



5 June 2019

BY EMAIL: [REDACTED]

In reply please quote:

FOI Request: FA 19/05/00684
File Number: OBJ2019/29156

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 9 May 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:

- 1) *Total number of visitor visa applications refused by New Delhi Office in the last 12 months for applicants who had previously held a subclass 600 visa, visited Australia and departed Australia without any breach of visa conditions.*
- 2) *Number of visitor visa applications refused by New Delhi Office in the last 12 months for applicants who had put in another visa application (for e.g. subclass 309 visa) which is still under process.*
- 3) *Total number of student visa (subclass 500 application) for VET sector processed by New Delhi Office in the last 24 months.*
- 4) *Total number of student visa (subclass 500 application) for VET sector refused by New Delhi Office in the last 24 months.*
- 5) *Average processing time for Student Subsequent Entrant visa (subclass 500) for VET sector processed by New Delhi Office in the last 12 months.*

On 10 May 2019 you clarified that you were seeking data in relation to Indian nationals only.

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 9 May 2019 when your request was received. This document relates to matters 3, 4 and 5 of your request.

In relation to matters 1 and 2 of your request, the Department has undertaken reasonable searches in relation to the documents you have requested access to and determined that no document exists that meets the scope of your request.

Having regard to your request and the types of document that may fall within the scope of your request I am satisfied that the searches conducted were extremely thorough and all reasonable steps have been taken to locate relevant documents.

5 Decision

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 matters 1 and 2 of your request and that no documents were in the possession of the Department on 9 May 2019 when your FOI request was received. As such I am refusing access to the documents requested by you in relation to matters 1 and 2, based on the application of section 24A of the FOI Act.

In relation to the document in the possession of the Department which falls within the scope of your request in relation to matters 3, 4 and 5 the decision 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

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.

Yours sincerely



**Authorised Decision Maker
Department of Home Affairs**