



Australian Government

Immigration Assessment Authority

Decision and Reasons

Referred application

IRAN

IAA reference: IAA18/04743

Date and time of decision: 25 September 2018 16:56:00

C Wilson, Reviewer

Decision

The IAA affirms the decision not to grant the referred applicant a protection visa.

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 claims to be a stateless Faili Kurd from Iran. He arrived in Australia [in] 2013 as an unauthorised maritime arrival. On 22 November 2016 he lodged an application for a Temporary Protection Visa (TPV).
2. A delegate of the Minister for Immigration (the delegate) refused the application on 6 April 2018. The delegate found s.91W(2) prevented the grant of a TPV to the applicant as he had not provided evidence of his identity or nationality and did not have a reasonable explanation for failing to do so. The delegate also did not accept the applicant had converted to Christianity or had been imprisoned in Iran or was in a blood feud with his ex-wife's family, and found he did not have a real chance or real risk of harm for any of the reasons claimed.

Information before the IAA

3. I have had regard to the material given by the Secretary under s.473CB of the *Migration Act 1958* (the Act).
4. The applicant's representative provided a 5 page submission addressing the delegate's decision. The representative restates or clarifies statements already made by the applicant in his interview with the delegate. That is, he could not provide any documentation because his one white card was taken by the authorities, he does not have a birth certificate, and his marriage certificate is with his ex-wife. He maintains he is illiterate. The representative submits that when it says on paperwork the applicant had 'primary' education that word should have been translated as 'basic', and that he received this 'basic' education from his sister teaching him to read and write. He submits that just because the [relative] is a Faili Kurd it does not mean he is not capable of earning and saving money sufficient to pay for the applicant's fake passport and travel to Australia .

Applicant's claims for protection

5. The applicant's claims can be summarised as follows:
 - He is a stateless Faili Kurd from Ilam, and as such, had no access to education or healthcare in Iran.
 - He married an Iranian citizen with whom he had a son. They separated because her brothers wanted her to marry a wealthy man. Even after they separated her brothers harassed and beat him many times. Threats from the brothers are the main reason he fears returning to Iran.
 - He claims to have been imprisoned in 2010 after riding his motorbike past a protest and it was wrongly assumed he was a protestor. His [relative] got him out of prison after 2 months. He claims to have again been imprisoned in 2012 for 6 months after a cousin told the authorities he had converted to Christianity. Again his [relative] bailed him out of prison. He was not formally charged or convicted on either occasion.
 - He fears returning to Iran because he will be discriminated against as a stateless Faili Kurd, because of his conversion to Christianity, because of the data breach whilst he was in Australia, because he sought asylum in a western country, because he tattooed

himself whilst in detention, and because he fears harm from both his and his ex-wife's families.

Identity documents – request from Minister

6. Section 91W of the Act prevents the grant of a protection visa to an applicant who, without a reasonable explanation, refuses or fails to comply with a request to produce documentary evidence of their identity, nationality or citizenship, or produces a 'bogus document' (defined in s.5(1)) in response to the request. However, that requirement will not apply if the Minister is satisfied that the applicant has a reasonable explanation for the failure or refusal, and either provides the relevant documentary evidence or has taken reasonable steps to provide such evidence.

Application of s.91W to this case

7. On 14 December 2016 an officer of the Department sent a written request to the applicant to produce documentary evidence of his identity, nationality or citizenship. This request letter included a warning that if he refused or failed to comply with the request, without a reasonable explanation, the Minister could not grant him a protection visa. The applicant did not respond to this request.
8. At the TPV interview on 4 April 2017 the delegate invited the applicant orally to produce documentary evidence of his identity, nationality or citizenship, or to provide a reasonable explanation for refusing or failing to comply with the request. He again warned the applicant of the consequences of failing to comply. The applicant said he would speak to his family and send what he could to the delegate.
9. On 14 March 2018 the delegate sent a further invitation requesting the applicant produce documentary evidence of his identity, nationality or citizenship or to provide a reasonable explanation for refusing or failing to comply with the request. The applicant did not respond.
10. Having regard to the above, I am satisfied the applicant was requested, pursuant to s.91W(1), to produce documentary evidence of his identity, nationality or citizenship, and that the requests met the requirements of s.91W(2)(d).
11. I am concerned by the applicant's failure to provide any identity documents when requested to do so. The applicant claims he is unable to provide identity documents because he claims to be a stateless Faili Kurd. He claims he was born in Iran, but his parents were born in Iraq after the grandparents (who were Iranian citizens) were expelled from Iran to Iraq. He was unable to give details of dates or how this happened. He claims his parents returned to Iran as stateless Faili Kurds, but despite having Iranian parents, he says they never managed to claim Iranian citizenship.
12. I note the applicant has made admissions to the Department that he is in fact an Iranian citizen. On 11 June 2014 he requested to be returned to Iran. He was interviewed on 13 June 2014 in relation to this request, and in response to the question 'are you a citizen of [Iran]' he is recorded as stating 'yes'. In response to a question about whether he currently takes any medication he is recording as responding 'no' but 'history of heart/lung problems – use[sic] to take medication'. To facilitate his return to Iran the applicant completed an application for an Iranian Laissez-Passer travel document on 13 June 2014. In that application he provided the number for his shenasnameh (Iranian birth booklet). On a Department form

