



# Home Office

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M Khan

By e-mail  
request-10676-01ee37dd@whatdotheyknow.com

22 February 2010

Dear M Khan

## **Freedom of Information request (our ref. 11699): internal review**

Thank you for your e-mail of 1 July 2009, in which you asked for an internal review of our response to your Freedom of Information (Fol) request. I apologise for the length of time that it has taken to conclude this matter.

I have now completed the review. I have examined all the relevant papers, considered whether the correct procedures were followed, and assessed the reasons why information was withheld from you. I confirm that I was not involved in the initial handling of your request.

My findings are set out in the attached report. My main conclusion is that the original response was substantially correct, although I note that your question about the operational structure of two named departments within the Agency was not answered. I would be grateful if you could confirm whether you now wish this part of your request to be responded to.

In reviewing your request, I would like to clarify that the part of your request asking how to make a complaint against Lin Homer should not in fact have been considered under the Freedom of Information Act.

I apologise if the information on how to make a complaint is not clear. I have however made enquiries with the United Kingdom Borders Agency (UKBA) in an attempt to assist you in progressing the matter about which you are dissatisfied. I understand from UKBA that the decision you are unhappy about is one made to refuse you leave to remain.

I have interpreted that the letter from your MP was responded to by Lin Homer from what you say in the first paragraph of your Freedom of Information Act request dated 18 April 2009. I would add however that I have not seen any of the correspondence

you refer to. I have established that UKBA guidance states that under Cabinet Office guidance, where an MP has written about the day to day operations of an Executive Agency the Minister can authorise the appropriate Chief Executive to reply. This may explain why the letter from your MP was responded to by Lin Homer.

As your grievance concerns a decision about your particular case, it is not a matter that falls to be dealt with under the UKBA complaints procedure. I would instead respectfully refer you to the decision letter you were sent regarding your leave to remain as this will provide you with information as to whether you have a right to appeal and what this is.

I can assure you that UKBA are not trying to prevent you from making a complaint, they are merely trying to provide you with the information you need to pursue the matter through the correct channels.

If however you still wish to complain about a matter other than the decision to refuse you leave to remain you will need to contact the relevant section within UKBA, their website address is:

<http://www.ukba.homeoffice.gov.uk/contact/makingacomplaint/howtomakeacomplaint>

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your FoI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Yours sincerely

**Caroline Cummins**  
**Information Access Team**