



UK Visas & Immigration

Toni Smith

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FOI Reference: 2509/29077

22 October 2013

Dear Toni Smith

Thank you for your enquiry of 24 September in which you requested information on Tier 1 (Entrepreneur) applications. This has been dealt with as a request for information under the Freedom of Information Act 2000.

You specifically asked:

Could you please advise how many in-country and out-of-country Tier 1 (Entrepreneur) applications have been refused since 31 January 2013?

Please see the published immigration statistics at the following website link. The data tables show both grants and refusal figures covering period 1 January to 30 June 2013. This is the latest available data.

The figures can be found in table be.01.q in volume 2 of the Before Entry tables (linked below).

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236464/before-entry2-q2-2013-tabs.ods

To see the Tier 1 categories change the filter in the column labelled Type to 'Work' and then select 'Tier 1 – Entrepreneurs' from the filter for the column labelled Category.

The extension figures can be found in table ex.01.q of the Extensions of stay tables (linked below)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/230709/extensions-q2-2013-tabs.ods

To see the detail the filters have to be changed – remove the filter on the column labelled Applicant Type and change the filter on the column labelled category from 'Total' to 'Tier 1 – Entrepreneurs'.

As the number of applications received in the third quarter of 2013 constitute subsets of data intended for future publication, I have decided not to communicate information on such cases to you at this time, pursuant to the exemption under section 36(2)(c) of the Freedom of Information Act 2000. Please see Annex A for reasons the exemption was applied.

We are not currently meeting our target of deciding 90% of Tier 1 (Entrepreneur) applications within four weeks from the date the applicant enrolls their biometric details.

In January 2013 we made an urgent Immigration Rules change to tackle abuse of the route, following an unexpected spike of low calibre applications. It was important that we gave proper scrutiny to these applications whilst at the same time providing good customer service to genuine entrepreneurs.

We have made a number of changes to the way we process Entrepreneur applications to minimise delays for genuine customers while making robust decisions on those cases where we suspect abuse. This has allowed us to make considerable progress in reducing the stock of entrepreneur applications.

Where we have concerns about an application we may seek to verify supporting documents or undertake a further examination which may require the applicant to attend an interview before a decision is made.

I hope this is of help to you. 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 29077. 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: FOIRequests@homeoffice.gsi.gov.uk.

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

Sandra Birkinshaw

Exemption under section 36(2) (c)

The use of this exemption requires consideration of whether it is :

- Reasonable in all the circumstances not to produce the information until on or after November 2013, and
- Whether in all the circumstances of the cases the public interest in maintaining the exemption stated above outweighs the public interest in disclosing the information.

This is a two stage test but the central issue is whether in all the circumstances it is reasonable and in accordance with the public interest to require you to wait until November 2013.

We recognise there may be a public interest in producing this information for you now and that this may also weigh in favour of it being unreasonable to make you wait until November 2013. We have considered the following:

- It is important that the public have access to immigration statistics. Home Office staff are required to handle requests made under the Freedom of Information Act 2000, not least to assure them that this legislation is being fully implemented.

But there are also public interest reasons for maintaining the exemption to the duty to communicate which weigh in favour of it being reasonable to require you to wait until November 2013. We have considered the following:

- Publication would undermine Home Office established pre-publication procedures, which includes internal consultation about the final statics being established on the Home Office website, and also being able to use its staff resources effectively in a planned way so that reasonable publication timetables are not affected.

After balancing these conflicting arguments we have concluded not only that it is reasonable to require you to wait until November 2013, but also that the balance of the public interest identified favours maintaining the exemption. This is not least because we believe that in this case the overall public interest lies in favour of ensuring that the Home Office is able to plan its publication of information in a managed and coherent way, and this would not be possible if immediate disclosure were made.