



Australian Government
Immigration Assessment Authority

Decision and Reasons

Referred application

SRI LANKA
IAA reference: IAA17/02002

Date and time of decision: 25 July 2017 13:36:00
Glen Cranwell, Reviewer

Decision

The IAA remits the decision for reconsideration with the direction that:

- the referred applicant is a refugee within the meaning of s.5H(1) of the *Migration Act 1958*

Any references appearing in square brackets indicate that information has been omitted from this decision pursuant to section 473EC(2) of the Migration Act 1958 and replaced with generic information which does not allow the identification of an referred applicant, or their relative or other dependant.

Background to the review

Visa application

1. The referred applicant (the applicant) is of Tamil ethnicity from the Northern Province of Sri Lanka. [In] May 2016, the applicant lodged an application for a safe haven enterprise visa (SHEV).
2. [In] February 2017, a delegate of the Minister for Immigration refused to grant the applicant a visa.

Information before the IAA

3. I have had regard to the material referred by the Secretary under s.473CB of the *Migration Act 1958* (the Act).
4. The applicant provided no new information. I have obtained the *DFAT country Information Report – Sri Lanka* dated 24 January 2017. This updates the 2015 DFAT report relied on by the delegate. I consider this report highly authoritative and am satisfied there are exceptional circumstances to justify considering the new information.

Applicant's claims for protection

5. The applicant's claims are contained in the information referred to the IAA.
6. The applicant made detailed claims in a statutory declaration attached to his SHEV application, which can be summarised as follows:
 - The applicant's [relative], known as [Mr A], was a prominent member of the LTTE. [Mr A] voluntarily joined the LTTE at [age], and became [involved with] new recruits. He was eventually placed in charge of [certain activities] of the LTTE. [Mr A] was also in charge of [other activities]. These were prestigious positions.
 - [Mr A]'s wife [was] a [worker] for [LTTE]. She was killed in 2007.
 - [Mr A] was active with the LTTE until the Sri Lankan government asked combatants and their families to surrender in 2009. The applicant has not seen [Mr A] since 2008.
 - The applicant's village was controlled by the LTTE until 2008. The applicant was required to work for the LTTE from 2004 to 2008. He would make announcements [in] village meetings. The LTTE had no use for the applicant after December 2008 when the LTTE ceased peacetime activities and moved to a purely fighting role.
 - In 2009, after the conclusion of the war, the applicant was detained in [a camp] for around one year.
 - In 2010, after his release from the camp, the Sri Lankan army started to visit the applicant's house. The applicant admitted that he had made announcements but denied being a member of the LTTE.
 - The army visited the applicant between once a fortnight and once a month. On the third visit, they asked about [Mr A]'s role with the LTTE.

- In 2011, the applicant moved to his mother's place. The army continued to visit his wife, and requested that the applicant report to the local commander. When the applicant reported, he was required to report approximately once a week. He reported approximately 20 times until around June or July, when the commander said that he no longer had to report. He was required to live with his wife.
 - The applicant tried to find [Mr A] and his children. As part of this, he went to his local MP, [Mr B]. He also registered [Mr A]'s missing children with the Child Protection Commissioner.
 - During 2010, the applicant heard of one person who reported to the CID and was not seen again. He feared it would happen to him because of his own and [Mr A]'s involvement with the LTTE. He also heard from his wife that a man from his village was kidnapped by people in a white van and found badly tortured four days later. He had been involved in the LTTE, and had the same level of responsibilities as the applicant.
 - The applicant fled because he was worried he had drawn attention to himself by searching for [Mr A]. He fears harm as a Tamil who worked for the LTTE and whose [relative, Mr A] was a prominent LTTE member.
 - The applicant also [had an injury], which he fears will be assumed to be the result of an injury sustained during interrogation or torture.
 - The applicant also has fears due to his illegal departure and having sought asylum in Australia.
 - After the applicant departed, his family moved to Jaffna where they are staying with one of the applicant's [relative].
7. The applicant provided a number of documents in support of his claims, including:
- Photographs of the applicant's [relative, Mr A] and his wife, including his [relative, Mr A] raising a LTTE flag at [an] [event].
 - Newspaper articles relating to his [Mr A's wife]'s death [in] 2007.
 - A reference letter from [Mr B] MP dated [September] 2013.
8. At the entry interview, the applicant stated that he was forced to work for the LTTE in 2000. He also stated that the last time he was questioned by the army was in 2010. I note that the interviewer cut the applicant off during one answer, and also told him to limit his answers to two sentences.
9. At the SHEV interview, the applicant stated that he commencing helping the LTTE in 2000. However, from 2004 to 2008 he was working full-time for them. The applicant also stated that he did not realise that he needed to detail all the incidents in his life at the entry interview.

