



Home Office

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Mohamed Ajim
[mailto:request-208572-
6316894d@whatdotheyknow.com](mailto:request-208572-6316894d@whatdotheyknow.com)

5 May 2015

Dear Mr Ajim,

Freedom of information request (our ref. 33851): Internal Review

Thank you for your email of 16 December 2014 in which you asked for an internal review of our response to your Freedom of Information (Fol) request.

I have now completed the review. I have consulted the policy unit which provided the original response. I confirm that I was not involved in the initial handling of your request.

My findings are set out in the attached report. My conclusion is that the original response was incorrect as it wrongly stated that no information was held on any of the questions. Please read the attached report for further details.

Yours sincerely

M Seedansingh

Information Rights Team

E-mail info.access@homeoffice.gsi.gov.uk

Responding Unit: UK Visa and Immigration – (UKVI)

Chronology

Original Fol request: 16 December 2014

UKVI response: 31 December 2014

Request for internal review: 1 January 2015

Subject of request

1. The FOI request of 16 December 2014 asked:

Could you please let me know how many nationality stats letter application were refused from January .2014 to dec.2014 by the reason that the birth certificate was recently issued and the marriage certificate also?

Is it correct which already home office confirmed it by Foi act that the documentary evidence which was issued very near or around the time of birth such as school certificate or the extract taken from the time of marriage will be accepted? then please let me know how many application were refused wrongly with out refer the above confirmed fact?

Please let me know whether the home office will consider the date of registration or date of issue? if the document registered immediately after the birth or marriage which registered immediately but the both extract obtained recently, is it acceptable as per the home office policy?

If your application was refused mistakenly, what will the solution from your side?

The response by UKVI

2. UKVI responded on 31 December and explained that the data requested was not held. The response is set out in full at **Annex A**.

Request for an IR

3. On 1 January 2015 Mr Ajim requested an Internal Review. This is set out in full at **Annex B**.

Procedural issues

4. The initial Fol request was received on 16 December 2014. UKVI provided a substantive response on 31 December 2014, which represents 9 working days after the initial request. Therefore, the Home Office complied with section 10(1) of the FOI Act by providing a response within the statutory deadline of 20 working days.
5. The Home Office response informed Mr Ajim in writing of his right to request an independent review of the handling of his request as required by section 17(7)(a) of the Act. The response also advised of the right of complaint to the Information Commissioner as required by section 17(7)(b) of the Act.

Consideration of the response

6. The request for an Internal Review explained that the request was (not) properly answered and needed investigating.

7. The response explained that that the data was not recorded electronically for statistical purposes and was therefore, not held. However, the initial request asked four questions and the response only partially answered the first and second, and provided no response to the third and forth questions.
8. I have consulted the policy unit and I am able to clarify the response, as well as answer the third and forth questions.
9. You asked several questions regarding the acceptance of official documentation, when making requests for nationality status from UK visas and Immigration.

Q1. How many nationality status letter applications were refused from January 2014 to December 2014 by the reason that the birth certificate was recently issued and the marriage certificate also? [Rather than being issued at the point of the event]?

Q2. Is it correct which already Home Office confirmed it by FoI act that the documentary evidence which was issued very near or around the time of birth such as school certificate or the extract taken from the time of marriage will be accepted? then please let me know how many applications were refused wrongly without refer to the above confirmed fact?

A1 and A2. The initial response was correct to confirm that the requested information was not held statistically on databases, however it should not have concluded that no information was held at all purely on that basis, as some detail may be held within casework files. Unfortunately, to confirm this and gather anything in scope would require significant manual searches of thousands of files (many of which are held at archives). Under section 12(2) of the Act, the Home Office is not obliged to comply with a request for information, where to do so would exceed the cost limit. We have estimated that the cost of determining whether we hold the requested information within case files would significantly exceed the limits specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. We are therefore unable to comply with it.

The £600 limit is based on work being carried out at a rate of £25 per hour, which equates to 24 hours of work per request. The cost of locating, retrieving and extracting information and preparing the response can be included in the costs for these purposes. The costs do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or items such as photocopying or postage.

We do not believe that it's possible to refine the request in order to bring it under the limit, given the exercise involved and the volume of files.

Q3. Please let me know whether the Home Office will consider the date of registration or date of issue?

A3. While question 3 does not technically request recorded information, outside of the Act, we can confirm that when considering an application for a status letter, UKVI would need to see satisfactory evidence of the person's claim to British nationality. UKVI would expect to see documents that were issued around the time that the event took place. For example, if a person claims to have been born in 1949, we may accept either the original 1949 birth certificate, or a certificate which was issued after that date but shows that the birth was registered in 1949. Where the person's birth was only recently registered we would not normally accept this as sufficient to establish a claim.

Q4. If your application was refused mistakenly, what will the solution be from your side?

A4. As above, while question 4 does not technically request recorded information, outside of the Act, we can confirm that if a customer feels that there was a misinterpretation of the

law and policy, then they can apply for a reconsideration of their application and have it reviewed.

Conclusion

10. The response was provided within 20 working days, therefore UKVI complied with Section 10(1) of the FoI Act.
11. UKVI explained that the requested data was not recorded electronically for statistical purposes and that the Nationality Directorate did not hold any information. As per above explanations, it would exceed costs to do any manual searches of individual files.
12. UKVI failed to answer the third and forth questions, in, or outside of the FOI Act. These questions have now been answered.

Information Rights Team

Home Office

May 2015

Annex A

Customer Service Operations
UK Visas & Immigration
Department 16
The Capital
Old Hall Place
Liverpool
L3 9PP

Mohamed Ajim
request-208572-6316894d@whatdotheyknow.com
31 December 2014
Our Reference: 33851

Dear Mohamed

Thank you for your email of 16 December, in which you ask for information regarding how many nationality stats letter application were refused from January - Dec.2014 because of recently issued birth and marriage certificates. Your request has been handled as a request for information under the Freedom of Information Act 2000.

You have requested the following information;

Could you please let me know how many nationality stats letter application were refused from January .2014 to dec.2014 by the reason that the birth certificate was recently issued and the marriage certificate also?

Is it correct which already home office confirmed it by FOI act that the documentary evidence which was issued very near or around the time of birth such as school certificate or the extract taken from the time of marriage will be accepted? Then please let me know how many application were refused wrongly with out refer the above confirmed fact?

Please let me know whether the home office will consider the date of registration or date of issue? If the document registered immediately after the birth or marriage which registered immediately but the both extract obtained recently, is it acceptable as per the Home Office policy?

If your application was refused mistakenly, what will the solution from your side?

Your requested data is not recorded electronically for our statistical purposes thus; we cannot provide information on any of the above questions. We have also contacted nationality directorate directly and they also inform us that they do not hold any of your requested data locally.

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 number **33851**. 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
3rd Floor, Peel Building
2 Marsham Street
London SW1P 4DF
e-mail: info.access@homeoffice.gsi.gov.uk

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

We also 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>

Yours sincerely

Cliff Walls
Customer Service Operations

Annex B

From: Mohamed Ajim [<mailto:request-208572-6316894d@whatdotheyknow.com>]
Sent: 01 January 2015 13:48
To: FOI Requests
Subject: Internal review of Freedom of Information request - Request FOI

Dear Home Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Home Office's handling of my FOI request 'Request FOI'.

my request was properly answered and also need investigation please.

please provide me the information which I sought as per FOI act

A full history of my FOI request and all correspondence is available on the Internet at this address:
https://www.whatdotheyknow.com/request/request_foi_12

Yours faithfully,

Mohamed Ajim

Annex C

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your FOL request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF