supported improved monitoring in this field.
- Departmental records also show that of the 1 412 clients recorded, 471 clients, or a third, were located or encountered on more than one occasion.
- Of the 858 Student visa holders who were identified working in the sex industry 77 were recorded as a location indicating that their Student visa may have been cancelled for working in breach of their visa conditions. From sampling these records, it is evident that some of these clients' visas were cancelled for other reasons such as not being a genuine student.
- Of the 858 current, or former, Student visa holders who were found working in the sex industry and held a Student visa at the time of encounter, 462 clients or 54 per cent are onshore and lawful, 330 clients or 38 per cent are offshore, 29 or three per cent have become Australian citizens and 37 clients or four per cent are onshore and unlawful.
- Of the 462 clients who are currently onshore and lawful, 213 clients or 46 per cent hold a Student visa, 109 clients or 24 per cent hold a Partner visa and 93 clients or 20 per cent hold a Bridging visa. Of the 37 clients who are onshore and unlawful, 15 clients or 49 per cent last held a Bridging visa and 18 clients or 41 per cent last held a Student visa.
- Of the 1 412 clients who were found working in the sex industry and held a Student visa at some point in their immigration history 752 clients or 53 per cent are onshore and lawful, 525 clients or 37 per cent are offshore, 81 clients or six per cent have become Australian citizens and 54 clients or four per cent are onshore and unlawful.
- Of the 752 clients who held a Student visa at some point in their immigration history and are currently onshore and lawful, 311 or 41 per cent hold a Student visa, 205 or 27 per cent hold a Partner visa and 142 or 19 per cent hold a Bridging visa. Of the 54 clients who are onshore and unlawful, 31 or 57 per cent last held a Bridging visa and 19 or 35 per cent last held a Student visa.

- Student visa holders are permitted to engage in any type of lawful work while in Australia. The only restriction is that they could not work more than 20 hours per week when their course is in session. As of 26 March 2012, this was extended to 40 hours per fortnight.
- In Australia, the sex industry is a legal or decriminalised industry in most state or territory jurisdictions.
- Notwithstanding this, the department has a network of compliance officers who respond to reports from various sources, including the public, where a person is suspected of breaching their visa conditions.
- Compliance officers routinely conduct compliance field visits to brothels, generally as part of joint operations conducted with the Australian Federal Police (AFP), to ensure that the owners are not employing foreign nationals working without a valid visa or in breach of their work conditions. This is the situation as with any other industry.
- The majority of those encountered working in the sex industry are working lawfully in accordance with the conditions of their visa. Non-citizens who do not hold a valid visa, or who are found to be working in breach of their visa conditions, risk having their visa cancelled and/or being removed from Australia.
- All departmental officers are alert to possible indicators of people trafficking.
- The department refers all instances where indicators of trafficking are present to the AFP to investigate and assess in accordance with an inter-agency Referral Protocol.
- While the AFP is the lead agency on investigating people trafficking, the department plays a key role as part of the whole-of-government strategy to combat this crime. This includes:
  - prevention activity, through screening of visa applications for possible indicators of trafficking;
  - detection onshore through our compliance activities;
  - assistance to victims through the issuing of visas under the people trafficking visa framework;
  - working closely with stakeholders, both non-government and government, on visa and other victim-related support issues through a range of fora, including the National People Trafficking Roundtable and the working group.

## BACKGROUND

In recent months, the media has reported claims that Australia's visa programs are being used to facilitate the entry of sex workers from overseas.

In some cases, it has been claimed that the worker had been trafficked.

Operations involving brothels are generally joint operations conducted with the AFP. If people are located working illegally, or if people employ illegal workers, they will be subject to compliance action and visa cancellation, as appropriate.

In respect of people trafficking, once AFP's investigation has been completed, and/or persons of interest such as migration agents have been excluded from their investigation, details are forwarded to the department to investigate any possible breaches against the *Migration Act 1958*.

The Government's *Support for Victims of People Trafficking Program* and the People Trafficking Visa Framework apply to all victims of trafficking, regardless of the industry to which they have been trafficked.

People trafficking victims who do not hold a valid visa are granted one under the People Trafficking Visa Framework, enabling them to remain lawfully in Australia. People trafficking victims who are in Australia on a valid visa remain on it.

