



Home Office

Shared Services
Directorate
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London SW1P 4DF

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www.homeoffice.gov.uk

Wayne Pearsall

[request-159913-
813581fd@whatdotheyknow.com](mailto:request-159913-813581fd@whatdotheyknow.com)

13 December 2013

Dear Mr Pearsall

Reference number: Internal review - 28377

Thank you for your e-mail 3 December in which you asked for an internal review of our response to your Freedom of Information (FOI) request.

I have now completed the review and have examined all the relevant papers. I have considered whether the correct procedures were followed, and can confirm that I was not involved in the initial handling of your request.

My findings are set out in the attached report. My conclusion is that the original response was correct. The Home Office was entitled to cite section 21 of the Freedom of Information Act 2000 in relation to your request. Further explanation of this decision is contained in the attached report.

This completes the internal review process by the Home Office for reference number 28377.

Taking into account the number of FOI and internal review requests which you have submitted in relation to this subject area, this review will also address reference 28802 and your further internal review request of 8 December.

Details of all the correspondence with regards to the above matter can be found via this link: https://www.whatdotheyknow.com/request/effect_on_eea2_application_for_c.

Yours Sincerely

N Rawell

Information Access Team

Switchboard 020 7035 4848 E-mail info.access@homeoffice.gsi.gov.uk

Internal review of the Home Office response to a request under the Freedom of Information Act 2000 by Wayne Pearsall - reference 28377.

Responding Unit: European Operational Policy Team (Home Office)

Chronology	Attached on Annex	
Original FOI/acknowledgement:	01 May 2013	A
Internal review (time complaint) / acknowledgement:	13 June 2013	B
Chase-up email (requester)/ acknowledgement:	26 July 2013	C
Further chase-up email (requester)/ acknowledgement:	01 August 2013	D
Further chase-up email (requester)/ acknowledgement: (ref: 159913)	11 August 2013	E
FOI response:	20 August 2013	F
Internal review (time complaint)/ acknowledgement:	20 August 2013	G
Internal review (time complaint) reply:	02 September 2013	H
New FOI request: (ref 28802 similar to request 28377)/ acknowledgement:	02 September 2013	I
Further acknowledgement:	03 September 2013	J
FOI response (ref 28802):	10 September 2013	K
Request for internal review (ref 28802): acknowledgement:	18 September 2013	L
Request for Internal review (ref 28837)/ acknowledgement:	03 December 2013	M
Further acknowledgement/ email from requester:	04 December 2013	N
Further email (ref 28837)/ further questions raised acknowledgement:	08 December 2013	O

Subject of request

The request of 1 May is set out in full at **Annex A**.

The response

The response of 20 August is set out in full at **Annex F**.

The request for an internal review

The request for an internal review is set out in full at **Annex M**.

Procedural issues

1. The Home Office received the FOI request via email on 1 May 2013 (Annex A). In line with section 10(1) of the Freedom of Information Act 2000 ("the Act") the Home Office was obliged to provide a response within 20 working days (i.e. by 31 May 2013). The final response (Annex F) was sent to Mr Pearsall on 20 August, which was not within the 20 working days deadline. The internal review response to Mr Pearsall's time complaint (Annex H) of 2 September correctly identified the fact that this requirement was not met.
2. As required by section 17(7) (a) of the Act, Mr Pearsall was informed of his right to request an independent internal review on the handling of his request. Mr Pearsall was also informed of his right of complaint to the Information Commissioner, as set out in section 17(7) (b) of the Act.
3. The response was compliant with section 17(1)(a),(b) and (c) of the Act in that it stated that an exemption applied, and specified the nature of the exemption and the grounds on which it applied.

Consideration of the response dated 1 May

4. I have reviewed the original FOI request, set out in Annex A, and consulted the team responsible for handling it. Mr Pearsall's original request can be divided into two main requests:

- (1) a request for a copy of all policy notices issued in reference to case C- 60/00;
- (2) a request to know what provisions have been implemented into UK legislation to allow a person who aids somebody to complete cross border/frontier services for the EU to remain in the UK.

