

Section 501 Mandatory Visa Cancellation

Will visa cancellation affect me?

Your visa will be cancelled if you answer yes to these two questions:

1. Are in custody?
2. Are you sentenced (either now or in the past) to a term of imprisonment of 12 months or more.

If you answer yes to these two questions, there are things you can do to get your visa back. Read this fact sheet to find out more information.



What will happen if my visa is cancelled?

You will get a letter from Department of Home Affairs (Immigration). The letter will say that your visa has been mandatorily cancelled under section 501.

If you want to get your visa back, you must reply to the cancellation letter quickly. You need to fill out the Revocation Request Form and send it to Immigration. Immigration must get your reply in 28 days. There is no way to make the time longer.

When Immigration gets your Revocation Request Form, they will investigate your situation. You can provide more information about your situation after you send in the form. Immigration will then make a final decision.



What do I do first?

Follow these steps if you want to try to get your visa back:

1. Find the Revocation Request Form in the letter from Immigration. Fill it in and send it to Immigration quickly
2. It is easy to fill in the form. You don't need to send reports or letters
3. Fill out this form with your full name, date of birth and Immigration file number
4. If your visa was granted when you were outside Australia, you will need to write the name of the Immigration office where you applied for the visa.
5. Explain why you want to keep your visa. You can provide a short answer. Your reasons might be:
 - › You have community, family or employment ties to Australia
 - › Your children will be affected if you were removed from Australia
 - › You have done things to make sure you don't commit any more offences
 - › You will face hardship if you were returned to your home country. You can explain if you have a refugee claim
6. Send in the Revocation Request Form so that Immigration will get your reply in 28 days
7. After you have sent the Revocation Request Form, read your documents and think about the reports or letters you could send to Immigration

What else do I need to do?

After you have sent your **Revocation Request Form**, think about what you can provide to Immigration to explain your situation.

Fill in the **Personal Circumstances Form** carefully. This form has lots of questions about your situation. You can provide information about your reasons to get your visa back and send in letters of support.



What do I do if Immigration then send me a letter to say that they will not revoke the cancellation and I cannot get my visa back?

If you want to challenge the decision not to give back your visa you must act quickly.

You need to do 2 things:

1. Ask for the decision to be reviewed
2. Ask Legal Aid for help

There are 2 different ways to ask for the decision to be reviewed. Look at the letter from Immigration and see who made the decision. The letter will tell you if the decision was made by a delegate or the Minister for Immigration.

If the decision was made by a delegate:

- Contact the Administrative Appeals Tribunal quickly
- Ask for a form to challenge the decision
- You have nine days from the date you were told about the decision to ask for a review
- No extension of time is possible
- A lawyer from Legal Aid will be able to help you but don't wait to talk to a lawyer before you call the Administrative Appeals Tribunal

If the decision was made by the Minister for Immigration:

- Contact the Federal Court of Australia
- Ask the court to send you the forms you need to ask for a Judicial Review
- You have 35 days from the date of the decision to file the forms in court
- An extension of time is possible, but you should not delay
- A lawyer from Legal Aid will be able to help you but don't wait to talk to a lawyer before you call the Federal Court of Australia



How do I get help from Legal Aid?

You can get legal advice about the final decision not to revoke your visa cancellation.

Dial 11# on the CADL and say you want advice about visa cancellation.

This information is to be used as a guide and is not individual advice. You should speak with a lawyer for individual advice.