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PRIVACY ACT AND OFFICIAL INFORMATION ACT REQUESTS IN RESPONSE TO POTENTIALLY PREJUDICIAL INFORMATION LETTERS

This is a re-issue of an item originally published in Issue 69 of Visa Pak.

Immigration instructions at [A1 Fairness and Natural Justice](#) and [E7.15 Potentially prejudicial information](#) and [R5.20.5 Potentially prejudicial information](#) set out the principles of fairness and natural justice that all immigration officers must act on when deciding an application. In accordance with these principles, applicants will be given the opportunity to comment before a decision is made on the basis of any potentially prejudicial information (PPI).

Note: These instructions should be read with reference to: [IAC 11/09: Change in approach to Temporary Entry decision making](#).

We are aware that in some instances, applicants are responding to a PPI letter by requesting information under the Privacy Act and/or Official Information Act (OIA); and requesting an extension to the date a response is required to the PPI in line with the date a response is required to the Privacy Act or OIA, on the basis that the response to the information request will assist the applicant in providing comment to the PPI letter.

Action

In writing a PPI letter to an applicant, immigration officers should identify which part of the immigration instructions they consider has not been met, how it has not been met, and what the outcome may be if that is the case. A copy of the relevant immigration instruction(s) should be supplied. A reasonable timeframe should be given for the applicant to respond. This ensures the applicant can provide informed comment to the issues raised in the PPI letter.

Immigration officers are expected to provide timeframes for response to PPI letters that not only aim to facilitate good workflow but are also appropriate to the situation. PPI timeframes must be appropriate to the applicant's circumstances and allow the applicant sufficient time to provide any additional information that you have requested. You may wish to refer to the [standard response timeframes](#) (docx, 16 KB) recommended in the Skilled Migrant Category end-to-end review.

Immigration officers must therefore be satisfied that there is a genuine reason for any extension to the established reasonable timeframe given for the applicant to respond to the PPI letter.

It is not expected that immigration officers will grant extensions to the timeframe given for the applicant to respond to the PPI letter, on the basis that the information requested under the Privacy Act or OIA will assist in providing comment to the PPI, as the applicant is required to provide comment only on the issues raised in the PPI letter.