

## QUESTION TAKEN ON NOTICE

### BUDGET ESTIMATES HEARING: 24 MAY 2011

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### BE11/0238 Program 3.1: Border Management

Senator Cash asked:

Over the last three years how many visas have been refused or cancelled as a result of applicants presenting fraudulent documents?

*Answer:*

#### Refusals

Section 65 of the Migration Act requires that in order for a visa to be granted all the criteria for the grant of that visa must be satisfied otherwise it must be refused.

The submission of a fraudulent, false or bogus document with or in relation to a visa application may result in a finding by the decision maker that there is insufficient evidence available for them to be satisfied that one or more criteria are met and as a result the visa would be refused.

In addition to this a visa may be refused on grounds other than those where fraud was present. The applicant may have failed to meet another criteria and the decision maker may have used this to refuse the application.

As a result, while fraud may have been a feature of a refused application it is not necessarily the case that the application was refused because of this fraud. Further, where fraud was taken into consideration in the refusal decision, the application would be refused because of a failure by the applicant to submit sufficient genuine evidence to meet that particular criteria and not directly because fraud existed.

As a result of this situation no statistics are available indicating how many visa applications were refused because of applicants presenting fraudulent documents.

#### Cancellations

In order for a visa to be cancelled a specific ground must exist for its cancellation. Section 103 of the *Migration Act 1958* (the Act) is one such ground relating to the provision of a *bogus document*.

For the 2008/09 Program Year, 31 visas were cancelled due to the presentation of a *bogus document*.

For the 2009/10 Program Year, 56 visas were cancelled due to the presentation of a *bogus document*.

For the 2010/11 Program Year, 52 visas were cancelled due to the presentation of a *bogus document*.