

FOI

From: Media Operations
Sent: Wednesday, 15 November 2017 5:03 PM
To: s22(1)(a)(ii)
Cc: Brett MARSHALL; s22(1)(a)(ii)
Subject: Media Operations; s22(1)(a)(ii)
Sally BOWER; s22(1)(a)(ii) Shannon FRAZER; s22(1)(a)(ii)
s47E(d) : EN Payment for visa sponsorship and migration agent - s47G
- s47F [DLM=For-Official-Use-Only]
Attachments: 171114 EN Cash for visas, migration fraud, s47G 47F .docx; s22(1)(a)(ii)
[SEC=UNCLASSIFIED]

For-Official-Use-Only

Good afternoon s22(1)(a)(ii),
s47E(d)

Following the story on [last night](#) relating to these two cases, [redacted] has asked for a statement from the Department for follow-up reporting.

This follows on from a [redacted] article earlier this week ([redacted] response attached).

Deadline: The journalist has advised their drop-dead is **midday tomorrow, Thur 16 November**.

RESPONSE

- Attempts to exploit Australia’s permanent and temporary skilled visa programmes will not be tolerated.
- It is unlawful for persons to ask for, receive, offer or provide a benefit in exchange for a sponsored work visa arrangement. This applies to temporary work sponsored and permanent skilled employer nominated visas.
- The Department does not comment on whether it is or is not investigating specific individuals or organisations, however it actively monitors work sponsors and investigates all allegations regarding paying for visa sponsorship.
- The Department currently has a number of active investigations in regards to paying for visa sponsorship.
- The Department investigates any allegation of misconduct by migration agents and disciplinary action is taken where appropriate. Possible contraventions of the Migration Act by migration agents are referred to the Commonwealth Director of Public Prosecutions (CDPP).
- The Department’s approach is to maximise voluntary compliance and deal effectively with non-compliance to maintain the integrity of Australia’s migration law.
- Maximum penalties for asking for or receiving a benefit in return for a sponsorship related event are
 - for individuals, two years imprisonment and/or up to \$75,600 per offence

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- for bodies corporate, penalties of up to \$378,000 per offence.
- Maximum penalties for individuals found to be providing or offering a benefit in return for a sponsorship event are:
 - for individuals, penalties of up to \$50,400 per offence
 - for bodies corporate, penalties of up to \$252,000 per offence.
- Anyone who is aware of an individual, business or employer who might be engaged in paying for visa sponsorship is urged to contact Border Watch on 1800 009 623 or report them immediately to the Department via the online form on the Department's website:
<http://www.border.gov.au/Forms/Pages/Border-Watch.aspx?offenceType=immigration>

Happy to discuss.

Regards,

s22(1)(a)(ii)

Media Operations
Department of Immigration and Border Protection
24-hour media line: 02 6264 2244
E:media@border.gov.au

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MEDIA ENQUIRY

Subject: Cash for visas migration fraud	
Deadline: Midday, Thur 15 November 2017	
Journalist: s47F	Outlet: s47G)
Phone: 02 s47F	Mobile: s47F Email: s47F s47G
Enquiry Received (Time & Date): 1:07pm, Tue 14 Nov 2017	
Media Officer: s22(1)(a)(ii)	Media Ph: 02 6264 2244

QUESTION / ISSUE

Journalist's email:

Tonight [redacted] will air a 30 minute special on the underground visa market in Australia [redacted], [redacted]). [redacted] has done a preview of it, here:

[redacted]

I'm seeking an on-camera interview in response to this, either today, tomorrow or Thursday at the latest. It would air on our show as well as [redacted]. We can get a camera to any capital city, although I assume your spokespeople are in Canberra. My questions are:

- 1) Our story looks at [redacted] of [redacted], who acted as a middle man between migrants and employers. [redacted] took between \$25,000 and \$50,000 from migrants promising to get them a job with a pathway to a visa. We have seen contracts from [redacted] company outlining the arrangements. Is Immigration investigating [redacted] or [redacted] company, [redacted]?
- 2) If not, will it now look into [redacted] given this story reveals [redacted] was potentially breaking the law by taking money to pay employers for visa sponsorships?
- 3) Has Immigration received complaints or referrals from individuals or other agencies about [redacted]? If so, how many and what is the nature of these complaints?
- 4) Tonight's story also looks at a couple in India, [redacted] to a migration agent who promised to pay an employer for visa sponsorship. We have a recording of a phone call where this migration agent, [redacted] tells [redacted] could not get the employer to agree to a lower price, because many people are paying up to \$100,000. After paying the money, [redacted] was unable to contact [redacted] there was no job and the visa was refused. [redacted] is still listed on MARA as a registered migration agent, [redacted] business name is [redacted]. Are you investigating [redacted] If not, will you refer [redacted] to the appropriate body?
- 5) How regularly do Immigration investigations of migration agents lead to prosecution? Do you have any statistics relating to the last few years?