Refugee assessment

10. Section 5H(1) of the Act provides that a person is a refugee if, in a case where the person has a nationality, he or she is outside the country of his or her nationality and, owing to a well-founded fear of persecution, is unable or unwilling to avail himself or herself of the protection of that country; or in a case where the person does not have a nationality—is outside the country of his or her former habitual residence and owing to a well-founded fear of persecution, is unable or unwilling to return to it.

Well-founded fear of persecution

11. Under s.5J of the Act 'well-founded fear of persecution' involves a number of components which include that:
 - the person fears persecution and there is a real chance that the person would be persecuted
 - the real chance of persecution relates to all areas of the receiving country
 - the persecution involves serious harm and systematic and discriminatory conduct
 - the essential and significant reason (or reasons) for the persecution is race, religion, nationality, membership of a particular social group or political opinion
 - the person does not have a well-founded fear of persecution if effective protection measures are available to the person, and
 - the person does not have a well-founded fear of persecution if they could take reasonable steps to modify their behaviour, other than certain types of modification.
12. I accept that the applicant is a national of Sri Lanka and no other country.
13. The delegate did not accept the applicant's claims relating to his [relative, Mr A] and [Mr A's wife] on the basis that he did not raise these claims at the entry interview. I have carefully listened to the entry interview. At various times, the applicant was cut off and not permitted to complete his answer, told to limit his answer to one or two sentences, or told only to answer "yes" or "no". I do not consider that the entry interview was a particularly hospitable environment for the provision of detailed claims.
14. The applicant has provided four newspaper articles relating to the death of [Mr A's wife] [in] 2007. On the basis of these articles, I accept that [Mr A's wife] was a [worker] for the [LTTE], and was [killed]. As a [worker] for the [LTTE], I accept that [Mr A's wife] had a high profile position with the LTTE.
15. The applicant provided a number of photographs relating to his [relative] [Mr A]. These show him in uniform [and] raising the LTTE flag in front of a large crowd in what was captioned to be a [certain] event. There are also photos showing the applicant and his [relative, Mr A] together in family settings. On the basis of these photographs and the applicant's statutory declaration, I accept that the applicant's [relative, Mr A] was in charge of [certain events] for the LTTE. I accept that this was a senior position in the [LTTE].
16. I note that the applicant provided a letter from [Mr B] MP in support of his [relative, Mr A] and [Mr A's wife]'s involvement with the LTTE. While I note the information cited by the delegate in relation to document fraud, the letter is nevertheless consistent with the photographs and newspaper articles provided by the applicant. In these circumstances, I cannot exclude the possibility that the letter is a genuine document and supports the applicant's claims.
17. The applicant consistently stated in the entry interview, in his statutory declaration and in the SHEV interview that he was detained for a year at the end of the war in 2009. On the basis of this consistent evidence, I accept those claims as well.

18. I accept that the applicant has been seeking to find his [relative, Mr A] and [Mr A]’s children. I consider it to be credible that the applicant would have attempted to locate his missing [relative, Mr A] and children.
19. The 2017 DFAT report indicates that during the years following the end of the war, many civilians were questioned and monitored for any possible LTTE activity and any form of civil resistance or anti-government sentiment. Given the country information about how extensively civilians continued to be monitored for LTTE activity, I consider it plausible that following his release from the camp the army continued to visit his house and required him to report during 2011. I accept the applicant’s claims that the army was aware of [Mr A]’s role with the LTTE given the applicant’s attempt to locate him.
20. Where the applicant provided inconsistent evidence was in relation to his own involvement with the LTTE. In the entry interview, he stated that he was forced to work for the LTTE in 2000, and that he was last questioned by the army in 2010. In his statutory declaration, he stated that he worked for the LTTE between 2004 and 2008, and was last questioned by the army in 2011. At the SHEV interview, the applicant attempted to explain this by stating that he started helping the LTTE in 2000, and worked full-time for them between 2004 and 2008. While I have some doubts about the applicant’s account, the applicant’s having had past involvement with the LTTE is consistent with his detention for a year at the end of the war, which I have previously accepted. On balance, I accept the applicant’s explanation for the inconsistency in the period he worked for the LTTE. I place little weight on the discrepancy between 2010 and 2011 as to when he was last questioned by the army. While not insignificant, I am inclined to give the applicant the benefit of the doubt in light of the other aspects of his claims that I have found to be credible.
21. The 2017 DFAT report makes the following comments under the heading “Imputed membership of the [LTTE]”:

