



30 November 2017



In reply please quote:

FOI Request: FA 17/10/01056

File Number: ADF2017/113136

Dear 

Freedom of Information (FOI) request - Access Decision

On 26 October 2017, the Department of Immigration and Border Protection (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

1 Scope of request

You have requested access to the following documents:

For Financial Years 2012-2017

- 1. Number of applications by source countries under visa subclass 124*
- 2. Number of determination broken down into 1) approved, 2) refused and 3) withdrawn, by passport countries under visa subclass 124*
- 3. Number of approvals broken down into the following categories: profession, sports, arts and academia/research.*
- 4. Number of approvals under the "specialised assistance to the Australian Government in matters of security" provision (Paragraph 124.211(4) of Schedule 2 of the Migration Regulations 1994).*

2 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 records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your request
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- the Department's guidance material on the FOI Act

4 Documents in scope of request

The Department has identified one document as falling within the scope of your request. This document was in the possession of the Department on 26 October 2017 when your request was received.

5 Decision

My decision is as follows:

- In relation to point 1 and 2 of your FOI request, I have decided to release one document in part with irrelevant information deleted
- In relation to point 3 and 4 of your FOI request, I am refusing access to this part of your request on the basis that these documents do not exist

Detailed reasons for my decision are set out below.

6 Reasons for Decision

Please see the reasons set out below for information on those documents to which I have refused access or released in edited form as part of this decision.

6.1 Section 22 of the FOI Act – irrelevant to request

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would reasonably be regarded as irrelevant to the request, it is possible for the Department to prepare an edited copy of the document, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request.

I have therefore decided that parts of document marked 's22(1)(a)(ii)' would disclose information that could reasonably be regarded as irrelevant to your request because the deleted information relates to a visa subclass other than visa subclass 124. I have therefore prepared an edited copy of the document, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

The remainder of the document has been released to you as it is relevant to your request.

6.2 Section 24A of the FOI Act – Documents do not exist

Section 24A of the FOI Act provided that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

In relation to point 3 and 4 of your FOI request, I have consulted with the relevant business area and have been advised that information being sought is not retained in a database maintained by the Department. Having considered this response, I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents in relation to point 3 and 4 of your FOI request were in the possession of the Department on 26 October 2017 when your FOI request was received. As such I am refusing access to the documents requested by you based on the application of section 24A of the FOI Act.

7 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>. If you are unable to access the legislation through this website, please contact our office for a copy.

8 Your Review Rights

Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a review of the decision is necessary. The internal review will be carried out by an officer other than the original decision maker and the Department must make a review decision within 30 days. Applications for review should be sent to:

By email to: foi.reviews@border.gov.au

OR

By mail to:
Freedom of Information Section
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2617

Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see Fact Sheet 12 "Freedom of information – Your review rights", available online at <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

9 Making a Complaint

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)

Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which

it is considered that the action taken in relation to the request should be investigated and identify the Department of Immigration and Border Protection as the relevant agency.

10 Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@border.gov.au.


Authorised Decision Maker
Department of Immigration and Border Protection