All victims who hold a valid visa, whether under the People Trafficking Visa Framework or not, have access to the *Support for Victims of People Trafficking Program* administered by the Department of Families, Housing, Community Services and Indigenous Affairs. This support program includes temporary accommodation, access to Medicare and medical services, counselling and legal services, vocational training programs and social support.

## **NATIONAL INTEGRITY ANALYSIS SERVICE (NIAS)**

- The department's detection and prevention activities have been enhanced with the establishment of a specialist integrity analysis unit which detects, measures and recommends treatments to mitigate against integrity risks identified within our visa programs and operations more broadly.
- NIAS reports are based on the analysis of information from a broad suite of quantitative and qualitative data sources using advanced analytical tools.
- The analysis to date has led to improved intelligence gathering; better targeting of non-genuine clients and the identification and prosecution of those involved in migration fraud.

## **SEX INDUSTRY AND THE STUDENT VISA PROGRAM**

On 14 October 2011 the Minister announced that he had commissioned a targeted analysis of Australia's Student visa program over the past two years to determine what links, if any, exist with the sex industry. The analysis is focused on groups that have been identified by DIAC and other agencies as being at risk of exploitation by some parts of the sex industry. The Analysis Report has been completed and sent to the Ministers office for his comment.

An additional targeted analysis was undertaken into *Integrity Issues in Relation to the Recording of Locations and Encounters of Non-Citizens Identified Working in the Australian Sex Industry*. This analysis has also been completed and the suggested treatments are being addressed by the relevant stakeholders.

## **STUDENT VISA HOLDER RESPONSIBILITIES**

Student visa holders are required under migration regulations to maintain enrolment, meet attendance and course progress requirements, and abide by other conditions imposed on their visa, including working no more than 20 hours a week when their course is in session.

Under the Education Services for Overseas Students Act (ESOS) Act, education providers are required to notify the Department when they are aware that a student has breached the conditions of their visa. Depending on the type and level of breach, the student's visa may be subject to cancellation.

### **RESPONSIBLE SES OFFICER:**

Jenny Donnelly      A/g Assistant Secretary, Risk, Analysis and Monitoring Branch

**SENATE ESTIMATES BACK POCKET BRIEF  
SUPPLEMENTARY BUDGET ESTIMATES HEARINGS  
October 2012**

**ISSUE:       SEX WORKERS AND THE STUDENT VISA PROGRAM**

**TALKING POINTS:**

- Departmental records show that during the period 1 January 1997 to 30 September 2012 there were 7805 encounters or locations of non-citizens found working in the Australian sex industry. This represented 5378 unique clients as some clients were located, or encountered on more than one occasion.
- The majority of the clients recorded were found during the period 1 July 2002 to 30 September 2012 due to improved reporting capabilities.
- 1678 (21.4 per cent) of the encounters or locations involved clients who held a Student visa at some point in their immigration history.
- In the last 12 months, i.e. 1 October 2011 to 30 September 2012, the department recorded 630 encounters or locations of non-citizens working in the Australian sex industry. They related to 579 individual clients.
- The top nationalities of these clients were:
  - (1) People Republic of China (146 clients)
  - (2) South Korea (141 clients)
  - (3) Hong Kong Special Administrative Region (88 clients)
  - (4) Thailand (87 clients)
  - (5) Lithuania (24 clients).
  - (6) Other (93 clients, 9 of these did not have citizenship recorded)
- The top five nationalities (486 clients) accounted for 82.9 per cent of the clients encountered located in the last 12 months.
- Of the 579 new encounters or locations, 273 cases (46.6 per cent) involved clients who were either a current or former Student visa holder.
- The top five Student visa subclasses held by those 273 clients were:
  - (1) 572 Vocational and Training Sector (VET) (145 clients)
  - (2) 573 Higher Education (72 clients)
  - (3) 570 Independent ELICOS Sector (28 clients)
  - (4) 580 Student Guardian visa (17 clients)
  - (5) 571 Schools Sector (9 clients)
  - (6) 574 Postgraduate Research Sector (2 clients)



- As at 30 September 2012, of the 579 clients who were encountered or located in the sex industry in the previous 12 months, there were:
  - 327 clients (56.4 per cent) currently onshore and lawful
  - 213 clients (36.7 per cent) who were offshore
  - 29 clients (5 per cent) were onshore and unlawful,
  - six clients (1 per cent) did not have a movement record attached to their client record.
  - four clients were (0.6 per cent) recorded as Australian citizens

The department is investigating the current whereabouts of the 29 clients who were onshore and unlawful in line with departmental procedures.

