

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: OCTOBER 2010

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(259) Program 3.1: Border Management**

Senator Cash asked:

1. During the 2009-2010 financial year how many visa holders, either temporary or permanent, have had their visas cancelled because they provided fraudulent or false information and/or documents?
2. Were any of these persons onshore and prosecuted in Australian courts?
3. If so, what penalties were applied in each case?
4. Are figures available for this classification for the current financial year to date?

*Answer:*

1. In the 2009-2010 financial year, 899 clients had their visas cancelled under section 109 or section 116(1) (d) of the *Migration Act 1958* as a result of them or their primary applicant providing fraudulent or false information and/or documents to the department.
2. Of these cancellations, 668 clients were onshore at the time. The other 231 clients were offshore at the time of cancellation.

Where a client is onshore the most appropriate response is to refuse the application and/or cancel the client's current visa to facilitate her or his departure or removal from Australia.

Where the client is offshore their visa application is refused to prevent the person's entry into Australia.

None of the 899 clients noted in the response to question (1) have been prosecuted.

Four prosecutions were initiated in 2009-10 in relation to the provision of false or misleading information and/or documents to the department.

3. Of the four court cases mentioned above, two clients have been convicted. The penalties for the two clients who were convicted are as follows:

- \$5,000-00 fine and pay court cost of \$76-00 – this client is also currently being considered for cancellation.
- 200 hours of community service – this client was also refused permanent residence.

The remaining two matters are still before the court and no result has been achieved as yet.

4. Cancellation figures for 2010-11 are not available in the time allowed for responses to QONs. A report has been requested and data will be provided at a later date.

One prosecution during the 2010-11 financial year in relation to providing false or misleading information and/or documents to the Department has been finalised. The client in this matter pleaded guilty, was convicted and fined \$1,000-00.