'Request for Removal from Australia: Illegal Maritime Arrival Liable for Transfer to Regional Processing Country' dated [date] June 2014 it is again recorded that he is a citizen of Iran.

13. The delegate put this information to the applicant at the TPV interview and put to him that this indicated he was an Iranian citizen. The applicant responded that in 2014 he was mentally unwell and taking strong medication. This is why he may have lied at that time in saying he was an Iranian. She had told him they had obtained a shenasnameh for him but now he thinks she gave him a fake number. I have considered this explanation but I do not accept it. At that time the applicant positively stated he was not on any medication, and he has not provided any medical evidence to indicate otherwise. He is recorded as stating for a number of different documents in 2014 that he is a citizen of Iran and that he has a shenasnameh, which is a birth booklet, not something his mother may have applied for him whilst he was in Australia. His willingness at that time to return to Iran also indicates he was a citizen, as he could not have been returned otherwise. I find his concession in 2014 that he was a citizen of Iran, and that he was willing to apply to the Iranian authorities for a laissez-passer and to do so provided his shenasnameh number, is significant and is credible evidence supporting a finding that he is a citizen of Iran.
14. In addition to the information above indicating that he is an Iranian citizen, there is also an absence of evidence to support his claim that he was living as a stateless Faili Kurd in Iran. The applicant has not provided any documentary evidence of his grandparents' or parents' citizenship or identities. The applicant claims he had one piece of identification, a white card, but that this was taken by the authorities when he was arrested in 2010. He claims the only other documentation he has ever had were a marriage certificate and his [child's] birth certificate. He says these documents are with his ex-wife and he cannot ask her for copies of these because they are not on good terms.
15. The white card is an identity document issued by the Iranian authorities to registered refugees from Iraq. The applicant claims he was issued with only one white card. He could not say how old he was when it was obtained, but said that his father obtained it for him when he was a child. It was never renewed, but when he married he was told to update the photo in the card. He claims he had to pay to get a photo taken, but he did not need to pay any fee at the government office to update the card.
16. I find the applicant's claims about his white card are inconsistent with the country information from the Department of Foreign Affairs and Trade (DFAT), who advise that white cards expire annually and a fee must be paid to renew them.¹ When this information was put to the applicant in the TPV interview he said that might be the case in Tehran, but in a rural area such as Ilam there is no such requirement. There is nothing in DFAT's report on Faili Kurds to support such a contention. Given Ilam province is an area where many Faili Kurds live, I do not accept the refugee population in Ilam would be exempt from the usual registration requirements. The inconsistency of the applicant's claim against the country information indicates he did not hold a white card, or if he did, may have had one as a child before the family gained citizenship.
17. The applicant claims he is illiterate and was denied access to education and healthcare in Iran because he was stateless. These claims are not credible when considered against the advice from DFAT that persons holding a white card can access education and healthcare.² The claim to be illiterate is inconsistent with the applicant's claim that he learnt about Christianity

¹ *Faili Kurds*, DFAT, 18 March 2010 CX241170

² *Ibid*

in Iran by reading a Bible in Farsi that he obtained from the [library]. His claim to be illiterate is also inconsistent with his ability to open a Facebook account in Australia on which he has written in both English and Farsi. The applicant explains these inconsistencies by stating that although he said he was illiterate and that he could not read or write in Farsi, in fact his sister had taught him how to read and write Farsi. He claims that since living in Australia he has learnt to read and write in English. The ability to read a Bible demonstrates a high skill level of reading, and I do not accept someone who can read a Bible could equally claim, as he did, that they could not read the information on their white card. I find the applicant has given inconsistent and false evidence about his level of education and level of literacy. Given his use of Facebook, I consider he has had some education in Iran, and that this education was more than merely being taught to read at home by his sister. I find his attempt to hide his education was an attempt to bolster his claim to be a disadvantaged stateless person.