- The total number of student visa holders in Australia as at 30 September 2012 was 341 813. Therefore, the number of current or former student visa holders located or encountered working in the Australian sex industry in the past 12 months as a percentage of all student visa holders, is extremely low - only 0.08 per cent.
- Student visa holders are permitted to engage in any type of lawful work while in Australia. The only restriction is that they could not work more than 20 hours per week when their course is in session. As of 26 March 2012, this was extended to 40 hours per fortnight.
- In Australia, the sex industry is a legal or decriminalised industry in most state or territory jurisdictions.
- Notwithstanding this, the department has a network of compliance officers who respond to reports from various sources, including the public, where a person is suspected of breaching their visa conditions.
- Compliance officers routinely conduct compliance field visits to brothels, generally as part of joint operations conducted with the Australian Federal Police (AFP), to ensure that the owners are not employing foreign nationals working without a valid visa or in breach of their work conditions. This is the situation as with any other industry.
- The majority of those encountered working in the sex industry are working lawfully in accordance with the conditions of their visa. Non-citizens who do not hold a valid visa, or who are found to be working in breach of their visa conditions, risk having their visa cancelled and/or being removed from Australia.
- All departmental officers are alert to possible indicators of people trafficking.
- The department refers all instances where indicators of trafficking are present to the AFP to investigate and assess in accordance with an inter-agency Referral Protocol.

Released by DIBP under the  
Freedom of Information Act 1982

- While the AFP is the lead agency on investigating people trafficking, the department plays a key role as part of the whole-of-government strategy to combat this crime. This includes:
  - prevention activity, through screening of visa applications for possible indicators of trafficking;
  - detection onshore through our compliance activities;
  - assistance to victims through the issuing of visas under the people trafficking visa framework;
  - working closely with stakeholders, both non-government and government, on visa and other victim-related support issues through a range of fora, including the National People Trafficking Roundtable and the working group.

## BACKGROUND

On the 6 October 2011, the Australian media reported claims that Australia's visa programs are being used to facilitate the entry of sex workers from overseas.

In some cases, it has been claimed that the worker had been trafficked.

Operations involving brothels are generally joint operations conducted with the AFP. If people are located working illegally, or if people employ illegal workers, they will be subject to compliance action and visa cancellation, as appropriate.

In respect of people trafficking, once AFP's investigation has been completed, and/or persons of interest such as migration agents have been excluded from their investigation, details are forwarded to the department to investigate any possible breaches against the *Migration Act 1958*.

The Government's *Support for Victims of People Trafficking Program* and the People Trafficking Visa Framework apply to all victims of trafficking, regardless of the industry to which they have been trafficked.

People trafficking victims who do not hold a valid visa are granted one under the People Trafficking Visa Framework, enabling them to remain lawfully in Australia. People trafficking victims who are in Australia on a valid visa remain on it.

All victims who hold a valid visa, whether under the People Trafficking Visa Framework or not, have access to the *Support for Victims of People Trafficking Program* administered by the Department of Families, Housing, Community Services and Indigenous Affairs. This support program includes temporary accommodation, access to Medicare and medical services, counselling and legal services, vocational training programs and social support.

## NATIONAL INTEGRITY ANALYSIS SERVICE (NIAS)

- The department's detection and prevention activities have been enhanced with the establishment of a specialist integrity analysis unit which detects, measures and recommends treatments to mitigate against integrity risks identified within our visa programs and operations more broadly.
- NIAS reports are based on the analysis of information from a broad suite of quantitative and qualitative data sources using advanced analytical tools.
- The analysis to date has led to improved intelligence gathering; better targeting of non-genuine clients and the identification and prosecution of those involved in migration fraud.

## **SEX INDUSTRY AND THE STUDENT VISA PROGRAM**

On 14 October 2011 the Minister announced that he had commissioned a targeted analysis of Australia's Student visa program over the past two years to determine what links, if any, exist with the sex industry. The analysis is focused on groups that have been identified by the department and other agencies as being at risk of exploitation by some parts of the sex industry. The analysis report has been completed and sent to the Ministers office for his comment.

An additional targeted analysis was undertaken into *Integrity Issues in Relation to the Recording of Locations and Encounters of Non-Citizens Identified Working in the Australian Sex Industry*. This analysis has also been completed and the suggested treatments are being addressed by the relevant stakeholders.

