

Home Affairs Portfolio  
Department of Home Affairs  
Budget Estimates Hearing – May 2023

**KEY BRIEF**

**Topic: Visa Cancellations**

**Responsible Deputy:** Stephanie Foster PSM, Associate Secretary, Immigration Group

**Key Points**

**Character cancellations**

- From 1 July 2022 to 31 March 2023, 405 visas were cancelled, 267 decisions were made to not revoke the mandatory cancellation of a visa made under subsection 501(3A), and 111 visas were refused under other character provisions of the *Migration Act 1958* (the Migration Act).
- From 1 July 2022 to 31 March 2023, 96 decisions were made under section 501CA of the Migration Act to revoke the mandatory cancellation of a visa.

**Cancellations using general cancellation powers**

- From 1 July 2022 to 31 March 2023, a total of 10,046 visas were cancelled under general cancellation powers of the Migration Act, 8,550 of those being offshore.
- From 1 July 2022 to 31 March 2023, a total of 32 visas were cancelled due to risks to the health, safety or good order of the Australian community (under paragraph 116(1)(e) of the Migration Act).
- From 1 July 2022 to 31 March 2023, there were 119 cancellations for the provision of incorrect information and/or bogus documents (under section 109 of the Migration Act).
- Student visa cancellation considerations have resumed for onshore visa holders where evidence suggests they have breached a condition of their visa, following temporary suspension of cancellation considerations for this cohort in light of the COVID-19 pandemic.

**Cancellation or refusal of Protection and Humanitarian visas**

- As at 31 March 2023, there were 89 non-citizens in immigration detention whose protection visas (subclass 785, 790 or 866) have been cancelled or refused under section 501.
- Additionally, there were 160 non-citizens in immigration detention on 31 March 2023 whose humanitarian visas (subclasses 200-204) have been cancelled under section 501.
- Unlawful non-citizens are not involuntarily removed from Australia contrary to Australia's *non-refoulement* obligations. There are mechanisms within the Migration Act that protect non-citizens from *refoulement*.

**National security related cancellations or refusals**

- There are a range of provisions under the Migration Act that allow the Minister (or their delegate) to cancel or refuse visas if a non-citizen has been assessed by the Australian Security Intelligence Organisation (ASIO) to be directly or indirectly a risk to the security of Australia.

## Key Statistics

Table 1: Section 501 adverse decisions, since 1 July 2018

Decision	2018-19	2019-20	2020-21	2021-22	2022-23 (to 31 March)	Total
Cancelled	937	1,015	939	655	415	3,961
Not Revoked	332	450	438	434	269	1,923
Refused	272	355	798	209	111	1,745
<b>Total</b>	<b>1,541</b>	<b>1,820</b>	<b>2,175</b>	<b>1,298</b>	<b>795</b>	<b>7,629</b>

- **‘Cancelled’** represents all decisions to cancel a visa under section 501, which includes both discretionary and mandatory cancellation decisions.
- **‘Not-revoked’** represents individuals who have sought revocation of a mandatory cancellation decision and the decision was made to not-revoke the cancellation. A non-citizen can be represented in both the ‘Cancelled’ and ‘Not Revoked’ columns if they were mandatorily cancelled and subsequently sought a revocation of that cancellation (noting not all will seek revocation). The revocation decision does not necessarily occur within the same year as the mandatory cancellation decision. For example, a mandatory cancellation decision may have occurred in March 2020, however the revocation decision may not have been finalised until December 2021.
- **‘Refused’** represents the number of visa applications refused under section 501.

Table 2: Cancellations under Migration Act powers other than s501, since 1 July 2018

Decision	2018-19	2019-20	2020-21	2021-22	2022-23 (to 31 March)	Total
Onshore cancellations	7,321	4,547	1,801	1,642	1,496	16,807
Offshore cancellations	46,404	53,673	23,975	22,770	8,550	155,372
<b>Total</b>	<b>53,725</b>	<b>58,220</b>	<b>25,776</b>	<b>24,412</b>	<b>10,046</b>	<b>172,179</b>

- The table above sets out the number of visas cancelled using grounds other than s501, such as section 109 (cancellation for providing incorrect information to the Department), section 116 (general cancellation grounds which includes non-compliance with visa conditions and risk to the community), section 128 (cancellation without notice where the non-citizen is offshore relying on grounds in section 116) and section 140 (consequential cancellation of a visa).

## Consultation

- The Chief Statistician has cleared the statistics contained within this brief.