

CHARACTER REQUIREMENTS

People that wish to travel to Australia, either on a temporary or permanent visa, must be assessed against the character requirements.

To demonstrate that you are of good character, you may be required to provide police certificates for each country you have lived in for 12 months or more over the last ten (10) years since turning 16.

DIAC states that a person will fail the character test where:

- they have a **substantial criminal record**
- they have, or have had, an **association** with an individual, group or organisation suspected of having been, or being, involved in criminal conduct
- having regard to the person's **past and present criminal conduct**, the person is found not to be of good character
- having regard to the person's **past and present general conduct**, the person is found to be not of good character
- there is a **significant risk** that the person will **engage in criminal conduct** in Australia, **harass, molest, intimidate or stalk** another person in Australia, vilify a segment of the Australian community, or **incite discord** in the Australian community or in a segment of that community, or **represent a danger** to the Australian community or a segment of that community.

Other possible refusals would be based on National Security factors, including:

- is, or would be, contrary to Australia's foreign policy interests, or
- may be directly or indirectly associated with the proliferation of weapons of mass destruction.

A **substantial criminal record** is defined as a person having been:

- sentenced to either death or life imprisonment
- sentenced to a term of imprisonment for 12 months or more
- sentenced to two or more terms of imprisonment (whether on one or more occasions), where the total of those terms is two years or more
- acquitted of an offence on the grounds of either unsoundness of mind or insanity and, as a result, the person has been detained in a facility or institution.

When a visa applicant or visa holder does not pass the character test, decision-makers will decide whether to refuse the application or to cancel a visa. Factors that will be taken into consideration include:

- the protection of the Australian community,
- whether the person began living in Australia as a minor,
- the length of time the person has been living lawfully in Australia,
- Australia's international law obligation.
- family ties in Australia,
- age,
- health

- and level of education

Appealing the decision

If the Minister has personally decided to refuse or cancel a visa, the person has no right of appeal to the Administrative Appeals Tribunal (AAT).

If the decision to refuse or cancel a visa has been made by a departmental officer and the person is **in Australia** they will, in most cases, have a right to have the decision reviewed by the AAT. If the person is **not in Australia** and they have either a sponsor or nominator in Australia they may also have a right to have the decision reviewed.