

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 17 OCTOBER 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE11/0247) Program 3.1: Visa Compliance and Status Resolution

Senator Cash asked:

Provide an update on the status of the 47-year-old Cairns man who was charged with 97 offences against the *Migration Act 1958* in relation to the provision of false information in visa applications and was due to appear in the Cairns Magistrates Court on 24 March 2011. Have any of the 120 people that were involved in this fraud had their visas cancelled? If not, why not? Have any been removed from Australia?

Answer.

As advised in response to a question arising from the Additional Budget Estimates Hearing on 21 February 2011, two men were arrested by the Australian Federal Police (AFP) in relation to this matter.

The first man (Person 1) was arrested in January 2011 and charged with 97 offences under the *Migration Act 1958* (the Act). In November 2011 an additional 14 offences under the Act were added to the brief of evidence. The additional offences related to the provision of unregistered migration assistance for a fee, charging a fee for providing immigration representations, and for providing false and/or misleading information and/or documents in relation to a visa application.

Person 1 is still on bail and is next due to appear in the Cairns Magistrates Court on 5 April 2012.

The second man (Person 2), who was arrested in February 2011 and charged with an offence against the Act in relation to false statements allegedly provided to immigration officials on his arrival in Australia. Person 2's entry into Australia was allegedly facilitated by Person 1. Person 2 has been granted bail and has now been committed to stand trial on the charged offences. The next court date has not been scheduled.

There have been no visa cancellations or removals from Australia at this time.

It is not alleged that every application relating to Person 1 contained falsified information or documents. Evidence concerning those documents which are allegedly false are expected to be tested in evidence before the Court. Applicants associated with the relevant visa holders may also be required to give evidence in the criminal proceedings.

Visa cancellations are considered and determined on a case by case basis. Each potentially affected visa-holder must be accorded procedural fairness including notification of the possible grounds for cancellation and being given an opportunity to state why her or his visa should not be cancelled. DIAC is undertaking this assessment process in relation to every visa associated with this matter and will take appropriate action on a case-by-case basis. This may include visa cancellation action if deemed to be appropriate.