The most recent UNHCR Eligibility Guidelines for Sri Lanka (December 2012) note that a person’s real or perceived links with the LTTE may give rise to a need for international refugee protection. Although the nature of these links can vary, this may include:

- *persons who held senior positions with considerable authority in the LTTE civilian administration, when the LTTE was in control of large parts of what are now the northern and eastern provinces of Sri Lanka;*
- *former LTTE combatants or ‘cadres’;*
- *former LTTE combatants or ‘cadres’ who, due to injury or other reason, were employed by the LTTE in functions within the administration, intelligence, ‘computer branch’ or media (newspaper and radio);*
- *former LTTE supporters who may never have undergone military training, but were involved in sheltering or transporting LTTE personnel, or the supply and transport of goods for the LTTE;*
- *LTTE fundraisers and propaganda activists and those with, or perceived as having had, links to the Sri Lankan diaspora that provided funding and other support to the LTTE;*
- *persons with family links or who are dependent on or otherwise closely related to persons with the above profiles.*

22. I have found that the applicant’s [relative, Mr A] and [Mr A’s wife] held senior positions with high profiles in the [LTTE]. I find that [the applicant was] related to his [relative, Mr A] and [Mr A’s wife]. On the basis of country information and the applicant’s circumstances, I am satisfied that he would be a person of interest to the authorities on his return to Sri Lanka.

23. The applicant left Sri Lanka illegally and I consider it is likely he will come to the attention of the airport authorities as a person travelling on a temporary document. As part of the checks undertaken in these circumstances, the applicant would be referred to the CID as well as the State Intelligence Service and his identity checked against relevant intelligence and criminal databases. I am satisfied that as a part of these identity checks there is a real chance the applicant will be identified in connection with his previous encounters with the army, including his family links to the LTTE, and will be detained for further questioning as a result of this. This further questioning is likely to involve a longer period of detention than that experienced by other returned asylum seekers who do not have a similar profile.
24. I am satisfied there is a real chance the applicant may be detained and subjected to ill-treatment amounting to serious harm within the meaning of s.5J(4)(b) of the Act. Country information before the delegate indicates that there is potential for ongoing detention and torture of people suspected of links to the LTTE, including returned asylum seekers. Information set out in the DFAT report indicates there have been reports of torture made by those held in relation to having suspected LTTE connections, including in recent years. I am satisfied this harm would be inflicted on the applicant for the essential and significant reason of an imputed political opinion and would be systematic and discriminatory conduct. I am satisfied it amounts to persecution under s.5J(4).
25. As the harm would be inflicted by the Sri Lankan authorities, who control the entirety of the country, I am satisfied that effective protection measures are not available to the applicant and the real chance of harm relates to the whole of the receiving country. As the harm arises as a result of the applicant's family and background, s.5J(3) does not apply.

Refugee: conclusion

26. The applicant meets the requirements of the definition of refugee in s.5H(1).

Decision

The IAA remits the decision for reconsideration with the direction that:

- the referred applicant is a refugee within the meaning of s.5H(1) of the *Migration Act 1958*

Applicable law

Migration Act 1958

5 (1) Interpretation

...

bogus document, in relation to a person, means a document that the Minister reasonably suspects is a document that:

- (a) purports to have been, but was not, issued in respect of the person; or
- (b) is counterfeit or has been altered by a person who does not have authority to do so; or
- (c) was obtained because of a false or misleading statement, whether or not made knowingly

...

cruel or inhuman treatment or punishment means an act or omission by which:

- (a) severe pain or suffering, whether physical or mental, is intentionally inflicted on a person; or
- (b) pain or suffering, whether physical or mental, is intentionally inflicted on a person so long as, in all the circumstances, the act or omission could reasonably be regarded as cruel or inhuman in nature;

but does not include an act or omission:

- (c) that is not inconsistent with Article 7 of the Covenant; or
- (d) arising only from, inherent in or incidental to, lawful sanctions that are not inconsistent with the Articles of the Covenant.

