



Home Office

Customer Services

Improvement Directorate

North West Correspondence Team

Department 16

The Capital

Old Hall Place

Liverpool

L3 9PP

www.homeoffice.gov.uk

C Garcia
request-152603-c0eb01e3@whatdotheyknow.com

Home Office reference: 27615

28 May 2013

Dear Sir or Madam

Thank you for your e-mail of 16 May, in which you ask for information regarding processing times of EEA applications over 6 months. Your request has been handled as a request for information under the Freedom of Information Act 2000.

1. How can decision times take longer than 6 months when on the section 'How to apply for residence documents as the non-EEA family member of an EEA national' of your website it is clearly stated that 'We deal with all applications within 6 months. Some applications will be resolved much sooner.'?

The website outlines our service level. However, the working through of cases can at times take longer than the six months for the reasons listed in the question below.

2. What are the specific reasons for processing times to be over 6 months?

Some applications are subject to external checks which may mean they take longer than 6 months to complete but we aim to resolve as many as possible within 6 months. We have recruited additional staff earlier this year to improve our service delivery and as their experience and expertise increase, the performance will also increase to meet our commitments.

3. If an application goes over 6 months, how long does it take for it to be processed and does it become a priority?

Our priority is to decide our cases which are over 6 months and we are dealing with them mainly in order of the application being received.

4. What legislation supports the UKBA's prerogative of preventing a person who has not committed a crime from coming and going for over 6 months? And would this not be considered a breach of Human Rights (as an example, if I withdrew my application to be able to travel as planned - 6 months after my application was submitted - I would have to apply for a visa to re-enter the UK, which takes up to 3 months and therefore is not a valid option).

We do not prevent travel. Applicants are not obliged to withdraw their applications in order to have their passport returned; they merely have to request its return. The application would still remain open and ongoing; this would not be a breach of Human Rights. To return to the UK applicants would be subject to checks at the Border and we advise them to apply for a family permit.

In keeping with the Freedom of Information Act, we assume that all information can be released to the public unless it is exempt. In line with normal practice we are therefore releasing the information which you requested via the Home Office website.

I hope that this information meets your requirements. I would like to assure you that we have provided you with all relevant information that the Home Office holds.

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 the address below, quoting reference 27615. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London SW1P 4DF
e-mail: info.access@homeoffice.gsi.gov.uk

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

Yours sincerely

Emma Byrne
North West Correspondence Team