



4 October 2017

Mr Ken Macleod

BY EMAIL: foi+request-4087-5151e42c@righttoknow.org.au

In reply please quote:

FOI Request: FA 17/09/00676

File Number: ADF2017/99992

Dear Mr Macleod

Freedom of Information (FOI) request - Access Decision

On 14 September 2017, the Department of Immigration and Border Protection (the Department) received a request for access to documents 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 documents:

In the April 2016 Productivity Commission Inquiry Report called 'Migrant Intake into Australia', there is a table on page 418 - Table 12.1 "Use of specific pathway sequences". (link below)
<<http://www.pc.gov.au/inquiries/completed/migrant-intake/report/migrant-intake-report.pdf>>

This request is for latest documents (or digital documents) that contain the normalised data set used to create this table.

I'm very specifically after information on the range of experiences people have when transitioning from temporary visas to permanent residency. How long did people spend on temporary visas and how many visas do they transition between before their residency is granted.

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 documents or to amend or annotate records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your 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 the relevant business area

4 Decision

I have consulted with the relevant business area in the Department, being: Strategic Policy Division. They have advised that Table 12.1 on page 418 of the Productivity Commission's *Migrant Intake into Australia* inquiry report was derived from the Department's administrative data. The table was generated as a stand-alone report in response to a request from the Productivity Commission and does not have any supporting documents or further data sets. Therefore no normalised data set was produced or existed at the time of your FOI request.

By way of background, the table is a summary of visa pathways of approximately 351,000 individuals that had at least one 457 visa or student visa granted in the period 2000/01 to 2010/11, who were then subsequently granted permanent residency. For the purpose of providing the table to the Productivity Commission, the visa pathway was defined to be the sequence of different visa categories that an individual may transition to or from. These categories reflect the broad groupings covered by Australia's visa system including 'visitor', 'student', 'working holiday maker', temporary skilled work (subclass 457), 'other temporary work (non-subclass 457)' together with the three major permanent resident visa classes: 'employer sponsored', 'independent (points based)' and 'family'. The 'independent (points based)' category has been labelled 'non-employer-sponsored permanent' by the Productivity Commission in that table.

The table sets out the average number of visas obtained in the pathway and the average duration of the pathway, as per the last two columns. The pathway is from the date when an individual was granted their first visa to travel to Australia, to the date of being granted permanent residence.

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.

Having considered the advice above, I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents were in the possession of the Department on 14 September 2017 when your FOI request was received. As such I am refusing access to the documents requested by you based on the application of section 24A of the FOI Act.

5 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>. If you are unable to access the legislation through this website, please contact our office for a copy.

6 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 is required to make a review decision within 30 days.

Applications for review should be sent to:

By email to: foi.reviews@border.gov.au

OR

By mail to:

Freedom of Information Section

Department of Immigration and Border Protection

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 <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

7 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 Immigration and Border Protection as the relevant agency.

8 Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@border.gov.au.

(signed electronically)

H Simons

FOI Officer | Freedom of Information Section

FOI, Privacy and Records Management Branch

Corporate Services Division

Department of Immigration and Border Protection