



Australian Government

Department of Immigration and Border Protection

Attachment A

DECISION RECORD

Request Details

FOI Request FA 14/04/00696
File Number ADF2014/13009

Scope of request

1. *Under the Freedom of Information Act, 1982, I request documents that relate to Marriage Scam in Australia including correspondence relating to the number of visas that have been cancelled due to Marriage Scams in Australia. In particular I seek documents for the financial years ending June 2003 through to June 2013.*
2. *For the financial years 2009-10, 2010-11, 2011-12, 2012-13 –*
 1. *Total number of false document allegations received*
 2. *Total number of allegations relating to false statements*
 3. *Total number of allegations assessed to be relating to scam/fake marriages*

Please note, I have numbered the points of your request for ease of reference when discussion my decision.

Documents in scope

1. Departmental document – containing 1 folio

Authority to make decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate departmental records.

Information considered

In reaching my decision, I have considered the following:

- the *Freedom of Information Act 1982*;
- departmental document (identified above);
- the Australian Information Commissioner's Guidelines relating to access to documents held by government;
- consultation with relevant business areas; and
- the department's FOI handbook

Decision

My decision in relation to part 1 of your request is to refuse access under section 24A(1) of the FOI Act. My reasons are set out below.

people our business

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In relation to part 2 of your request I am satisfied that I have been provided with all the relevant documents to consider in my decision. I have considered the document and am satisfied that no exemptions apply. Therefore, I am releasing the relevant document in full.

Reasons for decision in relation to part 1 of your request

When considering part 1 of your request, I have interpreted the scope to include documents (including correspondence) that would contain information that was of a nature to identify ‘...the number of visas that have been cancelled due to Marriage Scams in Australia’.

Section 24A(1) of the FOI Act provides an agency with the discretion to refuse a request for access if the decision maker is satisfied that:

- a) the agency has taken all reasonable steps to find the document; and
- b) the decision maker is satisfied that the document exists but cannot be found, or does not exist.

I have contacted the relevant business areas within the department to identify the documents you have requested. I received advice that there were no documents held by the department that contained the information you requested.

My decision is to refuse access under section 24A(1) of the FOI Act, on the grounds that all reasonable steps have been taken to find the documents and I am satisfied that the documents do not exist.



Janelle Raineri
Authorised decision maker
FOI and Privacy Policy Section
Ministerial, Executive and External Accountability Branch
Department of Immigration and Border Protection

Telephone (02) 6264 1580
Email foi@immi.gov.au

9 May 2014



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Department of Immigration and Border Protection

Attachment B

SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA 14/04/00696
File Number ADF2014/13009

1. Departmental Document – containing 1 folio

Folio	Description	Decision	Legislation
1	Departmental documents - data from electronic systems	Full release	



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Department of Immigration and Border Protection

Attachment C

EXTRACT OF RELEVANT LEGISLATION

24A Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

- (1) An agency or Minister may refuse a request for access to a document if:
 - (a) all reasonable steps have been taken to find the document; and
 - (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

Document not received as required by contract

- (2) An agency may refuse a request for access to a document if:
 - (a) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document; and
 - (b) the agency has not received the document; and
 - (c) the agency has taken all reasonable steps to receive the document in accordance with those contractual measures.

23 Decisions to be made by authorised persons

- (1) Subject to subsection (2), a decision in respect of a request made to an agency may be made, on behalf of the agency, by the responsible Minister or the principal officer of the agency or, subject to the regulations, by an officer of the agency acting within the scope of authority exercisable by him or her in accordance with arrangements approved by the responsible Minister or the principal officer of the agency.
- (2) A decision in respect of a request made to a court, or made to a tribunal, authority or body that is specified in Schedule 1, may be made on behalf of that court, tribunal, authority or body by the principal officer of that court, tribunal, authority or body or, subject to the regulations, by an officer of that court, tribunal, authority or body acting within the scope of authority exercisable by him or her in accordance with arrangements approved by the principal officer of that court, tribunal, authority or body.

Scope:

For the financial years 2009-10, 2010-11, 2011-12, 2012-13 –

- 1. Total number of false document allegations received*
- 2. Total number of allegations relating to false statements*
- 3. Total number of allegations assessed to be relating to scam/fake marriages.*

Advice about data:

During the reporting period (ie. 2009-2011) the department went through a process of consolidating its management and recording of allegations. Part of the increase in allegation numbers between the programme years, reported below, can therefore be attributed to this consolidation process.

Data:

Program Year	False Documents	False Statements	Contrived Relationship
2009-2010	390	331	834
2010-2011	1113	1529	2471
2011-2012	1892	2478	3394
2012-2013	2383	3852	4638