

Direction 123: New Guidance for Visa Refusal and Cancellation on Character Grounds

Section 501 and 501CA guidance for decision-makers, replacing Direction 110

Effective 31 October 2026

Replaces Direction 110. Broadens domestic and family violence protections, adds a new character test ground for hatred and extremism, and lowers the threshold for assessing future conduct risk.

PRIMARY CONSIDERATIONS: BEFORE & AFTER

DIRECTION 110 (5 PRIMARY CONSIDERATIONS)

1. Protection of the Australian community
2. Family violence
- 3. Strength, nature & duration of ties to Australia**
4. Best interests of minor children
5. Expectations of the Australian community

DIRECTION 123 (4 PRIMARY CONSIDERATIONS)

1. Protection of the Australian community
2. Domestic or family violence
3. Expectations of the Australian community
4. Best interests of minor children, including child victims

▼ **Ties to Australia moves out of the primary considerations and becomes an "other consideration" alongside legal consequences and impediments if removed** ▼

MOST SIGNIFICANT CHANGES

1 New character test ground: hatred and extremism

Annex A, s501(6)(baa) — covers membership of or association with a terrorist organisation, state sponsor of terrorism or prohibited hate group, hate crime conduct, and making, endorsing or encouraging hateful public statements.

2 Future conduct risk threshold lowered

Annex A, s7, 7.1-7.3 — the threshold moves from a risk the person "would" or "will" engage in the conduct to a risk they "might" engage in it.

3 Ties to Australia demoted to an other consideration

s8 & s9.1 — no longer a primary consideration, reducing its relative weight in a decision.

4 Domestic and family violence definition broadened

s4(1) — expanded conduct list (including image based abuse, stalking, breaching court orders) and broader covered relationships (caregiving, cultural family groups).

5 Sentence weighting carve-out removed

s8.1.1(1)(c) — the sentence imposed is now relevant across all offence types, not excluded for certain serious categories.

6 Impact on Australian business interests removed

s9 — no longer listed as an other consideration decision-makers must take into account.