I have considered the Home Office's response. In relation to request (1) above the Home Office applied Section 21 of the FOI Act. This provides:

"Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information"

5. I can confirm that I am content that section 21 of the Act was applied correctly. The information requested by Mr Pearsall is reasonably accessible on the internet by visiting the following link:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/ecis/chapter9?view=Binary> .

6. The Home Office also provided a brief explanation of the effects of the Carpenter case and its interplay with UK Immigration law(Annex B) to aid Mr Pearsall further.

Consideration of Mr. Pearsall's internal review request dated 3 December 2013

7. I am satisfied that the Home Office has fully responded to all the questions which Mr Pearsall raised in his original FOI request dated 1 May 2013.

8. Mr Pearsall had requested an internal review of the delay in responding to his request. On 2 September (Annex H) the Home Office confirmed that it had carried out an internal review into the way it had handled the request. It acknowledged that it had breached section 10(1) of the Act and apologised for this.

9. I acknowledge the fact that the Home Office did not provide a substantive reply to Mr Pearsall's internal review request dated 18 September(Annex E) and apologise for this oversight.

Further FOI request (reference 28802) dated 2 September 2013.

10. As part of the internal review I have also considered the FOI request made by Mr Pearsall on the 2 September (Annex I) as this request related to the same subject area.

11. The Home Office responded on 20 September and explained that it was applying section 14(1) and treating the request and vexatious. Section 14(1) states:

"Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious".

Section 14(2) states:

"Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request."

Consideration of Mr Pearsall's FOI request dated 2 September 2013.

12. Having reviewed the response provided by the Home Office (Annex K) I concur with the previous opinion provided by A. Lamont that there was not a sufficient lapse of time between the response to FOI request 28377 and Mr Pearsall's subsequent FOI request 28802.

13. I am satisfied that the Home Office applied section 14(1) and section 14(2) appropriately to Mr Pearsall's request as it clear that:

- the request is identical or substantially similar to a previous request from Mr Pearsall , namely the request of 1 May.
- the Home Office has previously confirmed (on 20 August) to Mr Pearsall in response to an earlier FOI request that they do not hold the requested information and;

- a reasonable interval had not elapsed between the new request and the previous request. The second internal review was requested on the 2 September, which is only nine working days after the initial response.

14. I acknowledge the fact that the Home Office did not explicitly state that they had applied section 14(2) and apologise for this oversight. However it is important to note that this would not have changed the substantive response to Mr Pearsall's request.

Further guidance on section 14 and its practical application can be found via this link: http://www.ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-repeat-requests.ashx.

Consideration of Mr Pearsall's internal review request dated 8 December.

15. Mr Pearsall has requested a further internal review (Annex O) in which he makes two further comments:

"I Find it even more distressing that the Home Office have amended the EEA Regs with effect from the 1st Jan 14 (<http://singhroute.info/2013/12/the-uk-ch...>) and this amendment clearly does not take account of the very clear ruling (as outlined by yourselves) of the ECJ in the case of Carpenter."

"It appears clear to myself that the case of Carpenter has not been given effect in the UK, despite the requirement outlined within Section 3(2) of the European Communities Act 1972 that judgments of the EU Court of Justice must be given effect in the UK. <http://www.legislation.gov.uk/ukpga/1972...>"

16. It is noted that Mr Pearsall requested a further internal review before the Home Office had responded to his previous request. As indicated in the ICO guidelines (accessible via the link above) Mr Pearsall's requests in relation to the Carpenter case exhibit key indicators of a potentially vexatious nature, and as mentioned above FOI request 28802, which asks substantially the same question, has already been declared vexatious.

17. It is clear from the chronology of events that Mr Pearsall has made a number of overlapping requests on the same subject matter, which are placing an unreasonable burden on the Home Office. It is therefore considered that any further requests regarding the Carpenter case and its effects on UK law will be considered to be vexatious. Some of the key indicators of a vexatious request is that the requester is unreasonably persistent on a certain subject area or obsessive and there is frequent correspondence regarding the same issue.

