



UK Visas & Immigration

Freedom of Information
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www.gov.uk/ukvi

FOI Reference: 56222

12 November 2019

Dear Ms Welsh,

Thank you for your enquiry of 31 October in which you requested information on the EU Settlement Scheme. Your request has been handled as a request for information under the Freedom of Information Act 2000.

Information Requested

Initial Request

- 1. What is the current running total of EUSS administrative reviews requests made?*
- 2. How many administrative review requests have been rejected?*
- 3. How many EUSS administrative reviews have been upheld?*
- 4. How many EUSS administrative review decisions were overturned from pre-settled to settled status?*
- 5. What is the running total of EUSS administrative review refunds that have been processed?*

Further Clarification

- 1. Do you want the same information as provided in FOIs 54536 and 55254 but covering a later time period? Please note that we are only able to disclose information in-line with the latest published statistics.*

Yes, I am requesting the number of administrative reviews for EUSS decisions which have been:

- a. received*
- b. rejected as invalid*
- c. overturned*

d. upheld

This is the same information provided in the previous FOIs mentioned. As I understand it, this is taken from a live operational database and I would like an update on these numbers.

2. Secondly, regarding your fifth question, do you want the number of refunds that have been completed, or the financial total of refunds made? (e.g. 'X number of review refunds have been completed' OR, '£X has been refunded for administrative reviews in total')

I would like the number of refunds that have been completed for administrative reviews of decisions made under the EU Settlement Scheme.

Response

We do hold the information you have requested. However, as it will not be published into the public domain until later this month, we have decided that the information is exempt from disclosure under section 36(2)(c) of the Freedom of Information Act. This provides that information can be withheld where disclosure would prejudice the effective conduct of public affairs and the public interest falls in favour of applying the exemption.

Please find our considerations regarding disclosure outlined in Annex 2 below.

Please note that information released is done so in-line with published statistics. The quarterly release of statistics will be released later this month, at which point the information you have requested will be available to request.

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 foirequests@homeoffice.gsi.gov.uk, quoting reference 56222. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request will be reassessed by staff 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

J Rushton
Customer Service Operations

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:

<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>

Annex - Public interest test

Some of the exemptions in the FOI Act, referred to as 'qualified exemptions', are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in favour of withholding the information. We must carry out a PIT where we are considering using any of the qualified exemptions in response to a request for information.

The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community, as a whole, if the information is released or not. The 'right to know' must be balanced against the need to enable effective government, and to serve the best interests of the public.

Please note that the FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone, including those who might represent a threat to the UK.

Considerations in favour of disclosing the information

There is a general public interest in statistics relating to migration. Disclosure of the information requested would increase accountability and transparency and enhance the public's understanding of current trends in the EU Settlement Scheme. All of these factors are in the public interest and there is some weight to be given to the considerations in favour of disclosing the information.

Considerations in favour of withholding the information

The Department publishes migration statistics quarterly and intends to publish migration statistics later this month. Although the exact breakdown of the information requested will not be published, it will form part of the overall figures. Premature release of the subset of data requested could form part of a series of requests which together could build up a picture of the overall data due to be published. Although it is accepted that you may not necessarily be interested in making subsequent requests, information released to one person under the FOI Act is, in effect, released to the public at large. This would provide an opportunity for others to submit additional requests ahead of the planned publication date in order to obtain the information prematurely.

Premature disclosure of statistics without adhering to established pre-publication procedures (which include internal consultation about the final statistics being published) would undermine the Department's ability to use its staff resources effectively in a planned way, so that reasonable publication timetables are not affected.

We conclude that the overall balance of the public interest lies in favour of withholding the information to ensure that the Home Office is able to publish migration statistics in a managed and coherent way.