

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 9 FEBRUARY 2010

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(129) Program 4.1: Visa Compliance and Status Resolution

Senator Humphries asked:

- (1) How many visa holders, either temporary or permanent, have had their visas cancelled because they provided fraudulent or false information and/or documents?
- (2) How many have been prosecuted?

Answer:

- (1) As at 31 December 2009, 245 people had their visas cancelled in the 2009-10 financial year under sections 109 or 116(1)(d) of the *Migration Act 1958* as a result of them or the primary applicant providing fraudulent or false information and/or documents to the Department.
- (2) By 31 December 2009, one person had been successfully prosecuted in 2009-10, under section 234 of the *Migration Act 1958* as a consequence of providing fraudulent or false information and/or documents to the Department.

To be prosecuted under the above provision, the offence needs to have occurred in Australia and the alleged perpetrator also needs to be in Australia to face trial and serve any consequent sentence. In most cases, the people involved are offshore and any visa application is refused to prevent their entry.

Where they are onshore, the most appropriate response is to generally refuse any application that the individual may have lodged and/or cancel their current visa to facilitate their departure or removal from Australia.