18. The following link can provide further guidelines of why a request can be considered vexatious:

[http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom of Information/Detailed specialist guides/dealing-with-repeat-requests.ashx](http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-repeat-requests.ashx).

Conclusion

19. In conclusion, I find the following:

- (1) The response of 20 August to FOI 28377 was not sent within 20 working days; consequently the Home Office failed to comply with section 10(1) of the FOI Act. However, I also find that the response did adequately address all the questions within the FOI request and that it complied with the requirements in section 17(7)(a) and 17(7)(b) as it provided details of the complaints procedure.
- (2) The internal review for FOI 28802 found that the Home Office response correctly applied section 14 (1) in deeming the request vexatious under section 14(2).
- (3) The internal review for FOI 28377 found that the Home Office response correctly applied the section 21 exemption.
- (4) The internal review request of 8 December, together with any further FOI's and internal reviews on substantially the same topic, are deemed to be vexatious due to the disproportionate effect on the Home Office.

N Rawell
Information Access Team
Home Office
12 December 2013

Annex A – FOI request from Wayne Pearsall dated 1 May 2013

From: Wayne Pearsall

1 May 2013

Dear UK Border Agency,

The Case...

<http://eur-lex.europa.eu/LexUriServ/LexU...>

The Advocate General's text/recommendations:

<http://eur-lex.europa.eu/LexUriServ/LexU...>

I ask: what provisions have been implemented into the UK's legislation to allow a person who aid's somebody to complete cross border / frontier services for the EU to remain in the UK.

I ask for a copy of all policy notices, and guidance issued in reference to this case... Case C-60/00.

Yours faithfully,

Wayne Pearsall

**From: Freedom Of Information Team (IND)
UK Border Agency**

1 May 2013

Thank you for contacting the UK Border Agency Freedom of Information Team.

The Freedom of Information (FoI) Act 2000 provides public access to any recorded information held by public authorities

If you have submitted a valid FoI request, we will acknowledge your request within 24 hours, and aim to provide the information requested within 20 working days as specified under the FoI Act.

The Act does not give people access to their own personal data (information about themselves). If you require information that a public authority holds about you, you must make a Subject Access Request under the Data Protection Act 1998. You can find further details on how to do make a Subject Access Request by following the link below:

<http://www.ukba.homeoffice.gov.uk/naviga...>

We are unable to respond to other types of immigration enquiries or general correspondence. For further information please visit our comprehensive website at www.ukba.homeoffice.gov.uk. If you have submitted a general enquiry, a further message answering our most frequently asked questions will be sent to you by our public enquiries department shortly.

Alternatively you can contact the UK Border Agency (UKBA) Immigration Enquiry Bureau (IEB) on: Telephone: 0870 606 776

Annex B – Internal Review Time Complaint

13 June 2013

Dear UK Border Agency,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of UK Border Agency's handling of my FOI request 'Effect on EEA2 Application for "Carpenter" case'.

Response to this request is delayed. By law, UK Border Agency should normally have responded promptly and by 31 May 2013.

A full history of my FOI request and all correspondence is available on the Internet at this address:

<http://www.whatdotheyknow.com/request/ef...>

Yours faithfully,

Wayne Pearsall

Annex C- chase up email sent by requester

From: Wayne Pearsall

26 July 2013

Dear Freedom Of Information Team (IND),
still waiting for the response and IR for this request...

<https://www.whatdotheyknow.com/request/e...>

Yours sincerely,

Wayne Pearsall

Acknowledgment from Home Office

**From: Freedom Of Information Team (IND)
UK Border Agency**

26 July 2013

Thank you for contacting the UK Border Agency Freedom of Information Team.

The Freedom of Information (Fol) Act 2000 provides public access to any recorded information held by public authorities
If you have submitted a valid Fol request, we will acknowledge your request within 24 hours, and aim to provide the information requested within 20 working days as specified under the Fol Act.

