



16 November 2018

[Redacted]

**In reply please quote:**

FOI Request: FA 18/08/00284

File Number: ADF2018/170888

Dear [Redacted]

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

On 5 August 2018, the Department of Home Affairs (the Department) received a request for access to document 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 document:

- 1. Date of lodgement and date of grant for 309/100 applications lodged at the Australian High Commission, India between these program years: 01 July 2015 to 30 June 2016; 01 July 2016 to 30 June 2017; and 01 July 2017 to 30 June 2018.*
- 2. Date of lodgement for 309/100 applications lodged at the Australian High Commission, India between these program years: 01 July 2015 to 30 June 2016; 01 July 2016 to 30 June 2017; and 01 July 2017 to 30 June 2018, which are still processing as at 01 September 2018.*
- 3. Average processing time for male applicants who lodged a 309/100 application at the Australian High Commission, India between these program years: 01 July 2015 to 30 June 2016; 01 July 2016 to 30 June 2017; and 01 July 2017 to 30 June 2018.*
- 4. Average processing time for female applicants who lodged a 309/100 application at the Australian High Commission, India between these program years: 01 July 2015 to 30 June 2016; 01 July 2016 to 30 June 2017; and 01 July 2017 to 30 June 2018.*

5. Total number of 309/100 partner visa applications assessed by case officer Inderjeet position number 60027104 and total number of refusals, where applicant was in a heterosexual relationship with the sponsor.

6. Total number of 309/100 partner visa applications assessed by case officer Inderjeet position number 60027104 (from Australian High Commission India) and total number of refusals between these program years: 01 July 2015 to 30 June 2016; 01 July 2016 to 30 June 2017; and 01 July 2017 to 30 June 2018, where applicant was in a same-sex relationship with the sponsor.

7. Average processing time for 309/100 partner visa applications assessed and finalised by Australian High Commission, India between these program years: 01 July 2015 to 30 June 2016; 01 July 2016 to 30 June 2017; and 01 July 2017 to 30 June 2018, where the applicant had previously overstayed a visa in Australia.

8. Average processing time for 309/100 partner visa applications assessed and finalised by Australian High Commission, India between these program years: 01 July 2015 to 30 June 2016; 01 July 2016 to 30 June 2017; and 01 July 2017 to 30 June 2018, where the applicant had previously been refused a visa in Australia.

## **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)
- advice from Departmental officers with responsibility for matters relating to the document to which you sought access

## **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 contain[s] information that falls within the scope of your request. The data produced in the document existed in the possession of the Department on 5 August 2018 when your FOI request was received.

## **5 Decision**

The decision in relation to the document in the possession of the Department which fall within the scope of your request is as follows:

- Release one document in full

## 6 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.

## 7 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>.

## 8 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.

## 9 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).