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- 6) *In 2015, the government tightened laws around payment for visa sponsorships, including increased penalties for the person requesting payment and for those giving it. How many prosecutions have you had under the new laws? If you haven't had any, why not?*
- 7) *Does there need to be greater scrutiny of this industry, given this evidence of businesses routinely preying on vulnerable migrants and getting away with receiving money for an illegal act?*

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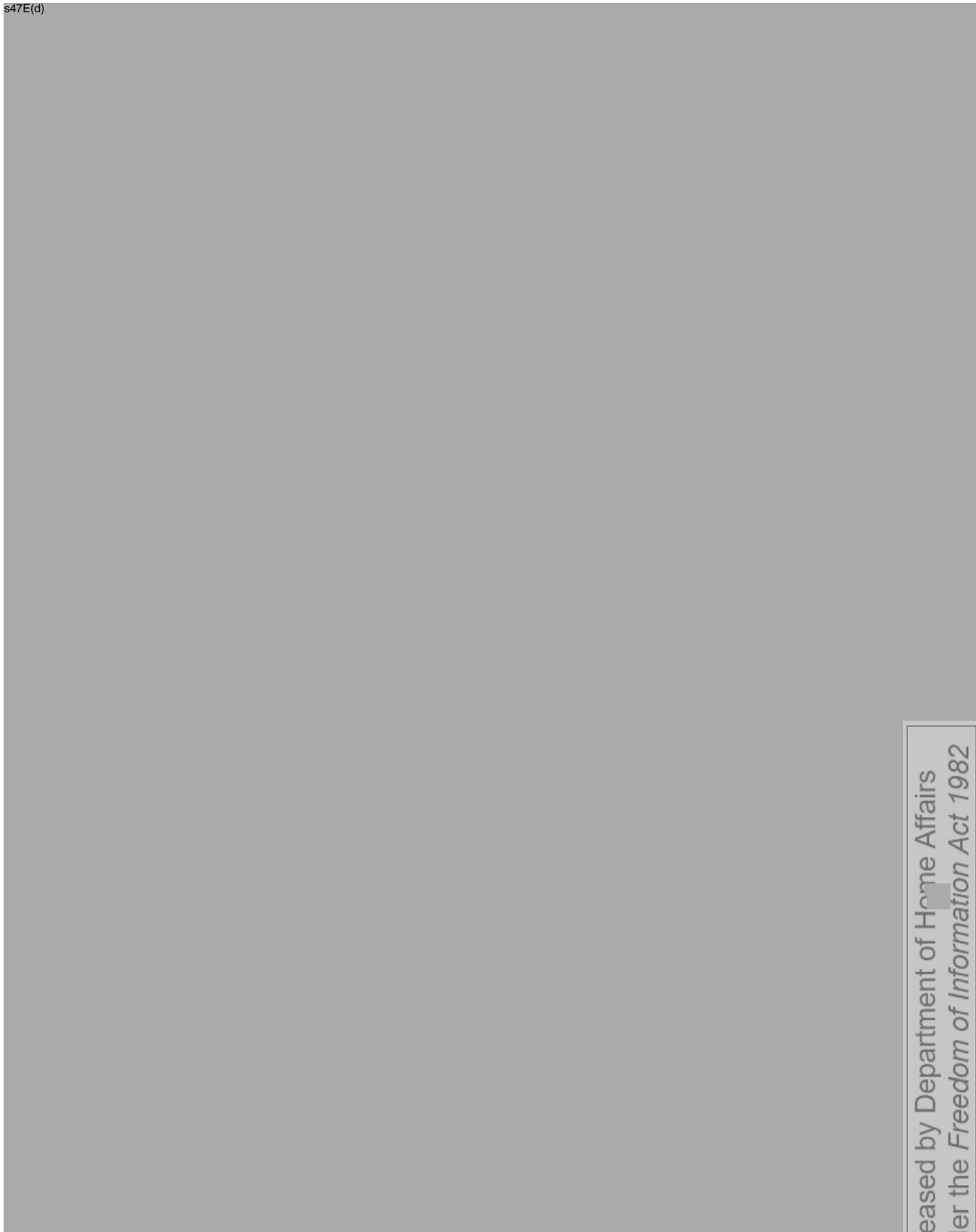


Australian Government
**Department of Immigration
and Border Protection**



**Australian
BORDER FORCE**

s47E(d)



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s47E(d)



CLEARANCE:

Cleared by	Title	Time/Date cleared
Don Smith	Immigration Compliance	15 November 2017
s22(1)(a)(ii)	Senior Director, Economic and Skilled Visa Programme	15 November 2017
s22(1)(a)(ii)	A/g Commander Enforcement Command	15 November 2017
s22(1)(a)(ii)	Director, Media Operations	

MO noted	Sent to MO	Noted by MO

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