The Act does not give people access to their own personal data (information about themselves). If you require information that a public authority holds about you, you must make a Subject Access Request under the Data Protection Act 1998. You can find further details on how to do make a Subject Access Request by following the link below:
<http://www.ukba.homeoffice.gov.uk/naviga...>

We are unable to respond to other types of immigration enquiries or general correspondence. For further information please visit our comprehensive website at www.ukba.homeoffice.gov.uk.

Freedom of Information Act Policy Team
UK Border Agency

Annex D – Further chase up email sent by requester

From: Wayne Pearsall

1 August 2013

Dear UK Border Agency,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of UK Border Agency's handling of my FOI request 'Effect on EEA2 Application for "Carpenter" case'.

still no response, and its well overdue....

A full history of my FOI request and all correspondence is available on the Internet at this address:

<https://www.whatdotheyknow.com/request/e...>

Yours faithfully,

Wayne Pearsall

Acknowledgment from Home Office

**From: Freedom Of Information Team (IND)
UK Border Agency**

1 August 2013

Thank you for contacting the UK Border Agency Freedom of Information Team.

The Freedom of Information (FoI) Act 2000 provides public access to any recorded information held by public authorities

If you have submitted a valid FoI request, we will acknowledge your request within 24 hours, and aim to provide the information requested within 20 working days as specified under the FoI Act.

The Act does not give people access to their own personal data (information about themselves). If you require information that a public authority holds about you, you must make a Subject Access Request under the Data Protection Act 1998. You can find further details on how to do make a Subject Access Request by following the link below:

<http://www.ukba.homeoffice.gov.uk/naviga...>

We are unable to respond to other types of immigration enquiries or general correspondence. For further information please visit our comprehensive website at www.ukba.homeoffice.gov.uk.

Annex E –

Further email by requester

From: Wayne Pearsall

11 August 2013

Dear Freedom Of Information Team (IND),

RE: 159913 -

<https://www.whatdotheyknow.com/request/e...>

Under section 3(2) of the European Communities Act 1972, judgments of the EU Court of Justice must be given effect in the UK.

This is the reason for my FOI request, as it appears clear that such a ruling has not been given effect under UK law.

Your response is clearly late, and your IR response has still not arrived.

Yours sincerely,

Wayne Pearsall

Acknowledgment from Home Office

**From: Freedom Of Information Team (IND)
UK Border Agency**

11 August 2013

Thank you for contacting the UK Border Agency Freedom of Information Team.

The Freedom of Information (Fol) Act 2000 provides public access to any recorded information held by public authorities

If you have submitted a valid Fol request, we will acknowledge your request within 24 hours, and aim to provide the information requested within 20 working days as specified under the Fol Act.

The Act does not give people access to their own personal data (information about themselves). If you require information that a public authority holds about you, you must make a Subject Access Request under the Data Protection Act 1998. You can find further details on how to do make a Subject Access Request by following the link below:

<http://www.ukba.homeoffice.gov.uk/naviga...>

We are unable to respond to other types of immigration enquiries or general correspondence. For further information please visit our comprehensive website at www.ukba.homeoffice.gov.uk.

Annex F – FOI response dated 20 August 2013

09 August 2013

Dear Mr. Pearsall,

FOI Reference 28377

Thank you for your email of 01 August 2013, in which you stated:

"The Case...

<http://eur-lex.europa.eu/LexUriServ/LexU...>

The Advocate General's text/recommendations:

<http://eur-lex.europa.eu/LexUriServ/LexU...>

I ask: what provisions have been implemented into the UK's legislation to allow a person who aid's somebody to complete cross border / frontier services for the EU to remain in the UK.

I ask for a copy of all policy notices, and guidance issued in reference to this case... Case C-60/00"

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

With regards to your request for a copy of all policy notices issued in reference to case C-60/00, I can confirm that the Home Office does not hold any policy notices on this issue.

