



CDPP

Australia's Federal Prosecution Service

**Commonwealth Director
of Public Prosecutions**

GPO Box 3104
Canberra ACT 2601
4 Marcus Clarke Street
Canberra City ACT 2600

Telephone **02 6206 5666**
Facsimile 02 6257 5709
www.cdpp.gov.au

MEDIA RELEASE

TWO YEARS IN GAOL FOR MIGRATION FRAUD

Date: 14 November 2014

Bangladeshi national, KH Faisal Alam, was today sentenced to two years' imprisonment, to be released on recognizance after serving 10 months, for his part in a migration fraud, following prosecution by the Commonwealth Director of Public Prosecutions (CDPP).

Ellen McKenzie, Deputy Director, responsible for the CDPP's Human Exploitation and Border Protection practice group said breaches of Australia's migration laws are serious offences and the sentence would assist to deter others from such offending.

Alam's sentencing followed his guilty plea on 23 October 2014 to making a false Commonwealth document and falsely representing to be a Commonwealth public official.

During the plea hearing, the CDPP detailed the significant role Alam played in defrauding 23 Singapore-based Bangladeshi construction workers. Between February 2011 and June 2012 he created documents using the Department of Immigration and Citizenship (DIAC) seal in an effort to extract fees for visa applications which were never lodged.

In addition, Alam was found to have falsely represented himself as an immigration official to seven people in July 2011 during which he told the 'applicants' their visa applications had been delayed but would be progressed. Following payment of the initial fee of \$1510, the applicants were asked to pay further fees for medical examinations.

For his part in the fraud Alam received \$87,000 over a period of eight months from another man based in Singapore. The two men worked closely together with the second man often providing Alam with information and scripts of what to say to the applicants.

In handing down sentence, Her Honour Judge Cannon said that Alam's offending was despicable, and that he had exploited the trust of those who could least afford it. Her Honour regarded Alam's moral culpability as high and said that the offending was both elaborate and enduring in nature. Her Honour indicated that but for the plea of guilty she would have imposed a sentence of 4 years' imprisonment, with a minimum term of 2 years.

The CDPP sought and was granted a pecuniary penalty order of \$87,000 under the Commonwealth *Proceeds of Crime Act*.

Media contact: 02 6206 5708.

Background

KH Faisal ALAM was charged with the following offences:

- making a false Commonwealth document contrary to section 144.1(5) of the *Criminal Code* (Cth). The offence carries a maximum penalty of 10 years' imprisonment (and/or a pecuniary penalty of \$66,000).
- seven counts of falsely representing to be a Commonwealth public official contrary to section 148.1(3) of the *Criminal Code* (Cth). The offence carries a maximum penalty of 5 years' imprisonment (and/or a pecuniary penalty of \$33,000).

About the CDPP – Australia's Federal Prosecution Service

The Office of the Commonwealth Director of Public Prosecutions (CDPP) is an independent prosecution service established by Parliament to prosecute alleged offences against Commonwealth law. For further information about the prosecution process, see the [Prosecution Policy of the Commonwealth](#).