



## HUMAN TRAFFICKING WORKING GROUP

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## CASE REPORT

Current as on: October 20, 2009

<b>Case Name</b>	<i>Re Christos Karalis (Benja Chaowarit) v MIMIA</i>
<b>Reported in</b>	<i>Re Christos Karalis and MIMIA</i> [2003] AATA 483
<b>Date(s)</b>	Entry into Australia: May 6, 1999 Immigration detention: July 5, 2001
<b>Location</b>	Sydney (NSW) and Melbourne (Vic)
<b>Immigration matter</b>	Appeal of denial of spousal visa on character grounds
<b>Appeal</b>	Administrative appeal: March 31, 2003
<b>Parties</b>	Mr Christos Karalis is the Australian spouse of trafficking victim Ms Benja Chaowarit

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## Case Summary

Ms Benja Chaowarit originally worked in Thailand as a singer. She and a colleague were persuaded by another singer named Ms Nam that singers were paid much more in Macau. When they arrived in Macau they were told they would be working in a brothel. They were kept under horrific conditions and after seven months, Ms Chaowarit was repatriated to Thailand.

After her return to Thailand, Ms Chaowarit followed the suggestion of Noi, an older sex worker from Macau, to work in the Australian sex industry. To this end she contacted a man called Bee who assured her he could organise this legally. The Administrative Appeals Tribunal doubted that she ever questioned the legality of these arrangements.<sup>1</sup>

Benja Chaowarit entered Australia on May 6, 1999 on a tourist visa and two weeks later an application was made in her name for a protection visa. When this visa was denied, an appeal was lodged but this application was later abandoned. The Tribunal that later heard her case believed that Ms Chaowarit signed the original application, ignorant of its actual contents.<sup>2</sup>

After her arrival in Australia she was given into the care of a woman, also named Bee. Ms Bee took her travel documents on the pretext she would need them to process Ms Chaowarit's visa. After a month of living in a crowded apartment with other women, she was given to Tia, a Chinese woman, and was immediately put to work in a brothel. After work she was driven back to Ms Tia's apartment by a man known as A-Tai. He informed Ms Chaowarit that Ms Bee had sold her to himself and A-Sam, another man. It was at this point that Ms Chaowarit claimed she understood she had been deceived.<sup>3</sup>

In August 1999, she was sent to Melbourne where she worked at a brothel at 74 Brunswick Road. From here, Ms Chaowarit and two other women were able to escape. They sought refuge with a Thai woman and her husband. At this point she went to the police. She was initially allowed to remain in Australia on a criminal justice stay visa, though no action was taken against her 'owners'.<sup>4</sup>

Ms Chaowarit did not return to Thailand as she had been instructed by Australian authorities, but instead moved in with a client from Sydney who had followed her to Melbourne. After she had a miscarriage with that client, she broke off the relationship and moved back in with the Thai couple.<sup>5</sup> She then lost AUD 11,000 to a confidence fraudster Mr Peter Simos, a Greek national who claimed he could get her a visa. At this time Ms Chaowarit was working illegally — but independently — in a brothel she refers to as 'Hallem 55' (actually called 'Harem International Brothel').

Around this time, Ms Chaowarit met her future husband, Mr Christos Karalis, at the Crown Casino in Melbourne. On July 5, 2001 Ms Chaowarit was found working illegally at 'Harem International Brothel' and was detained. She married Mr Karalis whilst on release from detention.<sup>6</sup> She was then deported to Thailand on August 13, 2001. Ms Chaowarit was refused a spousal visa on the ground that she failed the character test under s 501 *Migration Act 1958* (Cth) due to her continued subversion of Australia's immigration system. The decision at first instance was affirmed by the appeals tribunal.

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<sup>1</sup> *Re Christos Karalis and MIMIA* [2003] AATA 483 at para [12].

<sup>2</sup> *Re Christos Karalis and MIMIA* [2003] AATA 483 at para [19].

<sup>3</sup> *Re Christos Karalis and MIMIA* [2003] AATA 483 at para [13].

<sup>4</sup> *Re Christos Karalis and MIMIA* [2003] AATA 483 at para [18].

<sup>5</sup> *Re Christos Karalis and MIMIA* [2003] AATA 483 at para [20].

<sup>6</sup> *Re Christos Karalis and MIMIA* [2003] AATA 483 at para [24].

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