



4 November 2019

BY EMAIL: [REDACTED]

In reply please quote:

FOI Request: FA 19/06/00582

File Number: OBJ2019/36123

Dear [REDACTED]

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

On 12 June 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 requested access to the following document:

*Statistical data on: 188A-888A (Business Innovation); 188B-888B (Investor); 188C-888C (Significant Investor) and 132A (Significant Business History)*

*Visa applications and visa grants since inception to date (not refusals), from Malaysia, Philippines and Vietnam only.*

*Requests:*

*1) For 188A visa holders only, the Month and Year of 188 visa grant (e.g. June 2015) and Month and Year of receipt of their 888A PR application, if any (e.g. July 2018).*

*2) For each 188A, 188B, 188C, 888A, 888B, 888C, 132A visa GRANTED, the actual processing time from receipt of application to issuing the visa grant notice.*

*3) Per year, the number of 188A, 188B, 188C, 888A, 888B, 888C, 132A visa applications received and still not decided.*

4) For 188A visa holders only, again from Malaysia, Philippines and Vietnam only, the Month and Year of 188A Extension Visas applied for, the Month and Year of 188A Extension visas granted and the number still not decided.

On 25 July 2019 you revised the scope of your request to:

*Visas in scope: 188A and 888A (Business Innovation); 188B and 888B (Investor); 188C and 888C (Significant Investor); 132A (Significant Business History)*

*Countries in scope: Malaysia; Philippines; Vietnam*

*Requests:*

1) *Total number, per financial year, per country, since inception of each visa subclass in scope until 30 June 2019:*

a. *visa applications received*

b. *visas grants issued*

2) *More details required to understand times between 188A and 888A applications:*

a. *Date range: Since inception of 188A visa subclass to 30 June 2019*

b. *Goals:*

i. *Per country, identify total number of 188A visa holders who have held the 188A visa for a duration of 1 year, 2 years, 3 years, 4 years, 5 years or more who have not yet applied for the 888A visa*

ii. *Per country, average time taken from 188A grant to application for 888A visa - as a total figure*

3) *Processing times for each visa subclass:*

a. *Date range: Since inception of each visa subclass to 30 June 2019*

b. *Goals:*

i. *Per country, per visa subclass, per applicant, per financial year of visa application receipt, understand:*

1. *the time elapsed to date if visa application is still in processing; or*

2. *the time elapsed to make a decision (and whether that decision was grant or refusal).*

## **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 contains information that falls within the scope of your request. The data produced in the document existed in the possession of the Department on 12 June 2019 when your FOI request was received.

Please note that it is departmental policy mask figures less than five as "<5", in order to protect the people represented from being identified. For the same reason, totals are not given, as it would then be possible to infer individual figures less than five.

#### **5 Decision**

The decision in relation to the document in the possession of the Department which falls 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/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



**Authorised Decision Maker  
Department of Home Affairs**