With regards to your request for guidance, we believe that the information you have requested is already reasonably accessible to you. It can be found at the following link:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/ecis/chapter9?view=Binary>

Section 21 of the Freedom of Information Act exempts the Home Office from having to provide you with this information, because it is already reasonably accessible. If you have any difficulties in accessing this information at the source which I have indicated, please contact me again.

You have also asked what provisions have been implemented into the UK's legislation to allow a person who aid's somebody to complete cross border / frontier services for the EU to remain in the UK. It has been assumed for the purposes of this response that your request concerns provision of case C60/00.

In the case of C60/00, Mr Carpenter was exercising EU free movement rights as a supplier of services. The Court determined that the UK's decision to deport Mr Carpenter's wife was disproportionate (having regard to Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("ECHR")).

The *Carpenter* case simply highlights the fact that Member States cannot take action against the family members of EU nationals which would breach their rights under Article 8

of the ECHR. While the context of the case related to the exercise of the freedom to

provide services, the determining factor in the case was the disproportionate effect of the proposed deportation of Mr Carpenter's wife.

There is no specific provision, therefore, for an EEA national (or their family member) who is solely a provider of services to another member state to qualify under Directive 2004/38/EC („the Directive"), nor the Immigration (European Economic Area) Regulations 2006 which implements the Directive into UK legislation.

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 28377. 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: [\[email address\]](#)

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,

European Operational Policy Team
Home Office

Annex G – Internal Review Time Complaint

From: Wayne Pearsall

20 August 2013

Dear UK Border Agency,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of UK Border Agency's handling of my FOI request 'Effect on EEA2 Application for "Carpenter" case'.

28377

My request was filed on may 1st. Your response has not been prompt. Taking 3 and s half months for response.

A full history of my FOI request and all correspondence is available on the Internet at this address:

<https://www.whatdotheyknow.com/request/e...>

Yours faithfully,

Wayne Pearsall

Acknowledgment from Home Office

**From: Freedom Of Information Team (IND)
UK Border Agency**

20 August 2013

Thank you for contacting the UK Border Agency Freedom of Information Team.

The Freedom of Information (FoI) Act 2000 provides public access to any recorded information held by public authorities

If you have submitted a valid FoI request, we will acknowledge your request within 24 hours, and aim to provide the information requested within 20 working days as specified under the FoI Act.

The Act does not give people access to their own personal data (information about themselves). If you require information that a public authority holds about you, you must make a Subject Access Request under the Data Protection Act 1998. You can find further details on how to do make a Subject Access Request by following the link below:

<http://www.ukba.homeoffice.gov.uk/naviga...>

We are unable to respond to other types of immigration enquiries or

Annex H – Internal Review Time Complaint Reply

Mr Wayne Pearsall

Email: [request-159913-
\[email address\]](#)

2 September 2013

Dear Mr Pearsall,

Freedom of Information request (our reference: 28377)

I am writing in response to your e-mail of 20 August 2013, in which you stated that you have not received a response to your Freedom of Information (FOI) request of 1 May 2013. As part of our internal process, we are treating your email as a request for an internal review.

I have now completed the review. I confirm that I have not previously been involved in the handling of your request.

Section 10(1) of the FOI Act requires that the Home Office should have informed you whether the information you requested was held, and if appropriate, have provided it to you within 20 working days of your request being received. Section 10(3) of the FOI Act requires that the Home Office should have informed you within this 20 working day period if additional time was required to consider the public interest considerations affecting the information you have requested. It is clear to me that neither of these conditions were met.

I understand that a response to your request has now been provided to you. This was sent to you on 20 August 2013. I would like to apologise on behalf of the Department for failing to respond within the time limit.

Yours sincerely,

J Kirby
Information Services Centre

Switchboard 020 7035 4848

Annex I – Request for internal review and a further FOI dated 2 September 2013

From: Wayne Pearsall

2 September 2013

Dear FOI Requests,

Re: 28377

<https://www.whatdotheyknow.com/request/1...>

Can you please confirm the following to me, providing me with any information that you feel suitable for release.

I do not require a detailed search in relation to this, and my request will be satisfied with a simple response. I daresay that your Litigation department would be the best department to provide this response.

