



6 June 2017

In reply please quote

FOI Request FA 17/02/00878
File Number ADF2017/23304

Mr Jackson Gothe-Snape

Sent via email: foi+request-2906-70a2ac46@righttoknow.org.au

Freedom of Information request

Dear Mr Gothe-Snape,

This letter refers to an access request received under the *Freedom of Information Act 1982* (the Act) on 23 February 2017. You requested access to the following information:

The most recent report or briefing document covering any suspension, cancellation or delay to Australia's humanitarian migration and resettlement program targeting people in Syria imposed by the Syrian government between 24 November 2007 and 24 June 2010

This letter is to provide you with the decision, which is detailed at Attachment A - Decision Record.

FOI Legislation

A copy of the FOI Act is available for your reference from:
www.legislation.gov.au/Browse/ByTitle/Acts/InForce/0/0/Principal

Review rights

Internal review

If you disagree with the decision, you have the right to apply for an internal review of the decision. If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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:

Freedom of Information
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2617
Or by email to: foi.reviews@border.gov.au

Review by the Office of the Australian Information Commissioner

You may apply directly to the Australian Information Commissioner for a review of the decision. You must apply in writing within 60 days of this notice. For further information about review rights under the FOI Act please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at www.oaic.gov.au

How to make a complaint about the handling of your FOI request

You may complain to the Australian Information Commissioner if you have concerns about how the department has handled your request under the FOI Act. Information about how to submit a complaint is also available at www.oaic.gov.au .

Contacting the FOI section

If you wish to discuss this matter, I can be contacted using the details provided below.

Yours sincerely

(signed electronically)

Renata Buchanan
FOI Officer
Freedom of Information, Privacy & Records Management Branch
Department of Immigration and Border Protection
Email: foi@border.gov.au

Attachment(s)

- ✓ Attachment A – Decision record
- ✓ Attachment B – Schedule of Documents
- ✓ Attachment C – Document Released



Attachment A

DECISION RECORD

Request Details

FOI Request FA 17/02/00878
File Number ADF2017/23304

Original scope of request

1. On 23 February 2017 you requested:

The most recent report or briefing document covering any suspension, cancellation or delay to Australia's humanitarian migration and resettlement program targeting people in Syria imposed by the Syrian government between 24 November 2007 and 24 June 2010.

Documents in scope

2. The Department has identified one document, totalling four pages, falling within the scope of your request. This document was in the possession of the Department on 23 February 2017 when your request was received.

Authority to make decision

3. 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 Departmental records.

Information considered

4. In reaching my decision, I have considered the following:
 - The *Freedom of Information Act 1982*;
 - Consultations with relevant business areas; and
 - The Australian Information Commissioner's guidelines relating to access to documents held by government.

Decision

5. I have decided to release the document to you in part.

Exemptions applied

International relations

6. Section 33(a)(iii) of the FOI Act permits exemption of a document if the disclosure of the document would, or could reasonably be expected to cause damage to the international relations of the Commonwealth.

7. *The Office of the Australian Information Commissioner (OAIC) Guidelines state:*

The phrase 'international relations' has been interpreted as meaning the ability of the Australian Government to maintain good working relations with other governments and international organisations and to protect the flow of confidential information between them. The exemption is not confined to relations at the formal diplomatic or ministerial level. It also covers relations between Australian Government agencies and agencies of other countries (5.36)... The expectation of damage to international relations must be reasonable in all the circumstances, having regard to the nature of the information; the circumstances in which it was communicated; and the nature and extent of the relationship. There must also be real and substantial grounds for the exemption that are supported by evidence. These grounds are not fixed in advance, but vary according to the circumstances of each case.(5.37).

8. The document within scope of this FOI request was prepared to seek agreement from the Minister to comply with requests by the Syrian Arab Republic Government (SARG) in relation to interviewing applicants for humanitarian visas located in Syria.


9. The responsible business area of the Department has advised that release of relevant exempted parts of the document could reasonably be expected to cause damage to the relationship between the Commonwealth and the Syrian Arab Republic Government (SARG). The exempted material contains an opinion of a sensitive nature as communicated by the SARG to the Australian Government. Release of the information would likely impact on the Commonwealth's ability to work collaboratively with the SARG in the delivery of Humanitarian Programmes in the future.

10. The exemptions also include information regarding the actions of other countries, which if released would likely damage the relationship of the Department with those countries.

Deletion of irrelevant material under s.22(1)(a)(ii) of the FOI Act

11. I find that the documents relevant to your request contain material which is irrelevant to your FOI request. I have withheld or deleted that material accordingly. These deletions are detailed in the documents released.

12. The material deleted under s.22(1)(a)(ii) comprises phone numbers of Senior Executive Service Departmental staff. The intention to treat this information as irrelevant was advised to you in the Department's acknowledgment letter sent to you on 24 February 2017. You did not raise any objections to this approach.

A handwritten signature in black ink, consisting of several overlapping loops and a trailing line, positioned above the printed name.

Robert Krauss
Authorised decision maker
Department of Immigration and Border Protection
Email: foi@border.gov.au

29 May 2017



Attachment B

SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA 17/02/00878
File Number ADF2017/23304

| No. | Date of document | Folios | Description | Decision on release | Applicable part/s of the FOI Act |
|-----|------------------|--------|---|---|------------------------------------|
| 1. | 20/01/2010 | 1-4 | Submission to the Minister – Processing requirements for humanitarian visa applicants in Syria. | Irrelevant material deleted Exempt in part | s.22(1)(a)(ii) s.33(a)(iii) |