...

degrading treatment or punishment means an act or omission that causes, and is intended to cause, extreme humiliation which is unreasonable, but does not include an act or omission:

- (a) that is not inconsistent with Article 7 of the Covenant; or
- (b) that causes, and is intended to cause, extreme humiliation arising only from, inherent in or incidental to, lawful sanctions that are not inconsistent with the Articles of the Covenant.

...

receiving country, in relation to a non-citizen, means:

- (a) a country of which the non-citizen is a national, to be determined solely by reference to the law of the relevant country; or
- (b) if the non-citizen has no country of nationality—a country of his or her former habitual residence, regardless of whether it would be possible to return the non-citizen to the country.

...

torture means an act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person:

- (a) for the purpose of obtaining from the person or from a third person information or a confession; or
- (b) for the purpose of punishing the person for an act which that person or a third person has committed or is suspected of having committed; or
- (c) for the purpose of intimidating or coercing the person or a third person; or
- (d) for a purpose related to a purpose mentioned in paragraph (a), (b) or (c); or
- (e) for any reason based on discrimination that is inconsistent with the Articles of the Covenant;

but does not include an act or omission arising only from, inherent in or incidental to, lawful sanctions that are not inconsistent with the Articles of the Covenant.

...

5H Meaning of refugee

(1) For the purposes of the application of this Act and the regulations to a particular person in Australia, the person is a refugee if the person:

- (a) in a case where the person has a nationality—is outside the country of his or her nationality and, owing to a well-founded fear of persecution, is unable or unwilling to avail himself or herself of the protection of that country; or
- (b) in a case where the person does not have a nationality—is outside the country of his or her former habitual residence and owing to a well-founded fear of persecution, is unable or unwilling to return to it.

Note: For the meaning of well-founded fear of persecution, see section 5J.

...

5J Meaning of well-founded fear of persecution

- (1) For the purposes of the application of this Act and the regulations to a particular person, the person has a well-founded fear of persecution if:
 - (a) the person fears being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; and
 - (b) there is a real chance that, if the person returned to the receiving country, the person would be persecuted for one or more of the reasons mentioned in paragraph (a); and
 - (c) the real chance of persecution relates to all areas of a receiving country.

Note: For membership of a particular social group, see sections 5K and 5L.
- (2) A person does not have a well-founded fear of persecution if effective protection measures are available to the person in a receiving country.

Note: For effective protection measures, see section 5LA.
- (3) A person does not have a well-founded fear of persecution if the person could take reasonable steps to modify his or her behaviour so as to avoid a real chance of persecution in a receiving country, other than a modification that would:
 - (a) conflict with a characteristic that is fundamental to the person's identity or conscience; or
 - (b) conceal an innate or immutable characteristic of the person; or
 - (c) without limiting paragraph (a) or (b), require the person to do any of the following:
 - (i) alter his or her religious beliefs, including by renouncing a religious conversion, or conceal his or her true religious beliefs, or cease to be involved in the practice of his or her faith;
 - (ii) conceal his or her true race, ethnicity, nationality or country of origin;
 - (iii) alter his or her political beliefs or conceal his or her true political beliefs;
 - (iv) conceal a physical, psychological or intellectual disability;
 - (v) enter into or remain in a marriage to which that person is opposed, or accept the forced marriage of a child;
 - (vi) alter his or her sexual orientation or gender identity or conceal his or her true sexual orientation, gender identity or intersex status.
- (4) If a person fears persecution for one or more of the reasons mentioned in paragraph (1)(a):
 - (a) that reason must be the essential and significant reason, or those reasons must be the essential and significant reasons, for the persecution; and
 - (b) the persecution must involve serious harm to the person; and
 - (c) the persecution must involve systematic and discriminatory conduct.
- (5) Without limiting what is serious harm for the purposes of paragraph (4)(b), the following are instances of serious harm for the purposes of that paragraph:
 - (a) a threat to the person's life or liberty;
 - (b) significant physical harassment of the person;
 - (c) significant physical ill-treatment of the person;
 - (d) significant economic hardship that threatens the person's capacity to subsist;
 - (e) denial of access to basic services, where the denial threatens the person's capacity to subsist;
 - (f) denial of capacity to earn a livelihood of any kind, where the denial threatens the person's capacity to subsist.
- (6) In determining whether the person has a well-founded fear of persecution for one or more of the reasons mentioned in paragraph (1)(a), any conduct engaged in by the person in Australia is to be disregarded unless the person satisfies the Minister that the person engaged in the conduct otherwise than for the purpose of strengthening the person's claim to be a refugee.

