



29 June 2017

In reply please quote

FOI Request FA 17/04/00501
File Number ADF2017/40087

Mr Dan West

Sent via email: foi+request-3420-14a93ea4@righttoknow.org.au

Freedom of Information request

Dear Mr West,

This letter refers to your request received on 17 April 2017, seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

All communications between (representatives of) the Department of Immigration and Border Protection and (representatives of) the government of Nauru regarding visa applications made to the relevant Nauruan authorities, both by Australian nationals and non-Australian nationals. This includes all formal and informal communications by post, e-mail, etc

After consultation with the relevant business area you agreed to amend your request on 7 May 2017, to a revised scope as follows:

I would like to limit this date range from May 2013 to May 2017, and limit it to European or US nationals only who requested a Nauruan tourist, business or research visa.

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)

Helen Simons
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 A

DECISION RECORD

Request Details

FOI Request FA 17/04/00501
File Number ADF2017/40087

Scope of request

1. On 17 April 2017 you requested access to the following:

All communications between (representatives of) the Department of Immigration and Border Protection and (representatives of) the government of Nauru regarding visa applications made to the relevant Nauruan authorities, both by Australian nationals and non-Australian nationals. This includes all formal and informal communications by post, e-mail, etc

2. On 7 May 2017 you advised that you agreed to a revised scope as follows:

I would like to limit this date range from May 2013 to May 2017, and limit it to European or US nationals only who requested a Nauruan tourist, business or research visa.

Documents in scope

3. The relevant business areas in the Department have advised that the Department does not hold any documents or other information relevant to this request.

Authority to make decision

4. 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

5. 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

6. I have consulted with the relevant business areas in the Department, being: International Division, Detention Compliance and Removals Division, Translating and Interpreting Service Branch, Regional Processing and Performance Branch and Detention Services Division. All of these areas have conducted searches of their holdings to identify any documents that would be relevant to your request. They have advised that there are no emails or other documents regarding the communications between the Department of Immigration and Border Protection and the Government of Nauru, regarding visa applications made to the relevant Nauruan authorities.
7. The relevant business areas have advised that the Department does not directly process or facilitate any applications for Nauruan visas. Applications for tourist, business and research visas to Nauru are all matters for the Government of Nauru. If the Department receives any requests of this nature they are redirected to the Department of Foreign Affairs and Trade (DFAT).
8. As no documents exist that fall within the scope of your request, I am refusing your request for access under s.24A of the FOI Act (documents do not exist).



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

19 June 2017