



21 June 2019

**In reply please quote:**

FOI Request: FA 19/03/00402

File Number: OBJ2019/17021

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

On 07 March 2019, the Department of Home Affairs (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 Citizens of:*

- *Afghanistan*
- *Iran*
- *Iraq:*

- 1) *The number of visitor visa applications made by and on behalf of the citizens of the following countries, between 1 July 2017 - 30 June 2018;*
- 2) *the number of student visa applications made by and on behalf of the citizens of the following countries, between 1 July 2017 and 30 June 2018;*
- 3) *the number of visitor visas granted to the citizens of the above countries between 1 July 2017 and 30 June 2018;*

- a. *the number who were granted their visitor visa during that time period that overstayed that visa;*

- 4) *the number of student visas granted to the citizens of the above countries between 1 July 2017 and 30 June 2018;*
  - a. *the number who were granted their student visa during that time period that overstayed that visa;*
- 5) *the number of onshore protection visa applications made by and on behalf of the citizens of the above countries between 1 July 2017 and 30 June 2018 who arrived on visitor visas;*
- 6) *the number of onshore protection visa applications made by and on behalf of the citizens of the above countries between 1 July 2017 and 30 June 2018 who arrived on student visas.*

## **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 documents 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 documents to which you sought access

## **4 Documents in scope of request**

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce two documents that contain the information which falls within the scope of your request. The data produced in the document existed in the possession of the Department on 07 March 2019 when your FOI request was received.

**Attachment A** is a schedule which describes the relevant documents and sets out my decision in relation to each of them.

## **5 Decision**

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

- Release one document in part with deletions
- Release one document in full

### **5.1 Section 22 of the FOI Act – deletion of exempt material**

I have decided to prepare an edited copy of one document. The grounds upon which the edited copy of this document has been prepared are set out in the attachment A.

The document contains some information which can reasonably be regarded as not relevant to the scope of your request.

Departmental policy is that the personal details of officers who are not in the Senior Executive Service (SES), as well as the mobile and work contact details of SES staff which are contained in documents that fall within scope will be deleted.

I have therefore decided that parts of the document, which are marked 's.22(1)(a)(ii)', would disclose information that could reasonably be regarded as irrelevant to your request, and have prepared an edited copy of the document, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

### **5.2 Section 37 of the FOI Act - Documents Affecting Enforcement of Law and Protection of Public Safety**

Section 37(2)(b) of the FOI Act provides that a document is exempt from disclosure if its disclosure would, or could reasonably be expected to, disclose lawful methods or procedures for preventing, detecting, investigating or dealing with matters arising out of breaches or evasions of the law the disclosure of which would or could reasonably be likely to, prejudice the effectiveness of those methods or procedures.

I find that parts of document 1 are exempt as release would, or could reasonably be expected to disclose lawful methods or procedures for detecting or preventing breaches or evasions of the law and that disclosure would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures.

It is noted that the Department's role includes managing the security and integrity of Australia's borders. The Department leads the management of risks to Australia's border in close collaboration with other government agencies, including State and Federal law enforcement agencies. As such, the Department's role includes law enforcement functions.

The disclosure of information within these documents would be reasonably likely to impact on ongoing investigative methodology and relationships both domestically and internationally that support Australian government investigative capabilities. The release of this information would prejudice the effectiveness of those methods or procedures, assisting endeavours to evade them and thereby reducing the ability of the Department and other law enforcement agencies to protect the borders of Australia.

I have decided that this information is exempt from disclosure under Section 37(2)(b) of the FOI Act.

## 6 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. 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 <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

## 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).

Yours sincerely

*[Electronically signed]*



**aker**

**Department of Home Affairs**

**ATTACHMENT A**

**SCHEDULE OF DOCUMENTS  
REQUEST UNDER *FREEDOM OF INFORMATION ACT 1982***

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<b>No.</b>	<b>Date of document</b>	<b>No. of pages</b>	<b>Description</b>	<b>Decision on release</b>	
1.	-	1	Email from the relevant Home Affairs business division in response to matters 1-4 of scope for FOI request FA19/03/00402	<b>Release in part</b>	22(1)(a)(ii) 37(2)(b)
2.	-	1	Response to matters 5 and 6 of scope for FA 19/03/00402	<b>Full</b>	