



15 May 2019

**In reply please quote:**

FOI Request: FA 19/04/00240

File Number: OBJ2019/21591

Dear [REDACTED]

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

On 2 April 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:

*De-identified statistics regarding when the Safe Haven Enterprise visas of holders residing in Queensland are due to expire - collated by expiry month and the number of holders whose SHEV will expire in those months.*

**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

The Department has identified one document as falling within the scope of your request. This document was in the possession of the Department on 2 April 2019 when your request was received.

The Business Area has advised:

- The first Safe Haven Enterprise visa (SHEV) scheduled to cease is on 14 October 2020. Currently there are no SHEV holders living in Queensland whose visa will cease in 2020, however, there are no restrictions of movement within Australia and SHEV holders can choose to relocate at any time.
- The Minister has not lifted the Section 46A application bar for SHEV holders at this time as SHEVs do not start ceasing until October 2020. Once this bar has been lifted, SHEV holders can make a subsequent protection visa application. SHEV holders who make a valid subsequent protection visa application will have their SHEV remain in effect until the Department makes a decision on their subsequent application.

#### 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/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**