Section 501 Visa Cancellation: What You Need to Know

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Section 501 of the Migration Act 1958 gives the Minister for Immigration — and their delegates — the power to refuse or cancel a visa on character grounds. If your visa has been cancelled under s.501, you are facing one of the most serious situations in Australian immigration law.

What Is the Character Test?

Under s.501, a person does not pass the character test if they:

1. Have a Substantial Criminal Record This includes:

- A sentence of imprisonment of 12 months or more (whether served or suspended)
- Two or more sentences of imprisonment where the total is 12 months or more
- Being found guilty of a sexually based offence involving a child

2. Are a Member of a Group or Organisation Involved in Criminal Conduct

3. Are Assessed by ASIO as a Risk to Security

4. Have a Risk of Engaging in Criminal Conduct, Harassment, or Vilification in Australia

5. Have Been Convicted of Certain Offences While in Immigration Detention

The Cancellation Process

Mandatory Cancellation (s.501(3A))

If you have a "substantial criminal record" (generally 12 months or more imprisonment), the Minister **must** cancel your visa. There is no discretion — the cancellation is automatic.

Discretionary Cancellation (s.501(2))

If you do not pass the character test but do not have a substantial criminal record, the Minister **may** cancel your visa. This is a discretionary decision.

Your Rights After Cancellation

Revocation Request

If your visa was mandatorily cancelled under s.501(3A), you can request that the Minister **revoke** the cancellation. You have **28 days** to make this request (or 9 days if you are in immigration detention).

Ministerial Intervention

If revocation is refused, you may request the Minister to personally intervene under s.501J. This is a discretionary power and the Minister is not obliged to consider your request.

Judicial Review

You may seek judicial review in the Federal Circuit Court or Federal Court if there was a legal error in the decision-making process.

[DEADLINE_WARNING]

Key Factors in a Revocation Request

When considering whether to revoke a cancellation, the decision-maker will consider:

Factor	What They Assess
Protection of the Australian community	Risk of reoffending, nature and seriousness of offences
Best interests of minor children	Impact on any children in Australia
Expectations of the Australian community	Community standards regarding the conduct
Other considerations	Length of time in Australia, family ties, health, age at arrival

What You Should Do Immediately

1. **Do not panic** — but act quickly. You have strict deadlines.
2. **Seek legal advice immediately** — s.501 cases are complex and the consequences are severe.
3. **Do not sign any documents** without legal advice.
4. **Start gathering character references** — from employers, community leaders, family members.
5. **Document your ties to Australia** — family, employment, community involvement.

How I Can Help

I have extensive experience with s.501 cancellation cases. I will assess your situation, prepare your revocation request or appeal, and represent you at any hearings. These cases require immediate action — contact me today.

Book a consultation today from $97.

About the Author

Nilesh Nandan is the Head of Practice at MyVisa Lawyers Pty Ltd, a specialist immigration law firm with offices across Australia. With 33 years of legal experience and 27 years specialising in immigration law, Nilesh is admitted as a solicitor in New South Wales and holds a practising certificate issued by the Law Society of New South Wales under the Legal Profession Uniform Law (NSW).

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