



Access to Information Act 2018 (ATIA)

Appeal Case to the Information Commission, Seychelles

Statement of Recommendations, Findings, Orders, Decisions and Directives as per Part VII, Section 64

Public Body: Immigration & Civil Status Department

Scope of the Case

1. This appeal was filed by Mr. Iqbal Ebrahim against the Department of Immigration and Civil Status regarding the non-renewal of the Gainful Occupation Permit (GOP) for a staff member from the security firm of his son.
2. The Department of Immigration and Civil Status did not provide the requested information in full, stating that the renewal was not approved due to security concerns.
3. The Information Commission reviewed the case under the Access to Information Act to determine compliance with the law and the obligations of the department in ensuring transparency and accountability.

Request and Response

4. On June 27th of 2023, the appellant's son met with the Head of Information Holder (HOIH) of the Department of Immigration and Civil Status, to discuss difficulties in processing one of his staff member's GOP application. This meeting was intended to clarify administrative and procedural concerns regarding the renewal process.
5. On July 3rd of 2023, Mr. Daiyan Ebrahim submitted a formal letter to the HOIH outlining the issues and requesting his foreign worker's GOP to be re-considered.
6. The HOIH provided a response on August 4th of 2023. However, the response did not include sufficient details to explain the reasons for the denial of the GOP renewal. On that same day, the appellant followed up on behalf of his son and sent a reminder to the HOIH on August 22nd of 2023 following the non-response. Despite repeated inquiries, no additional response was provided.
7. On August 24th of 2023, an Access to Information (ATI) request was submitted to the Information Officer (IO) requesting specific reasons for the denial of the GOP and

copies of all documents referring to the decision to deny Mr. Majeza's renewal of his GOP.

8. Due to the lack of acknowledgement and/or explanation regarding the ATI request made to the IO, a review was submitted to the HOIH on October 2nd of 2023.
9. On October 24th of 2023, an appeal was filed with the Commission as the HOIH also did not respond to the review submitted.

Orders

10. Due to continued non-compliance and unresponsiveness by both the IO and the HOIH, the case was escalated to the Commissioner of Police, to assist the Commission with enforcement support to obtain access to the files and records pertaining to that particular case. However, due to the lack of response from the Police Department, no enforcement action was taken.

Directives

11. A notice was issued on October 25th of 2023, notifying the HOIH of the Commission's intention to carry out an investigation as per Section 60 of the Act, and to release all information which was the subject matter of the request to be provided to the Commission not later than November 8th of 2023.

Decision and Conclusion (including any steps ordered)

The investigation found the Immigration & Civil Status Department in breach of the following sections of the Access to Information Act 2018:

12. Section 11(1) read with Section 14: The IO did not provide a response within the required timeframe, which is deemed a refusal under the Access to Information Act.
13. Section 67 (e): Obstructing the work of the Information Commission.

Reasons for Decision

14. Section 8 of ATIA states that: "subject of this Act, every person has a right to access to information from a public body".
15. Section 11(1) of ATIA states that: "Subject of subsection (2), the Information Officer to whom a request is made under section 9 shall, as soon as reasonably possible, but in any event within 21 days after the request is submitted – (a) Determine whether to grant the request; (b) Notify the requestor of the decision in writing.
16. Section 35 (1) and in conjunction with Section 48 (4) (a to e) of the Access to Information Act, 2018, "the head of the information holder to whom a review

application is submitted in accordance with Section 34 shall as soon as reasonably possible, but in any event within 15 days after the review application is received by the Information Officer — (a) make a decision; and (b) notify the requestor or the third party, as the case may be, of that decision in writing.”

17. The appellant withdrew his case on February 11th of 2025. The Commission acknowledged the withdrawal and officially closed the case on that same day.