



**RECORD OF DECISION OF WHETHER TO CANCEL VISA UNDER SECTION 128 OF
THE *MIGRATION ACT 1958***

PART A: PERSONAL AND VISA DETAILS

1. Personal particulars of former visa holder

Family Name: ROTHMAN
Given Names: Simcha Dan
Date and Place of Birth: [REDACTED]
Citizenship: [REDACTED]
Marital Status: [REDACTED]
Sex: [REDACTED]
Client ID: [REDACTED]

2. Visa Details

Date of visa grant: 08 August 2025
Visa class/subclass: FA/600
Visa expiry date: 08 August 2026
Stay period of visa: Three months upon entry, within the validity period of the visa
Previous visa cancellations: Nil
Cancellation ID: [REDACTED]
File Number: [REDACTED]

PART B: SECTION 128 OF THE MIGRATION ACT 1958

I am a delegate of the Minister for the purposes of making decisions under section 128 of the *Migration Act 1958* (the Migration Act). Under section 128 of the Migration Act, the Minister (or his or her delegate) may, without notice to the visa holder, cancel the holder's visa:

Section 128 Cancellation of visas of people outside Australia

If:

(a) the Minister is satisfied that:

- (i) there is a ground for cancelling a visa under section 116; and*
- (ii) it is appropriate to cancel in accordance with this Subdivision; and*

(b) the non-citizen is outside Australia.

the Minister may, without notice to the holder of the visa, cancel the visa.

PART C: ASSESSMENT

1. Ground for cancellation under section 116 of the Migration Act (subparagraph 128(a)(i) of the Migration Act)

I consider there is a ground for cancelling Simcha Dan ROTHMAN's Visitor (Business Visitor) (subclass 600) visa under paragraph 116(1)(e) of the Migration Act, which states:

Section 116

(1) Subject to subsections (2) and (3), the Minister may cancel a visa if he or she is satisfied that:

(e) the presence of its holder in Australia is or may be, or would or might be, a risk to:

(i) the health, safety or good order of the Australian community or a segment of the Australian community; [...]

(2) The Minister is not to cancel a visa under subsection (1), (1AA), (1AB) or (1AC) if there exist prescribed circumstances in which a visa is not to be cancelled.

(3) If the Minister may cancel a visa under subsection (1), (1AA), (1AB) or (1AC), the Minister must do so if there exist prescribed circumstances in which a visa must be cancelled.

Information indicating the ground for cancellation exists

On 08 August 2025, the visa holder was granted a Visitor (Business Visitor) (subclass 600) visa after being assessed as meeting all relevant criteria.

The visa holder is an Israeli lawyer, right-wing activist, and politician. He is currently a member of the Knesset and has been since 2021. He has also held the position of chair of the Knesset's Constitution, Law and Justice Committee since 2023. The visa holder's legislative reforms have drawn strong criticism from within the Jewish community both in Israel and internationally.

The visa holder has over 103,600 followers on 'X' (formerly Twitter); over 43,700 followers on Facebook; over 15,500 followers on TikTok; over 7,100 followers on Instagram; and over 5,600 subscribers on YouTube.

The visa holder has been invited to travel to Australia by the Australian Jewish Association (AJA) to participate in a series of events being held from 11 to 31 August 2025, including the Young Jewish Professionals and the Daminyan congregation at Yeshiva Synagogue as well as several Jewish schools, in Melbourne. The AJA states that the visa holder's visit is part of an effort to foster dialogue and understanding between Israeli lawmakers and the Australian Jewish community, and to promote discussion around issues of Jewish identity and combatting anti-Semitism.

The visa holder was elected to the Knesset as a member of the far-right Religious Zionist Party which is led by Israel's Minister of Finance, Mr Bezalel Smotrich. It is now known as the National Religious Party – Religious Zionism since it merged with The Jewish Home party on August 2023. The National Religious Party – Religious Zionism supports strengthening Israel's Jewish religious identity. Mr Smotrich is a vocal supporter of expanding Israeli settlements in the West Bank, opposes Palestinian statehood, and denies the existence of Palestinian people.

The visa holder's social media and public statements mirror the policies of his party including the elimination of Hamas and the expansion and sovereignty of the Israeli State, and denial of any wrongdoing by Israel against Palestinians and Gaza during the current conflict.