The report covered the period 1997 to 31 October 2011. For the purposes of this brief, the National Integrity Analysis Service was asked to update the figures. As the data comes from a variety of data sources we were only able to update figure to 24 September 2012.

## **STUDENT VISA HOLDER RESPONSIBILITIES**

Student visa holders are required under migration regulations to maintain enrolment, meet attendance and course progress requirements, and abide by other conditions imposed on their visa, including working no more than 20 hours a week when their course is in session.

Under the Education Services for Overseas Students Act (ESOS) Act, education providers are required to notify the Department when they are aware that a student has breached the conditions of their visa. Depending on the type and level of breach, the student's visa may be subject to cancellation.

## **RESPONSIBLE SES OFFICER:**

Paul D Farrell      Assistant Secretary, Risk, Analysis and Monitoring Branch



**DIVISIONAL BRIEF  
ADDITIONAL ESTIMATES HEARINGS  
29 APRIL 2013**

**ISSUE:       SEX WORKERS AND THE STUDENT VISA PROGRAM**

**RESPONSIBLE SES OFFICER:**

Paul D Farrell       Assistant Secretary, Risk, Analysis and Monitoring Branch

**TALKING POINTS:**

- Departmental records show that during the period 1 January 1997 to 31 March 2013 there were 8439 records relating to encounters or locations of non-citizens found working in the Australian sex industry. This represented 6053 unique clients as some clients were located or encountered more than once.
- The majority of the clients recorded were found during the period 1 July 2002 to 31 March 2013 due to improved reporting capabilities.
- 2491 (29.5 per cent) of the encounters or locations involved clients who held a Student visa at some point in their immigration history.
- In the last 12 months, i.e. 1 April 2012 to 31 March 2013, the department recorded 824 new encounters or locations of non-citizens working in the Australian sex industry. They related to 621 individual clients.
- The top nationalities of these clients were:
  - (1) Peoples Republic of China (137 clients)
  - (2) Hong Kong Special Administrative Region (120 clients)
  - (3) South Korea (100 clients)
  - (4) Thailand (82 clients)
  - (5) Taiwan (35 clients).
  - (6) Other (147 clients, 21 of these did not have citizenship recorded)
- The top five nationalities (474 clients) accounted for 76.3 per cent of the clients encountered located in the last 12 months.
- Of the 621 new encounters or locations, 240 cases (38.7 per cent) involved clients who were either a current or former Student visa holder.
- The top five Student visa subclasses held by those 240 clients were:
  - (1) 572 Vocational and Training Sector (VET) (136 clients)
  - (2) 570 Independent ELICOS Sector (80 clients)
  - (3) 573 Higher Education (69 clients)
  - (4) 580 Student Guardian visa (13 clients)
  - (5) 571 Schools Sector (9 clients)
  - (6) 574 Postgraduate Research Sector (3 clients)

Released by DIBP under the  
Freedom of Information Act 1982

- As at 31 March 2013, of the 621 clients who were encountered or located in the sex industry in the previous 12 months, there were:
  - 276 clients (44.4 per cent) currently onshore and lawful
  - 294 clients (47.3 per cent) offshore
  - 29 clients (4.7 per cent) onshore and unlawful
  - four clients (0.6 per cent) recorded as Australian citizens
  - 18 clients for which no value was recorded

The department is investigating the current whereabouts of the 29 clients who were onshore and unlawful in line with departmental procedures.

- The total number of student visa holders in Australia as at 31 March 2013 was 289 501 (332 359 including dependants). Therefore, the number of current or former student visa holders located or encountered working in the Australian sex industry in the past 12 months as a percentage of all student visa holders, is extremely low - only 0.21 per cent.
- Student visa holders are permitted to engage in any type of lawful work while in Australia. The only restriction is that they cannot work more than 40 hours per fortnight when their course is in session.
- In Australia, the sex industry is a legal or decriminalised industry subject to state or territory regulation.
- The department has a network of compliance officers who respond to allegations from various sources, including the public, where a person is suspected of breaching their visa conditions or is an unlawful non-citizen.
- Compliance officers routinely conduct field visits to a broad range of industries (including the sex industry) to locate foreign nationals who do not have a valid visa or who are working in breach of their visa conditions. All compliance officers are alert to possible indicators of people trafficking.
- The majority of those encountered working in the sex industry are working lawfully in accordance with the conditions of their visa.
- The department refers all instances where indicators of trafficking are present to the AFP to investigate and assess in accordance with an inter-agency People Trafficking Referral Protocol.
- While the AFP is the lead agency in investigating people trafficking matters, the department plays a key role as part of the whole-of-government strategy to combat this crime. This includes:
  - prevention activity, through screening of visa applications for possible indicators of trafficking;
  - detection onshore through our compliance activities;
  - assistance to victims through the people trafficking visa framework;
  - working closely with stakeholders, both non-government and government, on visa and other victim-related support issues through a range of fora, including the National People Trafficking Roundtable and the working group.

