



**DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AND INDIGENOUS
AFFAIRS
STATEMENT**

Statement in the matter of: DIMIA - v - SHIVNANI

Place: Level 1, 533 Hay Street, Perth

Date: 20 September 2005

Name: Kanchan SHIVNANI

Address: 29/47 Forrest Avenue, East Perth

Phone: (08) 9202 1088

Occupation: Self-Employed Business Administrator

STATES:

1. On 14 June 2005, at level 1, 533 Hay Street, Perth, WA, I had a conversation with Warren Mosconi, an Investigator with the Department of Immigration and Multicultural and Indigenous Affairs (hereafter referred to as DIMIA).
2. As a result of that conversation I offered to provide this statement of my own free will.
3. My full name is Kanchan SHIVNANI, I am 31 years old and was born on 18 October 1974 in Hyderabad, India. I currently reside at Unit 29/47 Forrest Avenue, East Perth where I have resided since December 2001. I am an Australian citizen, married and reside with husband and 3 year old son.
4. I commenced school aged five and completed seven years of primary school at St. Anne's High School, Secunderabad, India.
5. I completed two years of secondary schooling, at St. Teresa's Convent in Santa Cruz, Mumbai, India and the final year at Wesley Centenary Girls High School in Secunderbad, India.

Signature: Kanchan Shivnani

Witness: [Signature]

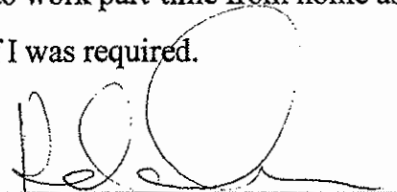
Name: Kanchan SHIVNANI

6. Between 1992 and 1995 I completed a Bachelor of Commerce at the Wesley Degree College for Women affiliated with Osmania University, India.
7. In 1996 I commenced my Masters of Commerce at the Osmania University, India. I did this by correspondence and I completed it in May 1997.
8. To the best of my knowledge Haresh Shivnani never attended any of these institutions.
9. On 24 February 1999, I married my husband Pavan SHIVNANI born 19.01.1971 in New Delhi. After we were married we lived for a few months in Bombay.
10. Approximately 1 May 1999, I migrated to Perth with my husband. I came to Perth on a sub-class 457 Business visa.
11. On arrival in Australia, Pavan and I moved into a unit at Unit 1/35 Goderich Street, East Perth.
12. One month following our arrival I commenced work with the Australian Food's Company. I was responsible for administration and business development. Pavan was the founding Director of the company.
13. After about a year or so I was able to concentrate most of my energy into the business from a developmental point of view.
14. In December 2001 Pavan's cousin Haresh SHIVNANI came to visit us. At the end of December 2001, or beginning of January 2002, Haresh's wife Hemlata KESWANI also came to visit Australia.
15. During his stay in Australia Haresh expressed a desire to work for Australia Foods and he inquired as to whether the company could sponsor him.
16. The purpose for this request was driven by Haresh's desire to live in Australia.
17. At this time Pavan and I moved to unit 8/47 Forrest Avenue, East Perth. Haresh and Hemlata moved into Pavan and my former unit which they rented from us.
18. Hemlata (Hema) was very friendly with me and we often had a chat and she helped me at home. We would often exchange food and she even helped me with some filing.
19. Because Hema and I lived so close to one another and I trusted her, I gave her a key to our unit just in case I locked myself out or some other emergency arose.
20. On the 23 June 2002, my son Nirvan SHIVNANI was born. I had approximately two months off from full time work, however I continued to work part-time from home as I was close to the company and could work when and if I was required.

Signature: _____

Kanchan Shivnani

Witness: _____



Name: Kanchan SHIVNANI

21. After this period I went back to full time work.
22. I continued to work for the company until the 29 October 2004 when the company went into receivership.
23. Barry Honey was appointed by the court in this capacity.
24. At the time the receivers moved in, I started to collect all my personal documents and paperwork that belonged to me. Many of the other employees also did this.
25. While checking various drawers in the office I opened the filing cabinet located in Haresh's desk which was unlocked. The purpose of this was to check if there were any of my personal documents contained therein, as the filing cabinet was used for general business filing.
26. I noticed some documents with Osmania University on them. Believing these to be my documents I picked them up and didn't think anything of it.
27. The only time I had ever discussed my educational and university qualifications with either Haresh or Hema was in a social context.
28. I took the documents I had taken from the filing cabinet home and put them with my other sundry papers.
29. On the 15 December 2004, I was tidying up my paperwork at home when I observed Osmania University documents with Haresh's name on them.
30. It was identical in all material aspects to my own qualifications other than his name and the name of his father contained thereon.
31. I was shocked upon discovering this and to ensure that I wasn't mistaken I compared it with my own original qualification. I immediately saw that the certificate numbers were identical and it was obvious to me that Haresh had forged my qualifications.
32. I immediately went to Haresh's home to confront him. Hema was there and I showed Haresh the document. Following this we had a conversation.
33. I said, "What's this Haresh, how come you've got my certificate with your name on it?"
34. He said, "I'm not interested in talking about anything with you. Get out of my house or I will chop your legs off". From my recollection this conversation was in both the Hindi and English language.
35. I left after this.

