

Maya Esslemont

Email: request-609964-6d20f68d@whatdotheyknow.com

8 January 2020

Dear Ms Esslemont,

Freedom of Information request (our ref: 56357 internal review)

Thank you for your email, in which you asked for an internal review of the response to your Freedom of Information (FOI) request above.

On 8 October 2019 you initially made a request for the number of potential/confirmed human trafficking and modern slavery victims held in detention. This was allocated the reference 55811 and on 18 October you were sent a letter asking for clarification (8 working days after receipt of your request).

You then submitted a further request on 8 November and this was allocated the reference 56357. On 15 November you were sent another clarification letter, in which you were provided with 4 scenarios where the department could provide the information to one of the four scenarios detailed (5 working days after receipt). The full text of the original response can be found in **Annex A**.

You requested an internal review on 20 November and stated that the policy unit had not provided the right advice in time, which led to a delay in respect of your original request. The full request for the internal review can be found in **Annex B**.

Having looked into your two recent requests (55811 and 56357) I understand that Immigration Enforcement considered that it was necessary to ask you to clarify what exact information you were requesting. I understand that this caused you inconvenience, however, under the FOI Act the department can ask for clarification, if it is considered that a request is unclear. This is to ensure that public authorities identify all of the information that is in scope, particularly where a request could be interpreted in more than one way. By doing this, it reduces the chance of providing information that is not relevant to

the request, and the need for the applicant to then have to submit a further request.

I note that Immigration Enforcement did respond to both of your requests within the set deadlines and have made every effort to provide you with advice and assistance.

In your email of 20 November, you explained specifically what information you were requesting, and that request is being dealt with under the reference of 56588. Immigration Enforcement will reply to you separately concerning this request.

This completes the review.

Yours sincerely

S John
Information Rights Team

Annex A – full text and response

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

15 November 2019

M Esslemont
request-609964-6d20f68d@whatdotheyknow.com

Dear Ms Esslemont

Re: Freedom of Information - 56357

Thank you for your e-mail of 8 November in which you clarified your original request of 8 October in which you asked:

Please outline the number of potential/confirmed human trafficking and modern slavery victims held in detention whose last NRM outcome was

- *Withdrawal, positive decision or negative decision at Reasonable Grounds stage*
- *Withdrawal, positive decision or negative decision at Conclusive Grounds stage*

Please present these figures separately, according to the NRM 'stage' (e.g. Referral. Reasonable Grounds stage and Conclusive Grounds stage) in 2017 and 2018. The time period for this data should be 1 January 2017- 31 December 2017 and 1 January 2018- 31 December 2018

On 8 November you clarified your request:

In response to your request for clarification over FOI 55811, I would like to clarify that 'detention' refers to those held under Immigration Powers

Your request is being handled as a request for information under the Freedom of Information Act 2000.

Unfortunately, your recent e-mail still does not provide us with sufficient details to identify or locate the information you require. However, we can provide **one** of the following four interpretations of your request:

1. People whose latest trafficking outcome was as listed, whilst they were in detention (i.e. the outcome given during detention)
2. People whose latest trafficking outcome was as listed, who were also detained (at any point before / during / after the outcome)

3. People entering detention whose latest trafficking outcome was as listed 4.
People entering detention whose latest trafficking outcome was as listed OR
their latest trafficking outcome given during detention is as listed

Once you provide this information, we will aim to send you a full response to
your request within twenty working days.

Yours sincerely

Immigration Enforcement Secretariat

Annex B - Text of the internal review request

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

From: M Esslemont <request-609964-6d20f68d@whatdotheyknow.com>
Sent: 20 November 2019 13:38
To: IE PQs, FOIs and Correspondence
<ImmigrationEnforcementFOIPQ@homeoffice.gov.uk>
Subject: Re: FW: FoI Case Ref 56357 - (M Esslemont) - 2019-11-08 - (IE)

Dear IE PQs, FOIs and Correspondence,

Please copy in the team dealing with internal reviews, as this email pertains to both satisfying my original request and the initiation of an internal review of your handling of clarifications in case ref case ref 56357.

I am unsure of the source of your confusion regarding case ref 56357, which seems to have changed in nature over the one month period it has taken for you to make contact with me.

Initially, you asked for the nature of the powers under which detainees must be held in order to meet the criteria of my original request (18th October 2019). This was a simple question, and I confirmed that my request was in reference to detainees held under Immigration Powers. I received an email acknowledgement, and no indication that further clarification was required.

A month later, I was asked to provide an entirely different clarification as to the nature of the data requested (15th November 2019). Your second email outlines that my clarification "still" doesn't provide enough information about the formatting of requested data, despite the fact that I had never been given an opportunity to address this concern when contact was first made.

Firstly, please forward this email on to the third party responsible for internal reviews, as I would like to ask for a review into the failure to include clarifications in the first instance, which has led to a significantly delayed response to my FOI.

Secondly, please take my below copy as a confirmation of the exact nature of data requested. I see that you have outlined four possible questions, which do not align with what I have asked, so I will outline the data specifications to the best of my ability. If there is any further need for clarification, do contact me in the first instance.

My original email reads:

"Please outline the number of potential/confirmed human trafficking and modern slavery victims held in detention whose last NRM outcome was

- Withdrawal, positive decision or negative decision at Reasonable Grounds stage
- Withdrawal, positive decision or negative decision at Conclusive Grounds stage

Please present these figures separately, according to the NRM 'stage' (e.g. Referral.

Reasonable Grounds stage and Conclusive Grounds stage) in 2017 and 2018. The time period for this data should be 1 January 2017- 31 December 2017 and 1 January 2018- 31 December 2018"

To clarify, I am asking for the number of people held in detention, under Immigration Powers, in 2017 and 2018, who have - during any time period - interacted with the National Referral Mechanism and received a 'latest decision' through this mechanism at either the Reasonable Grounds (RG) or Conclusive Grounds (CG). As per the original email, I require withdrawals as an outcome also (in addition to positive and negative decisions).

Please note that whilst the time criteria for the detention period is 2017-2018, the data requested on the latest NRM outcome should apply to any period.

This data should be disaggregated by:

- Year of detention
- NRM most recent decision stage and outcome

If there are any issues, do not hesitate to clarify in a more timely manner.

Yours sincerely,
M Esslemont

Annex C –Complaints Procedure

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