

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Foreign Affairs Defence and Trade
Foreign Affairs and Aid Subcommittee
Inquiry into certain aspects of the Department of Foreign Affairs and Trade Annual
Report 2019-20 - Myanmar

QoN Number: 04

Subject: Historical instances of steps taken to cancel visas of relatives in Australia

Asked by: Dave Sharma

Question:

CHAIR: Thank you. Lastly, have there been instances, historically—I'm not aware of them—where we've had relatives of high-profile unsavoury characters overseas who are studying here or something, where we've taken steps to cancel the visa, notwithstanding the fact that they've not violated any of the terms and conditions? I think we might have had one of the Gaddafi children here, at some point, is my recollection.

Mr Wilden: I'd have to take that on notice as well.

Answer:

There is no legislative basis to refuse or cancel a visa where there is no evidence that the person has engaged in, or will engage in, any conduct of concern.

The Department cannot comment on individual cases due to privacy considerations. All non-citizens applying for visas to enter or remain in Australia are considered on an individual basis and against the relevant legislative requirements set out in the Migration Act 1958 (the Migration Act) and Migration Regulations 1994, including identity, security, health and character requirements.

Potential controversial cases are referred for assessment against the character provisions at section 501 of the Migration Act. Where appropriate, the Department consults with the Department of Foreign Affairs and Trade to consider whether the person's presence in Australia is or would be contrary to Australia's foreign policy interests.