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FOI Reference: 61541

6 January 2021

Dear Mr Maxwell

Thank you for your enquiry of 4 December 2020, in which you requested information regarding an alleged small number of failed right of abode applicants had been automatically referred for consideration of enforcement action. Your enquiries have been handled as a request for information under the Freedom of Information Act 2000.

Information Requested

*The Independent Chief Inspector's report of February 2020 noted that, 'towards the end of 2017', the Home Office found that a 'small number' of failed right to abode applicants had been automatically referred for consideration of enforcement action, despite the individual having been in the UK for a considerable number of years (see [*Please provide the following information:*](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F865201%2FICIBI_Failed_Right_of_Abode_Web_version.pdf&data=04%7C01%7CJames.Mcginley%40homeoffice.gov.uk%7Cb207fc94dcb948bf41ba08d89a93d838%7Cf24d93ecb2914192a08af182245945c2%7C0%7C0%7C637429307059440364%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjojV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=jgdu5byVUwojrl3GQ3KKz3fLXb%2FgSAviY77k8%2FfolwU%3D&reserved=0 at p.5-6).</i></p></div><div data-bbox=)*

(1) How many cases were automatically referred for consideration for enforcement action as a result?

(2) How many of these cases involved Windrush individuals?

(3) How many of these individuals were detained, deported or subject to any other enforcement action as a result?

Response

Regarding questions 2 and 3, to provide this information would invoke the FOI cost limit exemption.

Under FOI legislation if one of several enquiries included in a request falls under the cost limit exemption then all the enquiries within that request also do, therefore; we are not obliged to provide information in regard to the remaining question.

Should it be your wish to make a new FOI request it might be possible to provide information for the remaining question, but we cannot legitimately guarantee it.

In order to answer your question, the Home Office would have to manually inspect thousands of refused applications.

If you could define your request to make it clearer it might be of assistance. I.E. Q2 about Windrush applicants, please note Windrush applicants under the Windrush scheme are those who applied 30th May 2018 onwards, but the ROA request relates to 2014-2017?

To locate the information, you have requested would involve a manual trawl through every individual case record to identify the relevant cases. This would be neither cost nor resource effective and therefore, under section 12(1) of the Act, the Home Office is not obliged to comply with an information request where to do so would exceed the designated cost limit. We believe that to provide the information you are seeking would breach this cost limit and as such we are unable to supply it to you.

The Home Office is not obliged to comply with any information request where the prescribed cost of supplying you with the information exceeds £600. The £600 limit applies to all central government departments and is based on work being carried out at a rate of £25 per hour, which equates to 24 hours work per request. Prescribed costs include those which cover the cost of locating, retrieving and extracting information. They do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or disbursements such as photocopying or postage.

If you were to resubmit a request of narrower scope then we would reconsider it, although we cannot guarantee that any information covered by a narrower request would be disclosed. Further information about resubmitting a more specific request can be found at:

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>

Please note that if you simply break your request down into a series of similar smaller requests, we might still decline to answer it if the total cost exceeds £600.

Even if a revised request were to fall within the cost limit, it is possible that other exemptions in the Act might apply.

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 **61541**. 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 FOI Act.

Yours sincerely

C. Walls
Central Operations Team

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:

<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>