



30 October 2019

In reply please quote:

FOI Request: FA 19/09/01554

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 19 September 2019, 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:

Statistics on the following:

- 1) *the number of people who have written to Border Watch in relation to an alleged visa scam in the last 5 years*
- 2) *the number of people who have written to Border Watch in relation to an alleged visa scam of the kind described in the article ie. people off shore applying for a visa through unauthorised person(s) based in Australia*
- 3) *the number of Border Watch reports that are investigated in the last 5 years and*
- 4) *the number of those reports which are investigated that result in prosecutions.*

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)

4 Document in scope of request

In accordance with section 17 of the FOI Act, the Department has used its computer system to extract data relevant to parts 1 and 2 of your request. We have produce one document that contains information that falls within the scope of those parts of your request. The data produced in the document existed in the possession of the Department on 19 September 2019 when your FOI request was received.

In relation to parts 3 and 4 of your request, the Department has considered whether it can extract the data requested from its computer systems. The Department does not record the information in its computer systems to the level of detail you have requested. Whilst the relevant business area keeps records relating to immigration matters referred to it for investigation, the source of those investigations is not recorded in the Department's systems. As such, it is not possible to extract the data in the form that you have requested. In order to identify immigration matters referred as a result of a Border Watch referral, the Department would have to manually assess all referrals for investigation, and manually ascertain which referrals originated from a Border Watch referral.

In addition, the lead agency responsible for investigations scams more generally is the ACCC (ScamWatch), details of which can be found here.

5 Decision

The decision in relation to the document in the possession of the Department which falls within the scope of parts 1 and 2 of your request is to release one document in full.

Section 24A of the FOI Act 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 does not exist.

I am satisfied that the Department has undertaken reasonable searches in relation to parts 3 and 4 of your request, no existing discrete document existed, and the Department is unable to extract the data you have requested. I am refusing access to parts 3 and 4 of your request based on the application of section 24A 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
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

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.



**Authorised Decision Maker
Department of Home Affairs**