Media reporting

Open source media reporting provides the following information:

- On 9 July 2025, The Media Line¹ reported that the visa holder had argued that despite international sympathy, Israel alone bears responsibility for eliminating Hamas, stating “In the end, Israel has to be in charge, because no one else will do its dirty work. It’s a little bit naïve to think that other countries and other powers and other soldiers will endanger their lives to get rid of Hamas. It failed in Lebanon with the international powers. It failed almost everywhere it was tried.”
- On 21 May 2025, Channel 4 News (United Kingdom) interviewed the visa holder and in response to claims that his party leader had called for ethnic cleansing in Gaza, is refusing to allow in aid and children are dying of hunger, he stated “They are not dying of hunger”. When the interviewer asked why doesn’t Israel let the children leave Gaza, the visa holder replied “They are our enemies”.
- On 26 February 2025, YNet News² reported that the visa holder had stated that Israel is closer than ever to enacting sovereignty over Judea and Samaria, dismissing concerns that annexing the biblical heartland would trigger World War III or lead to significant sanctions against Israel, stating “We have to make this loud and clear that we want sovereignty, that we are working towards sovereignty, and we are willing to do what it takes, I think the world today understands who we are dealing with. People understand that Israel is fighting the good fight, and they want to join us. ”
- On 1 January 2025, YNet News reported that the visa holder, speaking about a proposal before the Knesset to block any future Palestinian state, requires a special majority of at least 80 Members of the Knesset to approve any agreement involving territorial concessions, stating that the idea of a two-state solution to the Israel-Palestinian conflict has “poisoned the minds of the entire world” and is the “first step toward the destruction of the State of Israel”. The visa holder vowed to do everything in his power to prevent it.
- On 26 September 2024, The Jerusalem Post reported that an event that the visa holder attended to speak to staff and students at the Law Faculty of University of California’s Berkeley campus had been disrupted by protesters. The visa holder is reported to have stated “We will continue to strike the enemy and fight the terror that surrounds us relentlessly in order to protect and defend the security of the citizens of the State of Israel. The world... must stand on the right side of history, strengthen the good in the war against evil.”
- On 29 January 2024, Yale Daily News reported that the visa holder’s speech at a private event hosted by Jewish society, Shabtai, was protested by Israeli Yale community

¹ An independent American news agency specializing in coverage of the Middle East.

² Ynet News is a major Israeli news and general-content website, and is the online outlet for the 'Yedioth Ahronot' newspaper.

members and New Haven residents over his controversial judicial reforms. Some protestors allege he is indirectly responsible for the Hamas 7 October 2023 attacks as he ignored the advice of top Israeli military leaders that the controversial judicial legislation was leading to political instability that threatened military preparedness.

- On 29 November 2023, the visa holder published an audio recording of an interview with the visa holder in which he repeatedly denies Israeli responsibility for the situation in Gaza and the issues around Palestine and Israel, supports the removal of Palestinians from Gaza and refutes the humanitarian crisis or any wrong doing by Israel.
- On 5 June 2023, the Jerusalem Post reported that police in New York City had filed a report on the visa holder, after he grabbed a megaphone from a protester and ran away.

Assessment of whether the ground for cancellation exists

The visa holder's social media and public statements as described above mirror the policies of his Religious Zionist Party including the elimination of Hamas and the expansion and sovereignty of the Israeli State, and denial of any wrongdoing by Israel against Palestinians and Gaza during the current conflict.

These statements have been received by members of the Australian community as inflammatory and concerning.

The visa holder has been invited to travel to Australia by the Australian Jewish Association (AJA) to participate in a series of events being held from 11 to 31 August 2025, including the Young Jewish Professionals and the Daminyan congregation at Yeshiva Synagogue as well as several Jewish schools, in Melbourne. The AJA states that the visa holder's visit is part of an effort to foster dialogue and understanding between Israeli lawmakers and the Australian Jewish community, and to promote discussion around issues of Jewish identity and combatting anti-Semitism. I note the Synagogues where the visa holder is scheduled to participate are large Synagogues whereby the visa holder will be able to access a largescale audience.

I consider that the visa holder has the potential to use these events and other platforms while in Australia to continue to making inflammatory statements to promote his controversial views and ideologies, which may lead to fostering division in the community. The use of platforms for inflammatory rhetoric can lead to increased hate crimes, radicalisation of individuals and heightened tensions in communities. Specifically, I consider his presence in Australia would or might be a risk to the good order of the Australian community or a segment of the Australian community, namely the Islamic population.

In considering whether the visa holder's presence in Australia may be a risk to the good order of the Australian community or a segment of the Australian community as per section 116(1)(e)(i) of the Migration Act, I have considered Tien, as per above.

The term 'risk' is not defined in the Migration Act, and is by its very nature speculative and uncertain. However, the ordinary meaning of the term risk relates to the chance of something deleterious or harmful happening in the future.

