

Filipino Migrants Forum

HAVE YOU ARRIVED ON A FALSE PASSPORT TO AUSTRALIA?

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All applicants for permanent residence in Australia must pass the character test.

An applicant's criminal and immigration history {if any} play a significant part in determining whether this requirement is met. Application forms require the disclosure of convictions, periods of imprisonment, unresolved cases and previous visa applications as well as details of the circumstances in which they occurred. No matter how old they may be, **ALL** must be declared.

When completing this section of the visa application form, honesty is always the best policy. If a criminal or immigration history is declared then the applicant can have the chance to argue the case.

It is not beneficial for the applicant to make any false, misleading statement or omission in such an important matter. The Immigration authorities take a very serious view of the provision of false or misleading information or failure to fully declare a criminal or immigration history. Such act, omission, error or honest mistake can have serious ramifications:

- Prosecution;
- Refusal of the application;
- Cancellation of the visa, after grant;

If not declared, an old, minor conviction, could be compounded by an offence of providing false/misleading information. If DIMIA finds out about it from other sources, before a visa has been granted, explanations will be sought from the visa applicant and further enquiries will be made to determine if anything else was omitted. It will cause lengthy delays in the processing of the application.

On one hand, the visa applicant runs the risk of visa refusal but having declared immigration history and past convictions, the applicant could demonstrate acceptance of responsibility, regret and remorse, and ask for a waiver of the character test.

On the other hand, where a visa applicant has not declared immigration history, **USE OF FALSE PASSPORT**, past convictions, but was fortunate to have the visa granted, the visa is still liable for cancellation. If cancellation occurs before the applicant has commenced the journey to Australia then entry to Australia would be prevented. If, however, cancellation occurs after the applicant's arrival in Australia the applicant could be directed to leave or face removal or "deportation".

Refusal or cancellation of visas is not automatic. However, it is seriously considered in all cases and anyone contemplating concealing details of a criminal history should consider the serious emotional and financial repercussions not only to themselves but

also to other family members involved in the application should their deception be discovered. It only requires a disgruntled friend, colleague or even relative with the necessary knowledge to bring the deception undone and if it happens the applicant has only him/herself to blame for the consequences.

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. This article was prepared with Laurie Smith, former Assistant Manager, Spouse Residence Section, DIMIA Sydney.

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