



23 August 2019

Ms R Jefferies
BY EMAIL: foi+request-5345-45fac385@righttoknow.org.au

In reply please quote:

FOI Request: FA 19/04/00284
File Number: OBJ2019/21685

Dear Ms Jefferies

Freedom of Information (FOI) request - Access Decision

On 3 April 2019, the Department of Home Affairs (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:

- 1) *The number of travellers who have been referred to a Visa Determination Officer (VDO) after seeking to engage Australia's protection obligations in immigration clearance at airports since 2008, broken down by fiscal year.*
- 2) *The number of travellers who have been referred to a VDO after seeking to engage Australia's protection obligations in immigration clearance at airports since 2008, broken down by fiscal year, and who have had their visa cancelled under section 166 of the Migration Act.*
- 3) *The number of travellers 'screened in' and 'screened out' after making a claim for protection in immigration clearance at an airport and undergoing a pre-screening interview (see section 4.7 Second Interview, Procedural Instruction - Protection Claims at Border) since 2008, broken down by fiscal year.*

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 documents 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 documents to which you sought access

4 Documents in scope of request

The information that you seek would likely be derived from tracking data, if any exists, on cohorts of individuals defined by their passage through disparate immigration processes.

The Department has undertaken reasonable searches in relation to the documents you have requested access to.

Searches

In summary, the searches undertaken by the relevant business areas in relation to your request included:

Searches of departmental databases maintained by different business areas of the Department and the Australian Border Force (ABF) with responsibility for, among others: immigration clearance at airports; protection visa application assessments; and visa cancellations.

Advice was also sought from the areas of the Department and the ABF with responsibility for: operational policy; and statistical information.

Having regard to your request and the types of documents 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 any document relevant to your request.

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 your request and that no documents were in the possession of the Department on 3 April 2019 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.

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

[Electronically signed]

**Position no. 60008303
Authorised Decision Maker
Department of Home Affairs**