5K Membership of a particular social group consisting of family

For the purposes of the application of this Act and the regulations to a particular person (the first person), in determining whether the first person has a well-founded fear of persecution for the reason of membership of a particular social group that consists of the first person's family:

- (a) disregard any fear of persecution, or any persecution, that any other member or former member (whether alive or dead) of the family has ever experienced, where the reason for the fear or persecution is not a reason mentioned in paragraph 5J(1)(a); and
- (b) disregard any fear of persecution, or any persecution, that:
 - (i) the first person has ever experienced; or

- (ii) any other member or former member (whether alive or dead) of the family has ever experienced;

where it is reasonable to conclude that the fear or persecution would not exist if it were assumed that the fear or persecution mentioned in paragraph (a) had never existed.

Note: Section 5G may be relevant for determining family relationships for the purposes of this section.

5L Membership of a particular social group other than family

For the purposes of the application of this Act and the regulations to a particular person, the person is to be treated as a member of a particular social group (other than the person's family) if:

- (a) a characteristic is shared by each member of the group; and
- (b) the person shares, or is perceived as sharing, the characteristic; and
- (c) any of the following apply:
 - (i) the characteristic is an innate or immutable characteristic;
 - (ii) the characteristic is so fundamental to a member's identity or conscience, the member should not be forced to renounce it;
 - (iii) the characteristic distinguishes the group from society; and
- (d) the characteristic is not a fear of persecution.

5LA Effective protection measures

- (1) For the purposes of the application of this Act and the regulations to a particular person, effective protection measures are available to the person in a receiving country if:
 - (a) protection against persecution could be provided to the person by:
 - (i) the relevant State; or
 - (ii) a party or organisation, including an international organisation, that controls the relevant State or a substantial part of the territory of the relevant State; and
 - (b) the relevant State, party or organisation mentioned in paragraph (a) is willing and able to offer such protection.
- (2) A relevant State, party or organisation mentioned in paragraph (1)(a) is taken to be able to offer protection against persecution to a person if:
 - (a) the person can access the protection; and
 - (b) the protection is durable; and
 - (c) in the case of protection provided by the relevant State—the protection consists of an appropriate criminal law, a reasonably effective police force and an impartial judicial system.

...

36 Protection visas – criteria provided for by this Act

...

- (2) A criterion for a protection visa is that the applicant for the visa is:
 - (a) a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations because the person is a refugee; or
 - (aa) a non-citizen in Australia (other than a non-citizen mentioned in paragraph (a)) in respect of whom the Minister is satisfied Australia has protection obligations because the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the non-citizen being removed from Australia to a receiving country, there is a real risk that the non-citizen will suffer significant harm; or
 - (b) a non-citizen in Australia who is a member of the same family unit as a non-citizen who:
 - (i) is mentioned in paragraph (a); and
 - (ii) holds a protection visa of the same class as that applied for by the applicant; or
 - (c) a non-citizen in Australia who is a member of the same family unit as a non-citizen who:
 - (i) is mentioned in paragraph (aa); and
 - (ii) holds a protection visa of the same class as that applied for by the applicant.
- (2A) A non-citizen will suffer **significant harm** if:
 - (a) the non-citizen will be arbitrarily deprived of his or her life; or
 - (b) the death penalty will be carried out on the non-citizen; or
 - (c) the non-citizen will be subjected to torture; or
 - (d) the non-citizen will be subjected to cruel or inhuman treatment or punishment; or
 - (e) the non-citizen will be subjected to degrading treatment or punishment.