In *Tien v Minister for Immigration and Multicultural Affairs* (1998) 89 FCR 80 at 93-94 (Tien), Goldberg J described the expression 'good order', as used in section 116(1)(e), in these terms:

... an element of a risk that the person's presence in Australia might be disruptive to the proper administration or observance of the law in Australia or might create difficulties or public disruption in relation to the values, balance and equilibrium of Australian society. It involves something in the nature of unsettling public actions or activities. ...

Further, in *Newall v Minister for Immigration and Multicultural Affairs* [1999] FCA 1624, Branson J went on to explain that:

...satisfaction might be based on the risk of an adverse reaction by certain members of the Australian society to his presence in this country ..., rather than on concern about the likely or possible conduct of the applicant in Australia.

‘Good order’, in this context, is concerned with activities which have an impact on public activities or which manifest themselves in a public way, for example, the risk of an adverse reaction by certain members of Australian society to the visa holder’s presence in Australia.

Therefore, I consider the visa holder’s presence in Australia may encourage activities, which might be disruptive to the proper administration or observance of the law in Australia and potentially may lead to social division within the Australian community, or ‘something in the nature of unsettling public actions or activities’, as described by Goldberg J in *Tien*.

I consider that segments of the Australian community would be concerned about the visa holder’s inflammatory statements as detailed above. I consider that the visa holder’s presence in Australia poses an unacceptable risk to the good order of the Australian community or segment of the Australian community especially in the context of recent conflicts in the Middle East that have fuelled grievances, promoted protest, exacerbated division, undermined social cohesion and elevated intolerance in Australia. These conflicts have been the subject of heated debate with various communities expressing strong opposing views in relation to the conflict. There have also been incidents of vandalism and potential violence towards members of both the Australian Jewish and Palestinian populations.

In the current environment, where the Australian community is experiencing heightened community tensions affecting the Jewish and Islamic communities, I consider that if the visa holder were to travel to Australia it is unlikely that his presence in Australia would pass unnoticed and it is highly likely that the fact of any visit will come to the attention of national media and will be widely reported. I consider that, even if the visa holder does not use his scheduled events in Australia to make further inflammatory statements while in Australia, that likely public knowledge of his presence in Australia means that his presence would or might be a risk to the good order of the Australian community. In that regard, I consider that, given his inflammatory statements, that likely public knowledge that he had entered Australia with the government’s permission may encourage others to feel emboldened to voice any anti-Islamic sentiments, if not to take action to give effect to that prejudice. Furthermore, I consider that his presence in Australia, given his high-profile would or might lead to counter-protests or other civil unrest.

Conclusion on the visa cancellation ground

Based on the information above, I am satisfied that the visa holder’s presence in Australia would or might be a risk to the good order of the Australian community or a segment of the Australian community – namely the Islamic community.

I am therefore satisfied that the visa holder's presence in Australia would or might be a risk to the good order of the Australian community or a segment of the Australian community, and that grounds exist to cancel his Visitor (Business Visitor) (subclass 600) visa under section 116(1)(e)(i) of the Migration Act.

2. Cancellation without notice (subparagraph 128(a)(ii) of the Migration Act)

Having regard to all of the circumstances of the case, I am satisfied it is appropriate to cancel the holder's visa in accordance with Subdivision F of Division 3 of Part 2 of the Migration Act.

The reasons I consider it is appropriate to cancel the holder's visa without notice under section 128 of the Migration Act are:

- Proceeding under Subdivision F has the effect of immediate cancellation. I have considered that if I were to proceed under Subdivision D and give the visa holder prior notice of an intention to cancel the visa under Subdivision E, the visa holder may seek to travel to Australia. Based on the visa holder's circumstances, it is likely the visa would be cancelled on any attempted re-entry.
- According to departmental records, the visa holder does not have any dependants who have remained in Australia. As such, a decision to cancel the visa without notice will not result in the automatic cancellation by operation of law of the visas held by any persons in Australia causing them to become unlawful without notice.
- I have carefully considered the above information and had full regard to all the circumstances of the case. Based on the information before me, I am satisfied it is appropriate to cancel the visa without notice in accordance with Subdivision F (under Part 2 - Division 3) of the Migration Act.

3. Visa holder is outside Australia (paragraph 128(b) of the Migration Act)

Based on departmental records available to me, I find that the visa holder is outside Australia.

PART D: OTHER RELEVANT MATTERS

Having been satisfied that there is a ground for cancelling the holder's visa under section 116 of the Migration Act; that it is appropriate to cancel the visa in accordance with Subdivision F of Division 3 of Part 2 of the Migration Act; and that the visa holder is outside Australia, I have also considered the following factors in deciding whether to cancel the visa:

- Purpose of the visa holder's travel to and stay in Australia

The visa holder was granted a Visitor (Business Visitor) (subclass 600) visa on 08 August 2025 to visit Australia temporarily for the purposes of business visitor activity.