Released by DIBP under the  
Freedom of Information Act 1982

## BACKGROUND

On the 6 October 2011, the Australian media reported claims that Australia's visa programs are being used to facilitate the entry of sex workers from overseas.

In some cases, it has been claimed that the worker had been trafficked.

Operations involving brothels are often conducted as joint operations with the AFP (particularly where allegations relate to people trafficking). If people are located working illegally, or if people employ illegal workers, they will be subject to compliance action and visa cancellation, as appropriate.

All suspected cases of people trafficking are referred to the AFP for investigation. Once the AFP's investigation has been completed, and/or persons of interest such as migration agents have been excluded from their investigation, details are forwarded to the department to investigate any possible breaches against the *Migration Act 1958*.

The Government's *Support for Victims of People Trafficking Program* and the People Trafficking Visa Framework apply to all victims of trafficking, regardless of the industry to which they have been trafficked.

People trafficking victims who do not hold a valid visa are granted one under the People Trafficking Visa Framework, enabling them to remain lawfully in Australia. People trafficking victims who are in Australia on a valid visa remain on it.

All victims who hold a valid visa, whether under the People Trafficking Visa Framework or not, have access to the *Support for Victims of People Trafficking Program* administered by the Department of Families, Housing, Community Services and Indigenous Affairs. This support program includes temporary accommodation, access to Medicare and medical services, counselling and legal services, vocational training programs and social support.

Since August 2007 it has been an offence under the *Migration Act 1958* (the Act) to knowingly or recklessly employ, or refer for work, a person who does not have a valid visa or who is breaching, or would breach, their visa conditions. The legislation includes aggravated offences where a person is being exploited, and the person knows of, or is reckless to, that circumstance.

Following the Howell's Review, on 12 December 2011, the Australian Government announced its intention to reform the employer sanctions legislation. The *Migration Amendment (Reform of Employer Sanctions) Bill 2012* was introduced into Parliament on 19 September 2012. It was passed by the House of Representatives on 27 November 2012 and is currently before the senate.

## NATIONAL INTEGRITY ANALYSIS SERVICE (NIAS)

The department's detection and prevention activities have been enhanced with the establishment of a specialist integrity analysis unit which detects, measures and recommends treatments to mitigate against integrity risks identified within our visa programs and operations more broadly.

The analysis to date has led to improved intelligence gathering; better targeting of non-genuine clients and the identification and prosecution of those involved in migration fraud.

## **SEX INDUSTRY AND THE STUDENT VISA PROGRAM**

On 14 October 2011 the Minister announced that he had commissioned a targeted analysis of Australia's Student visa program over the past two years to determine what links, if any, exist with the sex industry. The analysis focused on groups that have been identified by the department and other agencies as being at risk of exploitation by some parts of the sex industry.

Following consideration of the report, the Minister requested the relevant policy areas to consider options to respond to the issues raised.

The report was subject to a request for release by the NSW Community Relations Commission on 13 July 2012. This request was unsuccessful.

The National Integrity Analysis Service continues to monitor the involvement, including Student visa holders, of non-citizens in the Australian sex industry.

## **STUDENT VISA HOLDER RESPONSIBILITIES**

Student visa holders are required under migration regulations to maintain enrolment, meet attendance and course progress requirements, and abide by other conditions imposed on their visa, including working no more than 40 hours per fortnight when their course is in session (condition 8105).

Under the Education Services for Overseas Students Act (ESOS) Act, education providers are required to notify the Department when they are aware that a student has breached the conditions of their visa. Depending on the type and level of breach, the student's visa may be subject to cancellation (for breaches of condition 8105, cancellation is mandatory for Student visas granted after 26 April 2008).

## **INFORMATION NOT TO BE RELEASED**

Nil

Released by DIBP under the  
Freedom of Information Act 1982