



Home Office

**Customer Services**

**Improvement Directorate**

North West Correspondence Team

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The Capital

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[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Wayne Pearsall

request-147758-ff5e533b@whatdotheyknow.com

10 April 2013

Our reference: FOI 26866

Dear Mr. Pearsall,

Thank you for your e-mail of 18<sup>th</sup> March 2013 in which you ask for information concerning residence cards issued under the Zambrano ruling.

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

I am able to inform you that the centre for deciding residence card applications in the UK Border Agency is based in the North West and therefore the information released to you has been taken from the team responsible within this area.

For ease of reference I have listed each question separately, with the answer beneath.

1. **How many Zambrano applications have been approved since the start of 2013 (1st Jan)?**
2. **How many Zambrano applications have been denied since 1st Jan 2013?**
3. **At which date are the UKBA currently working on cases from (i.e. applications from which month submitted)?**

With regards to question 3, I am able to disclose that case workers have commenced deciding applications made under the Zambrano ruling. As far as possible, these are dealt with in date order of application.

Figures on the issue and refusal of residence documentation to EEA nationals and their family members, by country of nationality, are due to be published on 29 August 2013.

As the number of decisions on Zambrano applications constitutes a subset of data intended for future publication, I have decided not to communicate information on such cases to you at this time, (in response to questions 1 and 2) pursuant to the exemptions under sections 22(1) and 36(2)(c) referring also to Section 36(4) of the Freedom of Information Act 2000.

The use of these exemptions requires consideration of whether it is:

- Reasonable in all the circumstances not to produce the information until the end of August 2013, and
- Whether in all the circumstances of the case the public interest in maintaining the exemption stated above outweighs the public interest in disclosing the information.

This is a two stage test but the central issue is whether in all the circumstances it is reasonable and in accordance with the public interest to require you to wait until the end of August 2013.

We recognise there may be a public interest in producing this information for you now and that this may also weigh in favour of it being unreasonable to make you wait. We have considered the following:

- It is important that the public have access to immigration statistics. Home Office staff are required to handle requests made under the Freedom of Information Act 2000, not least to assure them that this legislation is being fully implemented.

But there are also public interest reasons for maintaining the exemption to the duty to communicate which weigh in favour of it being reasonable to require you to wait until the end of August 2013. We have considered the following:

- Publication would undermine Home Office established pre-publication procedures, which includes internal consultation about the final statistics being established on the Home Office website, and also being able to use its staff resources effectively in a planned way so that reasonable publication timetables are not affected.

After balancing these conflicting arguments, we have concluded not only that it is reasonable to require you to wait until the end of August 2013, but also that the balance of the public interests identified favours maintaining the exemption. This is not least because we believe that in this case the overall public interest lies in favour of ensuring that the Home Office is able to plan its publication of information in a managed and coherent way, and this would not be possible if immediate disclosure were made.

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 FOI 26866. 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](mailto: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

Paul Dickie  
North West Correspondence Team