Considering that the case of Carpenter Case C-60/00 was focused on the ECHR's and the "disproportionate effect's" on the family life of the Carpenter's, when read in light of the ECHR's... In the view of the Home Office what circumstances would this case actually be taken into account.

Noting the very nature of the ECHR, it seems clear to myself that the following circumstances would indeed come into play:

- *) Any detention action involving a family member of a union citizen (I have read and have a copy of your criminal casework)
- *) Any deportation actions (as highlighted by yourselves in your response above).
- *) From caselaw involving your previous "Certificate of Approval" for marriages ETC, I daresay any action you take to infringe on a lawful (genuine) marriage

What other situations are the home office aware that this case would have a significant bearing.

Should you wish to invoke the exemption that to answer any of these questions would create new information (I am certain information regarding my questions above already exists) then please conduct a search for information. I simply provide you with the opportunity to minimise any workload on this request as much as possible (I am sure your litigation department are more than able to answer this request with their "extensive" knowledge and documents on hand, as the Euro Dept appears to have provided a rather detailed reply to my original request.)

Yours sincerely,

Wayne Pearsall

Annex J – Further Acknowledgment

**From: Freedom Of Information Team (IND)
UK Border Agency**

3 September 2013

Dear Wayne Pearsall

Re: follow-up to UKBA case 28377 (159913)

Thank you for your follow up e mail – as below. We are dealing with your enquiry and will respond in due course.

Regards

Information Access Team

Home Office

Annex K FOI Response - Dated 10 September

Dear Mr. Pearsall,

FOI Reference 28802

Thank you for your email of 02 September, in which you stated:

"Can you please confirm the following to me, providing me with any information that you feel suitable for release.

I do not require a detailed search in relation to this, and my request will be satisfied with a simple response. I daresay that your Litigation department would be the best department to provide this response.

Considering that the case of Carpenter Case C-60/00 was focused on the ECHR's and the "disproportionate effect's" on the family life of the Carpenter's, when read in light of the ECHR's... In the view of the Home Office what circumstances would this case actually be taken into account.

Noting the very nature of the ECHR, it seems clear to myself that the following circumstances would indeed come into play:

**) Any detention action involving a family member of a union citizen (I have read and have a copy of your criminal casework)*

**) Any deportation actions (as highlighted by yourselves in your response above).*

**) From caselaw involving your previous "Certificate of Approval" for marriages ETC , I*

daresay any action you take to infringe on a lawful (genuine) marriage

What other situations are the home office aware that this case would have a significant bearing.

Should you wish to invoke the exemption that to answer any of these questions would create new information (I am certain information regarding my questions above already exists) then please conduct a search for information. I simply provide you with the

opportunity to minimise any workload on this request as much as possible (I am sure your litigation department are more than able to answer this request with their "extensive" knowledge and documents on hand, as the Euro Dept appears to have provided a rather detailed reply to my original request.)"

The Home Office has considered your request and believes it to be vexatious. Section 14(1) of the Act provides that the Home Office is not obliged to comply with a request for information of this nature. It has been decided that your request is vexatious as your request lacks any serious purpose or value.

On 20 August 2013, the Home Office responded to a similar request for information from you regarding the European Court of Justice case of Carpenter under reference 28377.

Therefore, it is not considered that a significant amount of time has passed since your earlier request, which would make a worthwhile difference to our response of the 20 August or would add any real value.

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 28377. 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: [\[email address\]](#)

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,

Annex L – Request for Internal review

b

From: Wayne Pearsall

18 September 2013

Dear UK Border Agency,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of UK Border Agency's handling of my FOI request 'Effect on EEA2 Application for "Carpenter" case'.

this is considering 28377 which you failed to provide the requested information for.

I note that the Litigation Dept would of been provided with an update of some sort in relation to the case. This was not provided. neither was the update

You state that the request is a repeat request, that would not any real value. I did however give you the opportunity to summarise in more respect the actual scope of Carpenter - that covers far more than the respect for family life as already outlined by the Euro Dept.

