



12 August 2021

Mr. J Singh
BY EMAIL: foi+request-7530-86e81604@righttoknow.org.au

In reply please quote:
FOI Request: FA 21/06/0112-R1
File Number: OBJ2021/18786

Dear Mr. Singh

Decision on Internal Review – Freedom of Information Act 1982

I refer to your correspondence dated 19 July 2021 in which you requested that the Department of Home Affairs (the Department) review its decision on access to documents dated 19 July 2021 under the *Freedom of Information Act 1982* (the FOI Act).

1 Scope of original request

The scope of your original request for access to documents under the FOI Act was as follows:

How many temporary/provisional visa holders from India have an in-effect visa outside Australia by Primary and Secondary applicants. Subclasses included in this request are subclass 600, subclass 500, subclass 485, subclass 489, subclass 491, subclass 476, subclass 457, subclass 482, subclass 300, Bridging visa A and Bridging visa B.

Original scope :

Q1: How many temporary visa holders from India that have an in-effect visa are outside Australia by Primary and Secondary applicants.

Q2: How many provisional visa holders from India including subclass 489 & 491 that have an in-effect visa are Outside Australia by Primary and Secondary applicants.

2 Original decision on access dated 19 July 2021

The Department identified one document as falling within the scope of your original request.

FA 21/06/0112 document released – 1 page

The information was in the possession of Department on 20 June 2021 when your FOI request was received.

The original decision maker decided to:

- Release one document in full

3 Request for internal review

On 19 July 2021, you requested the Department review its decision dated 19 July 2021. The terms of your review request were as follows:

Dear Department of Home Affairs,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Department of Home Affairs's handling of my FOI request 'Figures of the temporary visa holders from India outside Australia'. (FA 21/06/01127)

I have requested, but the figures provided to me include both onshore and offshore. I requested for offshore figures only for Indian applicants.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.righttoknow.org.au/request/figures_of_the_temporary_visa_ho

4 Scope of internal review

Based on the terms of your internal review in paragraph 3 above, I consider you are seeking review of:

- the Department's decision with respect to the data on the first table as it included numbers for both onshore and offshore visa holders. In your internal review request, you state that you require:
 - *figures for offshore Indian applicants only*

I consider you have not sought review of the Department's decision with respect to the data on the second table as that table specifically provided that client location was outside Australia. Accordingly, the Department has not re-assessed that data and will not be releasing to you another copy of that data.

5 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 departmental records.

In accordance with section 54C(3) of the FOI Act, I have made a fresh decision on your FOI request.

3

6 Information considered

In reaching my decision, I have considered the following:

- the scope of your request
- the Department's original decision of 19 July 2021 and the evidence gathered for that decision
- your submissions in relation to your reasons for requesting an internal review
- the documents falling within the scope of your original request

- the searches undertaken in the original decision
- advice from departmental officers with responsibility for matters relating to the information to which you sought access
- the FOI Act, and
- the Australian Information Commissioner’s guidelines relating to the interpretation, operation and administration of the FOI Act (the FOI guidelines).

5 Internal review decision

- I have decided to vary the original decision of the Department dated 19 July 2021 (“the original decision”) and replace it with a decision: Releasing one document in full that clearly provides that the numbers are for visa holders who are outside of Australia only

6 Reasons for internal review decision

I have reviewed the documents that fall within the scope of this request and I have considered the submissions made by you in relation to your reasons for requesting an Internal Review.

We wrote to the business area responsible for producing the statistics in the document released to you. We pointed out that you require numbers for offshore Indian visa holders only and the numbers should not include onshore visa holders. We received the following response:

The data provided is only for visa holders who are outside Australia. It includes those visa holders who have been granted a visa and never travelled. It also includes those who have been granted a visa previously, travelled to Australia but then travelled outside Australia again. The data below does not include visa holders in Australia as at the date indicated.

It is also noted that the response received from the business area during the primary decision making had the following heading for the table:

The table below shows the latest visa holders (primary and secondary) by subclasses for Indian citizenship as at 23 June 2021. Note that these figures include both Outside Australia and Outside Australia – no movement figures.

However, the primary decision maker incorrectly titled the table released to you as follows, which may have caused the confusion:

The table below shows the latest visa holders (primary and secondary) by subclasses for Indian citizenship as at 23 June 2021. Note that these figures include both Inside Australia and Outside Australia – no movement figures

Therefore, I am releasing to you a document containing the same data but providing the correct heading and clarification as to the scope of the data being provided.

7 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.

8 Your Review Rights

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 <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

9 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.

10 Contact

Should you wish to discuss my decision, please do not hesitate to contact via email at foi.reviews@homeaffairs.gov.au.

Jack
Authorised Decision Maker
Department of Home Affairs