The visa holder has been invited to travel to Australia by the Australian Jewish Association (AJA) to participate in a series of events being held from 11 to 31 August 2025, including the Young Jewish Professionals and the Daminyan congregation at Yeshiva Synagogue as well as several Jewish schools, in Melbourne. The AJA states that the visa holder's visit is part of an effort to foster dialogue and understanding between Israeli lawmakers and the Australian Jewish community, and to promote discussion around issues of Jewish identity and combatting anti-Semitism.

There is no information before me to indicate the visa holder's purpose of stay is not in line with the purpose for which the visa was granted.

I give this consideration a little weight against cancelling the visa.

- ☐ The extent of their compliance with visa conditions

As the visa holder has not yet entered Australia, the extent of their compliance with visa conditions cannot be determined.

As such, I am unable to place any weight on this consideration, either in favour of or against a decision to cancel the visa, as it is not applicable in this case.

- ☐ The degree of hardship that may be caused to the visa holder and any family members

The visa holder has been invited to travel to Australia by the Australian Jewish Association (AJA) to participate in a series of events being held from 11 to 31 August 2025 (as outlined above).

Should the visa be cancelled the visa holder will be unable to travel to Australia to attend the events detailed above. I acknowledge that this may cause the visa holder and the event organisers a degree of financial and emotional hardship.

There is no evidence before me to indicate the visa holder has any familial or economic ties to Australia.

I give this consideration some weight against cancelling the visa.

- ☐ The circumstances in which the ground for cancellation arose (extenuating circumstances beyond the visa holder's control that led to the grounds existing)

The visa holder's social media and public statements as described in Part B of this document mirror the policies of his Religious Zionist Party including the elimination of Hamas and the expansion and sovereignty of the Israeli State, and denial of any wrongdoing by Israel against Palestinians and Gaza during the current conflict. These statements have been received by members of the Australian community as inflammatory and concerning.

Based on the information as described in Part B above, I am satisfied that the visa holder's presence in Australia would or might be a risk to the good order of the Australian community or a segment of the Australian community – namely the Islamic community.

I consider the circumstances in which cancellation arose were not beyond the visa holder's control.

I give this consideration significant weight in favour of cancelling the visa.

- ☐ The visa holder's past and present behaviour towards the Department

There is no adverse information before me regarding the visa holder's behaviour towards the Department, or departmental staff.

I give this consideration a little weight against cancelling the visa.

□ Any consequential cancellations that may result

The circumstances of this case are not such that any person's visa would be consequentially cancelled under section 140 of the Migration Act.

I am unable to give any weight for or against a decision to cancel the visa for this consideration.

□ Legal consequences of a decision to cancel the visa

Departmental records confirm the visa holder is located outside Australia. If the visa holder's visa is cancelled, he will not be eligible to travel to Australia. If the visa holder were to attempt to travel to Australia, he would be refused immigration clearance and removed from Australia.

Further, the visa holder would be subject to an exclusion period under Public Interest Criterion 4013, which may prevent the grant of further visas to him for a period of three years from the date of visa cancellation.

If the visa is cancelled, the visa holder may make an application for revocation of the cancellation within 28 days from the date of notification of the cancellation of the visa.

I give this consideration a little weight against cancelling the visa.

□ Australia's international obligations

Australia's international non-refoulement obligations apply to persons within Australia's territory and jurisdiction. As the visa holder is not within Australia's territory or jurisdiction, Australia's protection obligations do not apply to them.

There is no information before me to indicate there are any minor children in Australia whose interests may be adversely affected if I decide to cancel the visa, which would require consideration of Australia's obligations under the Convention on the Rights of the Child (CRC) or the International Covenant on Civil and Political rights (ICCPR).

I am therefore unable to give any weight for or against a decision to cancel the visa, for this consideration.

□ Any other matters

There is no other information before me regarding any other matters that require consideration.

PART D: DECISION

In view of the findings and assessment above, I have decided to cancel the visa.

RECORD OF DECISION

Section Subparagraph 128(a)(i) of the Migration Act 1958
Section Subparagraph 128(a)(ii) of the Migration Act 1958
Section Paragraph 128(b) of the Migration Act 1958

SATISFIED
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SATISFIED

Cancellation of the visa holder's Visitor (Business Visitor) (subclass 600) visa

CANCEL VISA

Position Number: 60196811
Department of Home Affairs Time
of decision: 11:28 AEST Date of
decision: 18 August 2025

The date and time on this decision is according to the local time of the decision maker on the relevant day. Depending on your location, this date may differ by one day