I know that in this respect therefore that you have failed to provide the requested information, and that you do infact hold information in respect of case C-60/00 as I requested in 28377.

You have refused request 28802 stating that it is a repeat request, however, as it was clear the recent request, you should of actually looked at the request and understood that this would therefore be a request for internal review, as you obviously hold further information.

A request for internal review does not need to state this fact - however, this request is outlining this fact very clearly!

A full history of my FOI request and all correspondence is available on the Internet at this address:

<https://www.whatdotheyknow.com/request/e...>

Yours faithfully,

Wayne Pearsall

Internal Review request – Acknowledgement.

**From: Freedom Of Information Team (IND)
UK Border Agency**

18 September 2013

Thank you for contacting the UK Border Agency Freedom of Information Team.

The Freedom of Information (Fol) Act 2000 provides public access to any recorded information held by public authorities

If you have submitted a valid Fol request, we will acknowledge your request within 24 hours, and aim to provide the information requested within 20 working days as specified under the Fol Act.

The Act does not give people access to their own personal data (information about themselves). If you require information that a public authority holds about you, you must make a Subject Access Request under the Data Protection Act 1998. You can find further details on how to do make a Subject Access Request by following the link below:

<http://www.ukba.homeoffice.gov.uk/navigation>

We are unable to respond to other types of immigration enquiries or general correspondence. For further information please visit our comprehensive website at www.ukba.homeoffice.gov.uk.

Freedom of Information Act Policy Team

Annex M – Request for internal review dated 3 December 2013

Dear UK Border Agency,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of UK Border Agency's handling of my FOI request 'Effect on EEA2 Application for "Carpenter" case'.

28377

Still awaiting my long awaited internal review for this case. I note I requested information held on relation to the carpenter case. You failed to provide such information.

You are also by virtue of the commissioners guidance breaching the requirement to be prompt in responding to an internal review. It had been far longer than 20 days. ...

A full history of my FOI request and all correspondence is available on the Internet at this address:

<https://www.whatdotheyknow.com/request/e...>

Yours faithfully,

Wayne Pearsall

Annex - N – General Correspondence

From: Wayne Pearsall

4 December 2013

Dear FOI Requests,

28377

Note the internal review request was submitted in Sept.

As per edtk website

Yours sincerely,

Wayne Pearsall

b

**From: FOI Requests
UK Border Agency**

4 December 2013

Thank you for contacting the FOI Requests mailbox.

Your message has been logged and will be dealt with shortly.

We aim to provide a response to all FOI requests within 20 working days.

If your message is with regard to an existing FOI case or is a general query please ensure you have left any file references and contact details.

Thank you

Annex O – Request for internal review dated 8 December 2013

From: Wayne Pearsall

8 December 2013

Dear UK Border Agency,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of UK Border Agency's handling of my FOI request 'Effect on EEA2 Application for "Carpenter" case'.

Further to request 28377, I find it rather disgusting that you have failed to provide me with your recorded information in relation to the case of Carpenter (Case C-60/00).

I find it even more distressing that the Home Office have amended the EEA Regs with effect from the 1st Jan 14 (<http://singhroute.info/2013/12/the-uk-ch...>) and this amendment clearly does not take account of the very clear ruling (as outlined by yourselves) of the ECJ in the case of Carpenter.

It appears clear to myself that the case of Carpenter has not been given effect in the UK, despite the requirement outlined within Section 3(2) of the European Communities Act 1972 that judgments of the EU Court of Justice must be given effect in the UK.
<http://www.legislation.gov.uk/ukpga/1972...>

As I requested information relating to the case of Carpenter, I am certain that these amendments were being progressed when I made my initial request to yourselves, and therefore the information you store on the case of Carpenter should have been provided to myself.

A full history of my FOI request and all correspondence is available on the Internet at this address:
<https://www.whatdotheyknow.com/request/e...>

Annex P - Further complaint procedure

This completes the internal review process by the Home Office. 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