Signature: Kanchan Shivnani

Witness: 

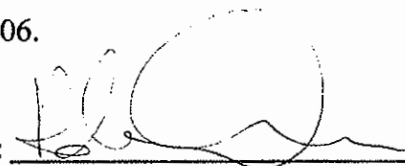
Name: Kanchan SHIVNANI

36. I spoke to my husband Pavan about what happened and on the 16 December 2004, I went and spoke with a registered migration agent Mr. Robert O'Rourke about this matter. The reason for my visit to Mr. O'Rourke was that I became suspicious that the forged qualifications with Haresh's name may have been used by him in his application for migration.
37. Mr. O'Rourke got out a file that he identified as Haresh's and he went through it in my presence. I observed copies of the forged documents in it. Mr. O'Rourke told me something about the matter.
38. I immediately brought this to the attention of my solicitor Mr. Mark Andrews.
39. At no time did I give any person permission to take my educational documents and I would certainly not allow any person access to them so they could use them in another forum.
40. Haresh has continued to threaten and intimidate me to withdraw my complaint to the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) concerning the matter.
41. As a result I sought a Violence Restraining Order against Haresh.
42. About 2.00pm on Tuesday 14 June 2004, as a result of that conversation I gave consent for Warren MOSCONI to use certain documents for this investigation. These documents were individually placed into clear plastic envelopes and exhibit labels were affixed to each of them. The exhibits were as follows: -
- Correspondence from solicitor Mark Andrews to DIMIA Perth WM/KS/01.
 - Copy of Bachelor of Commerce styled in the name of Kanchan ASWANI number 101 93 476 dated 18 June 1997 from Osmania University WM/KS/02.
 - Copy of Master of Commerce styled in name of Kanchan ASWANI number 9496-647 from Osmania University WM/KS/03.
 - Copy of secondary school certificate styled in name of Kanchan ASWANI WM/KS/04.
 - Copy of Junior College certificate styled in name of Kanchan ASWANI from the Wesley Girls Junior College WM/KS/05.
 - Copy of academic record styled in name of Kanchan ASWANI from the Osmania University for Bachelor of Commerce WM/KS/06.

Signature: _____

Kanchan Shivnani

Witness: _____



Name: **Kanchan SHIVNANI**

- Copy of academic record styled in name of Kanchan ASWANI from the Osmania University for Master of Commerce WM/KS/07.
 - Copy of Bachelor of Commerce styled in name of Haresh SHIVNANI number 101 93 476 dated 18 June 1997 from Osmania University WM/KS/08.
 - Copy of Master of Commerce styled in name of Haresh SHIVNANI number 9496-647 from Osmania University WM/KS/09.
 - Copy of correspondence from Kanchan ASWANI to Mr. Robert O'Rourke – Migration Agent WM/KS/10.
 - Correspondence from Migration Agent Robert O'Rourke to DIMIA WM/KS/11.
43. I signed and dated each label as did Warren MOSCONI after me.
44. In relation to the exhibit WM/KS/01, I can say that it is a copy of correspondence that my solicitor Mark Andrews forwarded to DIMIA on my behalf.
45. In relation to the exhibit WM/KS/02, I can say that it is a copy of my Bachelor of Commerce degree.
46. In relation to the exhibit WM/KS/03, I can say that it is a copy of my Masters of Commerce degree.
47. In relation to the exhibit WM/KS/04, I can say that it is a copy of my secondary school certificate.
48. In relation to the exhibit WM/KS/05, I can say that it is a copy of my Junior college certificate.
49. In relation to the exhibit WM/KS/06, I can say that it is a copy of my academic record for my Bachelor of Commerce.
50. In relation to the exhibit WM/KS/07, I can say that it is a copy of my academic record for my Masters of Commerce.
51. In relation to the exhibit WM/KS/08, I can say that it is a copy of a Bachelor of Commerce degree that I located styled in the name of Haresh SHIVNANI.
52. In relation to the exhibit WM/KS/09, I can say that it is a copy of a Master of Commerce degree that I located styled in the name of Haresh SHIVNANI.
53. In relation to the exhibit WM/KS/10, I can say that it is a copy of correspondence I forwarded the Migration Agent Robert O'Rourke.

Signature: Kanchan Shivnani

Witness: 

Name: Kanchan SHIVNANI

54. In relation to the exhibit WM/KS/11, I can say that it is a copy of correspondence that Migration Agent Robert O'Rourke forwarded to DIMIA.
57. I declare that this statement is true to the best of my knowledge and belief and that I have made this statement knowing that if it is tendered in evidence, I will be guilty of a crime if I have wilfully included in this statement anything which I know to be false or that I do not believe to be true.

Statement recorded and signature witnessed by me at Perth WA, on 20 September 2005.

Kanchan Shivnani

Kanchan SHIVNANI
Witness
20 September 2005



Rebecca CHOW
Investigator
Position No: 736

Signature: _____

Kanchan Shivnani

Witness: _____

