



Immigration Enforcement

Immigration Enforcement
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Jack Maxwell
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www.gov.uk/home-office

Thursday 17 December 2020

Dear Mr Maxwell,

Re: Freedom of Information request – 61422

Thank you for your email of 27 November, in which you ask for information regarding the triage process operated by the Home Office to manage marriage notifications. Your request, which is set out in the attached Annex A, has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

The Marriage Referral Assessment Unit (MRAU) does use a triage model. The model does not use Nationality as a factor, or criteria, to assess the notifications. It does not use any protected characteristics as defined by the Equality Act 2010 to directly discriminate against couples giving notice to marry.

In keeping with the FOIA, we assume that all information can be released to the public unless it is exempt. I can confirm that the Home office does have an Equality Impact Assessment (EIA) for the marriage assessment process. However, after careful consideration we have decided that some of the information is exempt from disclosure under section 31(1)(a) of the FOIA. This provides that information can be withheld where disclosure would or would be likely to prejudice the prevention or detection of crime. Arguments for and against disclosure in terms of the public interest with the reasons for our conclusion, are set out in the attached Annex B. In light of this we have released the EIA but have redacted the section that describes the criteria the triage model uses; please refer to annexes C and D.

The Home Office has guidance that deals with the handling of marriage referrals and the use of the model. In line with section 40(3)(a)(i) of the Freedom of Information Act which provides an exemption under data protection principles we have redacted the sections that relate to personal information.

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 **61422**. 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,

Immigration Enforcement Secretariat

ImmigrationEnforcementFOIPQ@HomeOffice.gov.uk

From: Jack Maxwell <request-709341-16b3af0c@whatdotheyknow.com>
Sent: 27 November 2020 10:06
To: FOI Requests <FOIRequests@homeoffice.gov.uk>
Subject: Freedom of Information request - Sham marriages

Dear Home Office,

The Independent Chief Inspector's report of December 2016 noted that the Marriage Referral Assessment Unit (MRAU) used a 'trial model', known as 'the dial', to decide which marriage referrals to investigate as potential shams - see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/577880/Sham_Marriage_report.pdf

Please provide the following information:

- (1) Does the MRAU still use a triage model or similar system to decide which marriage referrals should be investigated as potential shams?
- (2) Does the model use nationality as a factor in assessing marriage referrals? If so, please provide a copy of the relevant Ministerial authorisation for the purposes of the Equality Act.
- (3) Please provide copies of any equality impact assessments or data protection impact assessments completed in relation to the model.
- (4) Please provide copies of any internal policies, guidance or standard operating procedures which deal with the process of handling marriage referrals and the use of the model.

In the event that you determine some of the information I have requested to be exempt from disclosure, please redact exempt information with black boxes, instead of snipping or excerpting, and please state which category of exemption you believe applies to the information.

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in s.12 FOIA, please provide advice and assistance as to how I can refine my request, as required under s.16 FOIA.

Yours faithfully,

Jack Maxwell

Public Interest Test in relation to s31(1)(a):

31(1) - Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –
(a) the prevention or detection of crime

Some of the exemptions 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 in disclosure against the public interest in maintaining the exemption. 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 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 if the information is released 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 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,

Considerations in favour of disclosing the information

There is a general public interest in the disclosure of 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. There is a specific public interest in enabling access to information about immigration enforcement activity and information we gather to inform operations.

We recognise that there may be a public interest in disclosing this information now and that this may weigh in favour of it being unreasonable to wait for the information to be published.

Considerations in favour of maintaining the exemption

It is in the public interest to ensure that the publication of official information is a properly assessed and sources are protected. The Home Office must ensure that the information intended for publication meets the standards and requirements set for departmental publications. It would not be in the public interest for the Home Office to release this information.

Conclusion

We conclude that the balance of the public interest lies in maintaining the exemption and withholding the information. It is in the overall public interest that the Home Office is able to identify and investigate marriages that present a high risk of being sham marriages.