

## QUESTION TAKEN ON NOTICE

### ADDITIONAL BUDGET ESTIMATES HEARING: 21 FEBRUARY 2011

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(158) Program 4.1: Visa Compliance and Status Resolution**

Senator Cash (L&CA 68) asked:

1) Provide an update on the status of the 47-year-old Cairns man allegedly running a fraudulent immigration visa scheme involving more than 120 people from India which was recently reported in the Cairns Post on 1 February 2011.

2) What is the status of the 120 people that have been affected as a result of this activity? Will their visas be cancelled? If not, why not?

*Answer:*

1) Two men have been arrested by the AFP in relation to this matter.

The first man, referred to in the Cairns Post article, was arrested on 28 January 2011 and charged with 97 offences against the *Migration Act 1958* in relation to the provision of false information in visa applications. He was granted bail and was due to appear in the Cairns Magistrates Court on 24 March 2011.

A second man was arrested on 22 February 2011 and charged with an offence against the *Migration Act 1958* in relation to false statements provided to immigration officials on his arrival in Australia. His entry to Australia was allegedly facilitated by the man mentioned above. He was granted bail and is due to appear in the Townsville Magistrates Court on 4 April 2011.

The investigation is continuing. The Australian Federal Police are the lead agency in this matter and any further questions should be directed to them.

2) Where a person has obtained a visa by means of a fraudulent application, the visa may be cancelled and the visa-holder liable to removal from Australia.

Visa cancellations are considered and determined on a case by case basis. Each potentially affected visa-holder must be accorded procedural fairness including being notified of the possible grounds for cancellation and being given an opportunity to state why her or his visa should not be cancelled. It is therefore not possible to conduct a 'bulk' cancellation of visas.

We note also that some of the affected visa-holders may be required in Court as witnesses at a later stage to give evidence should the matters go to trial. Where a non-citizen is required to remain in Australia for the purposes of criminal justice a Criminal Justice Stay Visa may be granted on the application of the investigating agency.