


Freedom of Information Request  
Under the Commonwealth  
The Freedom of Information Act 1982 (FOI Act)


**VOFF Inc FOI Number 476**

**A. Applicant Details**  
Applicant Full Name  
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**Applicant Postal Address**  


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Secretary VOFF Inc  
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**Applicant Signature**  


**Date**  
March 12<sup>th</sup> 2019

**B. Respondent Details**  
Name of Respondent  
Department of Immigration and  
Border Protection

**Address of Respondent**  
GPO Box 9984  
SYDNEY  
NSW 200

**Authorised Officer**  
The Senior Manager  
Administrative Law Team  
Office for Department of  
Immigration and Border  
Protection

**Address of Authorised Officer**  
GPO Box 9984  
SYDNEY

## Information Request

There days ago the Hon Scott Morrison MP, Prime Minister of Australia said on ABC midday television news that if anyone on a visa in Australia commits a serious crime, after they serve a jail sentence, they will be deported.

In January 2014 the Canadian Shawn Darrell Richard who played a role in the theft of nearly \$200 million of ordinary Australians hard-earned savings was released from jail. No honest Australian citizen knows whether the Mr Richard who operated the Trio Capital scheme was deported or not. Mr Richard served two and half years in prison for his part in the Trio fraud. The harm against Australians was huge, people lost their homes and farms, families split, people divorced and two people committed suicide.

Section 501 of the **Migration Act 1958** states that there is:

### **Refusal or cancellation of visa on character grounds**

Decision of Minister or delegate--natural justice applies

(1) The Minister may refuse to grant a visa to a person if the person does not satisfy the Minister that the person passes the character test.

(3A) The Minister must cancel a visa that has been granted to a person if:

- (i) [paragraph](#) (6)(a) (substantial criminal record), on the basis of [paragraph](#) (7)(a), (b) or (c); or
- (b) the person is serving a [sentence](#) of [imprisonment](#), on a full-time basis in a custodial institution, for an offence against a law of the Commonwealth, a State or a Territory.

Under the updated edition of the **Migration Act 1958 No. 62, 1958**, it states,

**The Interpretation states, *behaviour concern non-citizen*** means a non-citizen who:

- (a) has been convicted of a crime and sentenced to death or to imprisonment, for at least one year; or
- (b) has been convicted of 2 or more crimes and sentenced to imprisonment, for periods that add up to at least one year if:

Legislation provisions enable the Minister to deport a person who served two and a half years in jail for a serious crime. Victims of Financial Fraud (VOFF Inc) seek under the Freedom of Information Act 1982 (FOI Act) the following documents that show the number of overseas visitors in NSW who were deported from Australia for the months - January, February and March 2014.

Thank You



John Telford  
Secretary VOFF Inc