



31 March 2022

Alexander

BY EMAIL: foi+request-8554-8daf2363@righttoknow.org.au

In reply please quote:

FOI Request: FA 22/03/00328

File Number: OBJ2022/5306

Dear Alexander,

I refer to your email dated 04 March 2022 in which you request access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to tell you that I intend to refuse your request on the basis that a practical refusal reason exists. However, before I make a final decision to do this, you have an opportunity to revise your request to remove the practical refusal reason. This is called a '*request consultation process*'. You have 14 days to respond to this notice in one of the ways set out below.

Power to refuse request

Section 24 of the FOI Act provides that if the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.

Practical refusal

A *practical refusal reason* exists if either (or both) of the following applies:

- (a) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations
- (b) the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires you to provide such information concerning the document you are seeking access to, to enable the Department to be able to identify it.

Scope of Request

You have requested access to the following:

Can you please provide me a document or documents which show statistics of:

1. *number of foreign nationals who applied for Australian visas, broken down by nationality, Australian visa class & sub-class, and month of application, since July 1 2021.*

2. *number of foreign nationals residing in Australia who were granted Australian visas or visa renewals, broken down by nationality, Australian visa class & sub-class, and month of grant, since July 1 2021.*
3. *number of foreign nationals residing outside of Australia who were granted Australian visas or visa renewals, broken down by nationality, Australian visa class & sub-class, and month of grant, since July 1 2021.*
4. *number of foreign nationals not residing in Australia who were denied Australian visas, broken down by nationality, Australian visa class & sub-class, and month of denial, since July 1 2021.*
5. *number of foreign nationals residing in Australia who were denied Australian visas, broken down by nationality, Australian visa class & sub-class, and month of denial, since July 1 2021.*
6. *number of foreign nationals residing in Australia whose Australian visas expired and were not renewed or replaced with a different valid Australian visa, broken down by nationality, Australian visa class & sub-class, and month of expiry, since July 1 2021.*
7. *number of foreign nationals who arrived in Australia, broken down by nationality, Australian visa class & sub-class (including without valid visa), and month of arrival, since July 1 2021.*
8. *number of foreign nationals not residing in Australia, who had outstanding (in-process) applications for Australian visas, broken down by nationality, Australian visa class & sub-class, and month of original application, for each month since July 1 2021.*
9. *number of foreign nationals without a valid Australian visa who departed from Australia, broken down by nationality, expired Australian visa class & sub-class (including those without any visa) and month of departure, since July 1 2021.*
10. *number of foreign nationals held by Australia in immigration-related detention (onshore or offshore), broken down by location (facility) of detention and total detainee count per location (facility) for each month since July 2016.*

Reasons for practical refusal

The Department has made a preliminary assessment of the searches and analysis that would be required to produce documents that would be captured by your request.

I am satisfied that the Department would be required to divert significant resources from its current operations in order to identify, locate, extract data and collate the documents held within the Department, and to make a decision on access to those documents. This diversion would result in a significant drain on the resources of the area within the Department that would be required to process this request.

I consider that this would result in this request imposing both a substantial and an unreasonable diversion of resources of the Department from its other operations and that a practical refusal reason exists in relation to this request.

Request Consultation Process

You now have an opportunity to revise your request to enable it to proceed.

To remove the practical refusal reason you might consider removing some items of data that you have requested in the various points above as well as reducing the timeframe over which you seek the data. The data relevant to point 10 of the request may also be accessed publically at the 'visa statistics' page of the Home Affairs website (<https://www.homeaffairs.gov.au/research-and-statistics/statistics/visa-statistics/live/immigration-detention>). As such you would appreciate this point being removed from scope.

Under section 24AB of the FOI Act, you have 14 days to do one of the following:

- withdraw your request;
- make a revised request;
- indicate that you do not wish to revise your request.

If you do not do one of the three things listed above during the consultation period (14 days) or you do not consult the contact person listed below during this period, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act.

Contact

Should you wish to revise your request or have any questions in relation to this process, please do not hesitate to contact the decision maker at foi@homeaffairs.gov.au.

Signed electronically

Glen

Position number 60081621

Authorised Decision Maker | Freedom of Information Section
FOI and Records Management Branch
Data Division | Strategy and National Resilience Group
Department of Home Affairs