

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 26 MAY 2010

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(56) Program 3.1: Border Management

Senator Humphries (L&CA 107) asked:

In the last twelve months has anybody been prosecuted for presenting or using false documents? If so, how many?

Answer:

As at 31 May 2010, two people 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 a large number of instances 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.

Investigators have difficulty in obtaining sufficient evidence and locating credible witnesses to sustain a prosecution due to the fact that witnesses are often complicit in the commission of the offence and are unwilling to provide evidence against the organiser.