



15 June 2017



In reply please quote

FOI Request FA 17/04/00542

File Number ADF2017/41114

Dear 

Freedom of Information request – Release of documents

This letter refers to your Freedom of Information request received on 18 April 2017 seeking access under the *Freedom of Information Act 1982* (the Act) to the following:

'VISA CANCELLATION STATISTICS FOR ITALIAN CITIZENS ONLY

1. Visa cancellations by category, for Italian citizens only, (eg. 457 cancellations, student cancellations, cancellations on fraud ground, voluntary cancellations) for year 2014-15, as per example table below.

2. Demographic characteristics of the above 882 Italian citizens whose visa has been cancelled in 2014-2015.

UNLAWFUL NON-CITIZENS IN AUSTRALIA Italian Citizens only

3. Length of time Unlawful Non-Citizens (Italian citizens only) have overstayed their visa at 30 June 2015, as per below table.

4. Unlawful Non-Citizens (Italian citizens only) in Australia by visa category at 30 June 2015, as per table below.

5. Demographic characteristics of Unlawful Non-Citizens (Italian citizens only) in Australia at 30 June 2015, as per table below.

6. Unauthorized air arrivals for year 2010-11 to 2014-15 for Italian citizens only.'

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 terms of your request;
- The *Freedom of Information Act 1982*;
- Departmental files identified;
- Consultations with relevant Departmental business areas; and
- The Australian Information Commissioner's guidelines relating to access to documents held by government.

Documents in scope

Parts 1, 2 and 6

Section 17 of the FOI Act provides that where an agency can produce a written document containing the information in discrete form by the use of a computer, and the work required would not substantially and unreasonably divert resources of the agency from its other operations, the agency shall deal with the request as if it were a request for access to a written document so produced.

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce two documents that are relevant to parts 1, 2 and 6 of your request.

Part 3, 4 and 5

Section 24A 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 is in the Department's possession but cannot be found or does not exist.

No discrete document currently exists in the possession of the Department that contains the data you have sought in parts 3, 4 and 5 of your request. The Department is also not able to produce the data from its computer systems as the data is not captured by the Department in a way that could be reported on. As such, whilst the data you have requested may exist within the Department's computer systems, the work required to produce that data would interfere unreasonably with the operations of the Department. Access to the information you have requested is therefore refused under section 24A of the FOI Act.

Decision

The decision in relation to the two documents in the possession of the Department which fall within the scope of parts 1, 2 and 6 of your request is to release them to you in full.

Legislation

A copy of the FOI Act is available for your reference from www.legislation.gov.au/Browse/ByTitle/Acts/InForce/0/0/Principal

Review Rights

Internal review

If you disagree with the decision, you have the right to apply for an internal review of the decision. If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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:

Freedom of Information
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2617

Or by email to: foi.reviews@border.gov.au

Review by the Office of the Australian Information Commissioner

You may apply directly to the Australian Information Commissioner for a review of the decision. You must apply in writing within 60 days of this notice. For further information about review rights under the FOI Act please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at www.oaic.gov.au.

How to make a complaint about the handling of your FOI request

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act. Information about how to submit a complaint is also available at www.oaic.gov.au.

Contacting the FOI Section

If you wish to discuss this matter, I can be contacted using the details provided below.

Yours sincerely



Authorised Decision Maker
Freedom of Information Section
Department of Immigration and Border Protection
Email foi@border.gov.au

Attachments

- Attachment A - Documents released under the FOI Act