18. I also find it unlikely that were the applicant stateless as claimed, he could not obtain Iranian citizenship. The applicant said his grandparents were from Ilam and were Iranian citizens. The applicant said his parents could have applied after 1998 for citizenship but the process was too involved. DFAT confirms that Iraqi refugees who can show Iranian ancestry through the paternal line are entitled to Iranian citizenship.³ Following the TPV interview with the delegate, the applicant sent an email dated 10 April 2017 claiming he had called his father who said they'd applied for 'ID' and were waiting for an answer from the government. There was no explanation as to why the father was applying at that time, or why they had not applied before, and no documents were provided to evidence any application being made. The applicant also said he could have applied when he was married to an Iranian citizen, but he did not. This appears contrary to country information, which indicates a Faili Kurd male cannot obtain citizenship through marriage to an Iranian citizen.⁴
19. I find the applicant has not provided a persuasive reason as to why his family did not pursue citizenship when on the circumstances described by him, they appear to have been entitled to. Whilst I acknowledge the process may have been lengthy and difficult, the benefits would appear to vastly outweigh that inconvenience. I find the claim that his family has not been able to obtain citizenship in Iran is unpersuasive because it is not true. I consider his family are not stateless and have either never been stateless or that they obtained citizenship many years ago.
20. The applicant was first put on notice in 2016 that he must provide documentary evidence of his identity, nationality or citizenship, or a reasonable explanation as to why he could not. This was explained to him again in his interview in 2017. He was given one last chance in March 2018. The applicant has failed to produce any documentation. Even on review, with representation, he has not provided any documentary evidence of his identity, nationality or citizenship. Even if I accepted (which I do not) that he cannot provide his one white card because it was taken by the authorities, I find the applicant's failure to provide any corroborative evidence of his claimed identity, nationality or citizenship is significant. If his white card was gone as claimed, he could have provided copies of identity documents for his parents, siblings or extended family. In particular, the applicant has claimed that his [relative] was the person who paid for his journey to Australia. This [relative] is said to have paid [amount] for the trip, as well as arranging a fake passport and bribing his way through the airport. When the delegate expressed doubt that [a relative] would spend so much money, particularly as it would be difficult for a stateless person to have amassed so much money, the applicant said it was because his [relative] loved him and he was a wealthy man

³ *Status of Faili Kurd refugees and documentation issued to them in Iran*, DFAT, 19 October 2011, CX274742.

⁴ *Acquisition of Iranian Citizenship by Marriage for Faili Kurd and Stateless Woman*, DFAT, 14 April 2011, CX262815

with contacts. If this was true, I would have expected the [relative] to be able to help the applicant in Australia by providing copies of white cards or other identification for himself or other family in Ilam, or perhaps even contacting the applicant's ex-wife to obtain copies of any documentation she had. The applicant has been on notice since December 2016 of the significance of needing to provide identity documentation, but has provided nothing. I infer he has provided no documents because he is not in fact stateless, and any identity papers his family have would show this.

21. The applicant has not provided any evidence of his identity, nationality or citizenship. For the reasons given above I do not accept he is stateless and for this reason I do not accept his explanation that he could not provide evidence of his identity, nationality or citizenship because as a stateless person he did not have such documents. I do not accept that his email stating he called his father on one occasion amounts to taking reasonable steps to produce such evidence. I consider he has had ample time to take reasonable steps to obtain evidence from Iran. For these reasons, and other reasons given above, I do not accept his explanations on why he failed to comply with the request under s.91W is either reasonable or that he has taken reasonable steps to produce such evidence.
22. I find s.91W applies to the applicant because he failed to comply with the request to provide evidence of his identity, nationality or citizenship and does not have a reasonable explanation for this failure or refusal. Therefore, the grant of the visa is prevented by that section.

Decision

The IAA affirms the decision not to grant the referred applicant a protection visa.

Applicable law

Migration Act 1958

5 (1) Interpretation

In this Act, unless the contrary intention appears:

...

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.

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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.

...