



19 February 2018

BY EMAIL: [REDACTED]

In reply please quote:

FOI Request: FA 17/12/00256

File Number: ADF2017/130928

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 6 December 2017, the Department of Immigration and Border Protection received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs (the Department).

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:

I have been informed that although PR is processed within 6 to 8 months if sponsored by employer but lot of cases are pending and candidates are not informed. Will you please let me know:

1. *How many cases are pending for sponsorship PR for more than 8 months or 1 year;*
2. *If candidates are informed for reasons for delay;*
3. *Generally how much time is taken to inform a candidate yes or no.*

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 document 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)
- advice from Departmental officers with responsibility for matters relating to the document to which you sought access
- the Department's guidance material on the FOI Act

4 Document in scope of request

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce one document that contains information that falls within the scope of part (1) of your request. The data produced in this document existed in the possession of the Department on 6 December 2017 when your FOI request was received.

In relation to parts (2) and (3) of your request, the Department has undertaken reasonable searches in relation to the documents you have requested access to.

Having regard to your request and the types of document that may fall within the scope of your request I am satisfied that the searches conducted were extremely thorough and all reasonable steps have been taken to locate any document relevant to your request.

5 Decision

My decision in relation to each part of your request is as follows:

Part (1) of your request:

- Release one document in full

Part (2) and (3) of your request

- No documents exist and I am refusing access to this part of your request;

6 Reasons for Decision

Detailed reasons for my decision relating to Part (2) and (3) of your request are set out below.

Section 24A of the FOI Act – Requests may be refused if documents cannot be found, do not exist or have not been received

Section 24A of the FOI Act also provides 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.

With regard to Parts (2) and (3) of your request, I am satisfied that the Department has undertaken reasonable searches and that no documents were in the possession of the Department on 6 December 2017 when your FOI request was received. As such I am refusing access to the documents requested by you in relation to parts (2) and (3) of your request, based on the application of section 24A of the FOI Act.

However, whilst no stand-alone documents exist in relation to parts (2) and (3) of your request, a response has been provided as guidance and to address your request.

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@homeaffairs.gov.au

OR

By mail to:
Freedom of Information Section
Department of Home Affairs
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 Home Affairs 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@homeaffairs.gov.au.


Authorised Decision Maker
Department of Home Affairs