



Home Office

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Dr Lucy Mayblin
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By Email: request-742706-be7ddfbe@whatdotheyknow.com

FOI Reference: 63479

Date: 13 April 2021

Dear Dr Lucy Mayblin

Thank you for your e-mail of 30 March 2021, in which you ask for information relating to The Home Secretary's New Plan for Immigration.

You asked for:

"the unpublished evidential annex to the New Plan for Immigration published in March 2021".

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

We neither confirm nor deny whether we hold the information that you have requested by virtue of Section 35(3) (formulation or development of government policy) of the FOIA. These are qualified exemptions. Section 17(3) of the FOIA requires us to conduct a Public Interest Test when considering the 'neither confirm nor deny' provision of a qualified exemption. An explanation of the public interest test is set out in the attached Annex.

This response should not be taken as conclusive evidence that the information you have requested is or is not held by the Home Office.

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.gov.uk, quoting reference 63479. 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 would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

Yours sincerely

Sovereign Borders Strategy

Migration and Borders Group

Annex

Explanation of the exemptions under section 35(3) of the Act

The exemption is defined by the Act as follows:

Section 35(3): The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1) (formulation or development of government policy).

Consideration of the balance of the public interest

Some of the provisions in the FOIA, referred to as 'qualified' exemptions, are subject to a public interest test (PIT). This test is used to balance the public interest for and against saying whether the information requested is held or not.

The 'public interest' is not necessarily 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 in saying whether information is held or not. Transparency and the 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOIA 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.

Section 35(3) (formulation or development of government policy)

Public interest consideration in favour of confirming whether or denying whether the requested information is held

There is a general public interest in the confirming whether or not we hold information to ensure departmental transparency and accountability. There is also a general public interest in providing information to enable the public to understand decisions which may affect them.

Asylum and immigration are matters of considerable public interest. There is therefore a strong public interest in confirming whether or not we hold information, as it would provide greater transparency on the workings of Government, how important policy decisions are made, and the quality of advice received by the Prime Minister from his Ministers.

Confirming whether or not we hold information may also help reassure the public that their concerns about important policy matters, such as asylum and immigration, are taken seriously by the Government and discussed in detail at a senior level. This can help to inform public debate and to increase public confidence that decisions are properly made.

Public interest consideration against confirming whether or denying whether the requested information is held

There is a clear public interest in neither confirming nor denying whether we hold the information concerned as Ministers need a safe space in which to discuss important policy matters, consider all options and weigh up the risks of particular proposals, without the prospect of their ideas being held up to criticism in the public domain.

It is also considered that confirming whether or not we hold the information may, in future, inhibit Ministers from setting out their views in writing, or challenging existing policy.

This, in turn, may prevent important policy issues and proposals from being thoroughly explored, thus harming the policy-making process in the long run.

Conclusion

We conclude that the balance of the public interest lies in neither confirming nor denying whether we hold the information. This response should not be taken as confirmation that the information you have requested is or is not held by the Home Office.