



UK Visas & Immigration

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FOI Reference: 45705

14 November 2017

Dear sir / madam,

Thank you for your enquiry of 10 October in which you requested information on Tier 1 (Entrepreneur) visa applications. Your request is being handled as a request for information under the Freedom of Information Act (FOIA) 2000.

Information Requested

Can you please tell me what the processing times for Tier One Entrepreneur visa applications made outside of the UK. For the period 01 June 2017 through 30 September 2017

Response

We do hold the information that you have requested up to 30 June 2017 and this can be found in the attached Annex. Please note that in a majority of cases that cannot be decided within the service standard it is because such cases are not straightforward and need to be deferred pending further enquiries with external organizations.

Additionally, we also hold the rest of the information that is of interest to you, but we have decided to exempt this information from release under section 36(4) of the FOI Act 2000. Arguments for and against disclosure in terms of the public interest are set out in the attached Annex 2 below.

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 45705. 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

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Customer Performance & Improvement

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 2

Freedom of Information request from Franics Howlett (reference 45705)

Information requested

Processing times for Tier 1 (Entrepreneur) visa applications made outside of the UK.

Response

Information is provided up to the end of June 2017, in line with our current guidance on the release of published statistics. We do hold the information you have requested for the period up to September 2017, but as it will not be published into the public domain until later this year, we are unable to provide it yet.

In relation to the information covering July - September 2017, I can confirm that the Home Office holds the information that you requested. However, after careful consideration we have decided that the information is exempt from disclosure under section 36(4) of the Freedom of Information Act FOI 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.

Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out below.

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, or the considerations for and against the requirement to say whether the information requested is held or not. 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.

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 types of applications and processing times. 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 for July – September 2017 on 30 November 2017. 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.

We have therefore concluded that the balance of public interests identified lies in favour of maintaining the exemption.