- (2B) However, there is taken not to be a real risk that a non-citizen will suffer significant harm in a country if the Minister is satisfied that:
- (a) it would be reasonable for the non-citizen to relocate to an area of the country where there would not be a real risk that the non-citizen will suffer significant harm; or
 - (b) the non-citizen could obtain, from an authority of the country, protection such that there would not be a real risk that the non-citizen will suffer significant harm; or
 - (c) the real risk is one faced by the population of the country generally and is not faced by the non-citizen personally.

...

Protection obligations

- (3) Australia is taken not to have protection obligations in respect of a non-citizen who has not taken all possible steps to avail himself or herself of a right to enter and reside in, whether temporarily or permanently and however that right arose or is expressed, any country apart from Australia, including countries of which the non-citizen is a national.
- (4) However, subsection (3) does not apply in relation to a country in respect of which:
- (a) the non-citizen has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; or
 - (b) the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the non-citizen availing himself or herself of a right mentioned in subsection (3), there would be a real risk that the non-citizen will suffer significant harm in relation to the country.
- (5) Subsection (3) does not apply in relation to a country if the non-citizen has a well-founded fear that:
- (a) the country will return the non-citizen to another country; and
 - (b) the non-citizen will be persecuted in that other country for reasons of race, religion, nationality, membership of a particular social group or political opinion.
- (5A) Also, subsection (3) does not apply in relation to a country if:
- (a) the non-citizen has a well-founded fear that the country will return the non-citizen to another country; and
 - (b) the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the non-citizen availing himself or herself of a right mentioned in subsection (3), there would be a real risk that the non-citizen will suffer significant harm in relation to the other country.

Determining nationality

- (6) For the purposes of subsection (3), the question of whether a non-citizen is a national of a particular country must be determined solely by reference to the law of that country.
- (7) Subsection (6) does not, by implication, affect the interpretation of any other provision of this Act.

91W Evidence of identity and bogus documents

- (1) The Minister or an officer may, either orally or in writing, request an applicant for a protection visa to produce, for inspection by the Minister or the officer, documentary evidence of the applicant's identity, nationality or citizenship.
- (2) The Minister must refuse to grant the protection visa to the applicant if:
- (a) the applicant has been given a request under subsection (1); and
 - (b) the applicant refuses or fails to comply with the request, or produces a bogus document in response to the request; and
 - (c) the applicant does not have a reasonable explanation for refusing or failing to comply with the request, or for producing the bogus document; and
 - (d) when the request was made, the applicant was given a warning, either orally or in writing, that the Minister cannot grant the protection visa to the applicant if the applicant:
 - (i) refuses or fails to comply with the request; or
 - (ii) produces a bogus document in response to the request.
- (3) Subsection (2) does not apply if the Minister is satisfied that the applicant:
- (a) has a reasonable explanation for refusing or failing to comply with the request or producing the bogus document; and
 - (b) either:
 - (i) produces documentary evidence of his or her identity, nationality or citizenship; or

- (ii) has taken reasonable steps to produce such evidence.
- (4) For the purposes of this section, a person produces a document if the person produces, gives, presents or provides the document or causes the document to be produced, given, presented or provided.

...

91WA Providing bogus documents or destroying identity documents

- (1) The Minister must refuse to grant a protection visa to an applicant for a protection visa if:
 - (a) the applicant provides a bogus document as evidence of the applicant's identity, nationality or citizenship; or
 - (b) the Minister is satisfied that the applicant:
 - (i) has destroyed or disposed of documentary evidence of the applicant's identity, nationality or citizenship; or
 - (ii) has caused such documentary evidence to be destroyed or disposed of.
- (2) Subsection (1) does not apply if the Minister is satisfied that the applicant:
 - (a) has a reasonable explanation for providing the bogus document or for the destruction or disposal of the documentary evidence; and
 - (b) either:
 - (i) provides documentary evidence of his or her identity, nationality or citizenship; or
 - (ii) has taken reasonable steps to provide such evidence.
- (3) For the purposes of this section, a person provides a document if the person provides, gives or presents the document or causes the document to be provided, given or presented.

...