



Immigration Enforcement

Immigration Enforcement
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www.gov.uk/home-office

Thursday 30 May 2019

Dear Mr Harrison

Re: Freedom of Information request – 53152

Thank you for your e-mail of 3 April in which you ask if the Home Office can confirm:

- 1) if the suspension of “immigration checks on thousands of bank accounts in the wake of the Windrush scandal” remains in place and
- 2) Can the Home Office provide information on the number of instructions it has made to banks and building societies to freeze bank accounts, close accounts or take other action associated with the Immigration Act, since the act came into force? Can this information be provided broken out by type of action, by month and by financial institution?

Your request has been handled as a request for information under the Freedom of Information Act 2000.

I can confirm that we hold the information that you have requested and I am able to disclose some of the information, as set out in the enclosed Annex.

Some of the information that you have requested is exempt from disclosure by virtue of section 43(2) (commercial interests). Please see the enclosed Annex for more information on why we believe this exemption applies to part of your request.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to foirequests@homeoffice.gov.uk, quoting reference 53152. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

Yours sincerely

Immigration Enforcement Secretariat
ImmigrationEnforcementFOIPQ@HomeOffice.gov.uk

Annex A

I am able to disclose the following information:

The banking provisions in the Immigration Act 2016 took effect during the first quarter of 2018; but are not yet operating in full due to temporary restrictions introduced whilst we learn the lessons from the difficulties experienced by some members of the Windrush generation and ensure that no-one can inadvertently be erroneously impacted. The banking measures have at no point been suspended.

In 2018 the Home Office instructed financial institutes that 18 individuals with 24 accounts had been identified as matched to the disqualified persons list and therefore they had a duty to close the accounts. Matches are reported on a quarterly basis:

2018

Quarter 1 – 22 Accounts matched with a duty to close

Quarter 2 – Nil instructions sent out

Quarter 3 – 1 account matched with a duty to close

Quarter 4 – 1 account matched with a duty to close

2019

Quarter 1 – Nil instructions sent out

No freezing orders have been applied for.

Your request to name the financial institutions we instructed to close the accounts is exempt from disclosure by virtue of section 43(2) of the Act. Section 43(2) provides that information can be withheld where disclosure would be likely to prejudice the commercial interests of any person, including the public authority holding it.

Some of the exemptions in the FOI Act, referred to as 'qualified exemptions', are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in favour of withholding the information, or the considerations for and against the requirement to say whether the information requested is held or not. We must carry out a PIT where we are considering using any of the qualified exemptions in response to a request for information.

The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. The 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone, including those who might represent a threat to the UK.

The exemption under section 43(2) of the Act is a qualified exemption and as such is subject to a Public Interest Test (PIT).

There is a general public interest in openness and transparency in government, including information about the work of the Immigration Act 2016 banking measures.

The Home Office has a responsibility to handle a third party's commercial information appropriately, especially if release of information may cause unwarranted reputational damage to a public authority of another organisation whose information it holds, which may in turn damage its commercial interests through loss of trade. Commercial advantage could be gained by competitors if this information was released by showing them in an unfavourable light.

We conclude that the balance of the public interest lies in withholding the information.