



Robert Simpson
Email: request-79858-8e451712@whatdotheyknow.com

UK Border Agency
International Group London
Visa Customer Services
DPU, Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Fax: 0870 336 9240
www.ukba.homeoffice.gov.uk

HO Reference: GV100/159877
FOI Reference: 20435

26 January 2012

Dear Mr Simpson

REQUEST FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000.

I write further to my letter of 20 December 2011 regarding your request for information, in which you asked for the disclosure of the UK Border Agency's Operational Instructions. In my letter, I advised you that the information which you have requested was being considered under exemption Section 31 (1) e of the Act, which relates to the operation of the UK Border Agency controls.

Although the Act carries a presumption in favour of disclosure, it provides exemptions which may be used to withhold information in specified circumstances. Some of these exemptions are referred to as 'qualified exemptions', are subject to a Public Interest Test. This test is used to balance the public interest in disclosure against the public interest in favour of withholding the information.

The Public Interest Test relating to this case was conducted on 17 January 2012. Following completion of the Public Interest Test, we have decided not to release the information to you, under Section 31 (1) e of the Act.

If we were to disclose this information it could substantially prejudice the operation of our immigration controls. This is because disclosure may enable potential immigration offenders to obtain detailed information on our risk assessment methodology.

Our OPIs have been prepared for various reasons including protecting the border against threats. Disclosure would allow the potential immigration offenders to gain an insight into our border protection strategies and this could pose a serious threat to the United Kingdom as a whole.

The disclosure of our OPIs would also allow the public to assess to sensitive information. The value of this list would significantly support an individual whose purpose is to circumvent entry clearance control and therefore, disclosure would not be in the public interest. We consider that such a catalogue (or list) of instructions to be a restricted document.

We have also considered the public interest in maintaining the exemption to the duty to communicate. Intelligence gathered by the UK Border Agency is held and kept in confidence. Disclosure of this type of information on an ad hoc basis could substantially affect the ability of the UK Border Agency to conduct rigorous assessments of institutions applying to, and acting as sponsoring bodies.

We have considered whether in all circumstances of the case, the public interest in maintaining the exemption and find that this outweighs the public interest in disclosing the information.

If you are dissatisfied with this response you may request an independent review of our handling of your request. Internal review requests should be submitted within two months of the UK Border Agency sending a substantive reply to your original request and should be addressed to:

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

During the independent review, the department's handling of your information request will be reassessed by a member of staff that was not involved in providing you with the response.

Yours sincerely



Jonathan Nancekivell-Smith
International Group, UK Border Agency