



20 February 2018

**In reply please quote:**

FOI Request: FA 17/12/00433

File Number: ADF2017/132666

Dear [REDACTED]

**Freedom of Information (FOI) request - Access Decision**

On 11 December 2017, the Department of Home Affairs (the Department) received a request for access to document 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 document:

1. *I WOULD LIKE TO FIND OUT FROM THE IMMIGRATION DEPARTMENT THE CURRENT NUMBER OF SOUTH ASIANS - people from the following countries:*

- 1) *Afghanistan*
- 2) *Bangladesh*
- 3) *Bhutan*
- 4) *India*
- 5) *Maldives*
- 6) *Nepal*
- 7) *Pakistan*

8) *Sri Lanka*

2. *AND SOUTH - EAST ASIANS:*

- 1) *Brunei*
- 2) *Laos*
- 3) *Cambodia*
- 4) *Indonesia*
- 5) *Malaysia*
- 6) *Myanmar*
- 7) *Philippines*
- 8) *Singapore*
- 9) *Thailand*
- 10) *Timor - Leste*
- 11) *Vietnam*

*WHO ARE VISA HOLDERS IN THE COUNTRY - THIS INCLUDES INFORMATION OF ONLY STUDENT AND WORK VISA HOLDERS. I want the current number of visa holders currently living the country.*

3. *Please mention the total number of visa holders from each country, along with the number of work and visa holders for each nationality. Also mention the overall total percentage of visa holders from each nationality.*
4. *Kindly provide the same information regarding THE NUMBER OF SOUTH ASIANS AND SOUTH EAST ASIANS WITH AUSTRALIAN CITIZENSHIP that are currently residing in Australia in the same format.*

**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 document relevant to the 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 Document 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 11 December 2017 when your request was received.

**5 Decision**

My decision is as follows:

- In relation to point 1, 2 and 3 of your FOI request, I have decided to release the document in full
- In relation to point 4 of your FOI request, I have decided to refuse access to the document on the basis that the document does not exist.

Detailed reasons for my decision are set out below:

## **6 Reasons for Decision**

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 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 document in relation to point 4 of your FOI request was in the possession of the Department on 11 December 2017 when your FOI request was received. As such I am refusing access to the document requested by you based on the application of section 24A of the FOI Act.

Please refer to Australian Bureau of Statistics Census data in relation to the information you are seeking under point 4 of your FOI 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](mailto: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](mailto: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](mailto:foi@homeaffairs.gov.au).

  
**Authorised Decision Maker**  
**Department of Home Affairs**