



Immigration
Enforcement

Immigration Enforcement Secretariat
Sandford House
41 Homer Road
Solihull
West Midlands
B91 3QJ

Edward Williams
request-871371-e31c2076@whatdotheyknow.com

www.gov.uk/home-office

Wednesday 13 July 2022

Dear Edward Williams,

Re: Freedom of Information Request – 70435

Thank you for your email of 15 June, in which you ask us to disclose invoices concerning the flight organized by the Home Office to relocate asylum seekers to Rwanda. Your request, which can be found in full at **Annex A**, has been handled as a request for information under the Freedom of Information Act (FOIA) 2000.

I can confirm that the Home Office holds the information that you have requested. However, after careful consideration we have decided that the information is exempt from disclosure under section 43 (commercial interest) of the FOIA.

This is a qualified exemption and requires consideration of the public interest test. We have concluded the public interest lies in favour of withholding the information. The arguments we considered, both for and against disclosure, are set out in **Annex B**.

In reviewing our response, you should note that every week the Home Office removes, to different countries, people who have no right to be in the UK. During the COVID-19 pandemic we have continued to deport foreign national offenders and return other immigration offenders where flight routes have been available to us, both on scheduled and charter flights.

The Government's efforts to facilitate entirely legitimate and legal returns of people who have entered the UK illegally are often frustrated by late challenges submitted hours before the flight. These claims are often baseless and entirely without merit but are given full legal consideration which can lead to removal being rescheduled. Some operations also have to be cancelled or deferred for reasons related to COVID-19.

We are looking to address some of this through the [New plan for Immigration](#) which aims to more easily remove those with no right to be in the UK.

Costs for individual flights will vary due to a number of different factors. The use of charter flights is a standard part of Immigration Enforcement activity. Scheduled commercial flights are used for the majority of returns but this is not always an option. We work with an independent commercial broker to ensure we get best value for money.

Further information on returns can be found at: [Returns and Charter Flight Factsheet \(May 2022\) - Home Office in the media \(blog.gov.uk\)](#)

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.gsi.gov.uk, quoting reference **70435**. 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.

A link to the Home Office Information Rights Privacy Notice can be found in the following link. This explains how we process your personal information:
<https://www.gov.uk/government/publications/information-rights-privacy-notice>

Yours sincerely,

Immigration Enforcement Secretariat
ImmigrationEnforcementFOIPQ@HomeOffice.gov.uk

-----Original Message-----

From: Edward Williams <request-871371-e31c2076@whatdotheyknow.com>

Sent: 15 June 2022 20:40

To: FOI Requests <FOIRequests@homeoffice.gov.uk>

Subject: Freedom of Information request - Cost of flight to Rwanda

Dear Home Office,

disclose the invoice (or similar) for plane to fly migrants to Rwanda on 14 June 2022.

Yours faithfully,

Edward Williams

I can confirm that the Home Office holds the information that you have requested.

However, after careful consideration we have decided that the information is exempt from disclosure under section 43(2) of the Freedom of Information Act 2000.

Section 43(2) allows us to exempt if disclosure would, or would be likely to, prejudice the commercial interests of any person.

The use of this exemption requires us to consider whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Arguments for and against disclosure, with the reasons for our conclusion, are set out as follows:

Some of the exemptions in the FOIA, 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 maintaining the exemption. 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 necessarily 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. Transparency and the 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOIA 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.

Considerations in favour of disclosing the information

There is a general public interest in the disclosure of information to ensure departmental transparency and accountability. There is also a general public interest in providing information to enable the public to understand decisions which may affect them and how the government allocates taxpayers money.

There is also a public interest in Government departments being able to secure contracts that represent value for money.

Considerations in favour maintaining the exemptions

We have considered the public interest there may be in maintaining the exemption and not providing you with the information requested.

These reasons must be balanced against the requirement to be open and transparent, together with the risk of releasing information.

There is a public interest in the Home Office being able to secure charter aircraft contracts that represent value for money. Anything that would undermine this and undermine our ability to return foreign national offenders and immigration offenders in the future is clearly not in the public interest. We must maintain the ability to reach agreements and maintain cooperation with commercial and other partners.

Value for money can be best obtained where there is a healthy competitive environment, coupled with the protection of Government's commercial relationships with industry. Were this not the case, there would be a risk that companies would be discouraged from dealing with the public sector, fearing disclosure of information that may damage them commercially. Likewise, by releasing details of flight operators and airports, we would be likely to discourage them from working with the Home Office in future. Those who oppose charter flights could use this information to target flight operators and departure ports, causing them commercial damage. This could lead to other customers opting not to use their services, thereby affecting their future revenue. If affected flight operators and airports opted not to work with the Home Office in future, this would likely result in competitors charging the Home Office more for these services, which would have a detrimental effect on the ability of the Home Office to operate an effective immigration control and provide value for money to the taxpayer, which is in the public interest.

Conclusion

We conclude that the considerations in favour of maintaining the exemptions outweigh those in favour of disclosing the information, and therefore that the balance of the public interest lies in withholding the information requested.