



Home Office

Corporate Services
2 Marsham Street
London SW1P 4DF

020 7035 4848
(switchboard)
www.homeoffice.gov.uk

BritCits
request-176658-
a173548e@whatdotheyknow.com

9th April 2014

Dear BritCits,

Reference number: 30715

Thank you for your e-mail of 26th February in which you asked for an internal review of our response to your Freedom of Information (Fol) request for further information on the Surinder Singh ruling. I apologise for the delay in replying.

I have now completed the review. I have examined all the relevant papers and have consulted the policy unit which provided the original response. I have considered whether the correct procedures were followed and assessed the reasons why information was withheld from you. I confirm that I was not involved in the initial handling of your request. My findings are set out in the attached report. My main conclusion is the exemption at section 14(2) was applied incorrectly and the request for information should have been considered in full. This has now been done as a part of this internal review. However, while we hold the information which you have requested we have estimated that the cost of meeting your request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. We are therefore unable to comply with it.

A full explanation of this decision can be found in the report below.

Yours sincerely,

A Anokwuru
Information Access Team

Switchboard 020 7035 4848
E-mail info.access@homeoffice.gsi.gov.uk

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by BritCits (30715)

Responding Unit: Information Management Services (IMS)

Chronology

Original Fol request: 7th February 2014

IMS response: 26th February 2014

Request for internal review: 26th February 2014

Subject of Request:

1. BritCits submitted the following request for information under the Freedom of Information Act:

In your response you state you have provided all the relevant info which the HO holds. However, you have refused to provide any info on cost basis. The CID must have info on the sponsor's citizenship, which if British and applying under EEA regulations, automatically means Suridner Singh route, even if this expression is not captured in the database.

Please explain what info you believe you have provided or if you cannot do this, please list all the mandatory fields in the CID.

The response by IMS

2. The IMS response of the 26th February withheld the information requested under section 14(2) of the Act stating that BritCits had requested similar information on 13th September and a reply to this request (ref: 28957) was sent on 10th October 2013.

The full response can be found at **Annex A**.

BritCits' request for an internal review

3. BritCits submitted a request for an internal review on 26th February stating that the Home Office did not provide an answer to the initial request for information and this subsequent request is now different.

A full copy of BritCits' request for an internal review can be found at **Annex B**

Procedural issues

4. BritCits made a request for information on 13th September 2013 (ref: 28957) which was refused on 15th October under section 12(1) as it was estimated that the cost of meeting the request would exceed the cost limited of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

A full copy of the request and response can be found at **Annexes C and D**

5. BritCits submitted a follow up request for information on 4th February 2014.

6. IMS sought clarification of the request on 7th February and also enquired whether BritCits wanted this request to be treated as a new request under the Act. IMS informed BritCits that a full response would be made within 20 working days after receiving clarification of the request. ICO guidance states that: *'If the authority needs further details to identify or locate the information, then the 20 working days will commence the day after it receives the required clarification from the requester.'*
7. BritCits confirmed that it should be treated as a new request for information on 7th February; however the clarification requested was not provided.
8. IMS provided a full response on 26th February which was the thirteenth working day.
9. IMS complied with sections 17(1)(a) and 17(1) (c) by stating that the information requested is exempt and providing sufficient detail as to why that exemption was applied.
10. BritCits was informed of the right to an independent internal review into the handling of the request, as is required by section 17(7)(a) of the Act. The response also informed BritCits of the right of complaint to the Information Commissioner, as specified by section 17(7)(b) of the Act.

Application of Section 14(2)

11. IMS withheld the requested information under section 14(2) which states:

Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

12. IMS incorrectly applied section 14(2) to the information requested. After reviewing request 28957 (Annex C) it is clear that 30715 is not a repeat request and therefore should have been responded to in full, which I am now in a position to do.

Consideration of Request for Information – 30715

13. In consideration of BritCits' first query *"please explain what info you believe you have provided"*, the response to the request ref: 28957 informed BritCits that the information was exempt from disclosure due to it exceeding the cost limit. It further went on to say that all the relevant information was provided and will be released via the Home Office website.
14. The response stated in error that the information will be released via the Home Office website.
15. BritCits also stated in the request for information:

The CID must have info on the sponsor's citizenship, which if British and applying under EEA regulations automatically means Surinder Singh route, even if this expression is not captured in the database.

16. I have contacted UK Visas and Immigration who have confirmed that this assumption is incorrect. The sponsor and their family member would have needed to be in an EU

member state with the British citizen exercising their treaty rights, immediately prior to returning to the UK and making an application. CID does not contain a field which allows for easy identification of such cases. This information is contained in the notes screen on CID and the paper file. Therefore it would be necessary to conduct a manual search of all EEA Residence Card applications. This would exceed the £600 cost limit as outlined in the previous response.

17. In consideration of BritCits second question "*please list all the mandatory fields in the CID*", under section 12 of the Act, the Home Office is not obliged to comply with an information request where to do so would exceed the cost limit.
18. Home Office IT has confirmed that CID contains 186 screens; however 120 of these screens contain fields that require validation. Due to the complexity of CID, a manual search of each of these screens would be necessary. Therefore the cost of meeting the request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. We are therefore unable to comply with it.
19. For many of the fields in CID it would only be possible to ascertain whether the field requires validation during case creation and also when entering data. If a certain field is left blank a message would appear informing the user that the data cannot be saved until that field had been populated.
20. The time it would take to check each screen, checking which fields require validation, noting down these fields, checking the naming convention of each field and then entering this onto a separate spreadsheet would take approximately 15 minutes per screen. There are also different types of validation, depending on certain aspects, such as case type, so some fields would have to be accessed multiple times. To check 120 at an average of 15 minutes per screen equates to 30 hours / £750 which exceeds the cost limit.

Conclusion

21. IMS complied with sections 17(1)(a) and 17(1)(c) by stating that the information requested is exempt and providing sufficient detail as to why the section 14(2) exemption was applied.
22. IMS incorrectly applied the exemption at section 14(2) to the information requested.
23. As part of this internal review, the request for information has been answered, however is withheld under section 12.

A Anokwuru
Information Access Team
Home Office
9th April 2014

Annex A – Response for request for information

Dear S Mehta,

Freedom of Information request - 30715

Thank you for your e-mail of 4th February 2014, in which you ask for further information about the Surinder Singh ruling.

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

Our records show that you have already written to us on 13th September requesting similar information and we sent you a reply to this request (ref: 28957) on 10th October 2013. We do not believe that a reasonable interval has passed since you made your first request and we are therefore not obliged to comply with your request, under section 14(2) of the Act. This is because we have provided a full answer to your request.

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 30715. 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: xxxx.xxxxxx@xxxxxxxxxx.xxx.xxx.xx

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.

Yours sincerely

S.Snowsell

Information Access Team
Switchboard 020 7035 4848
E-mail FOIRequests@homeoffice.gsi.gov.uk

Annex B – Request for internal review

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 'Surinder Singh'.

Home Office is refusing to provide the info on the basis that a similar query was made several months ago. They seem unable to grasp that a) they did not provide me with an answer the first time round b) the request is now different.

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

Yours faithfully,

BritCits

Annex C - 13th September 2013 request for information

FoI Request ref: 28957

Dear Home Office,

Please see below for an FOI request with regards to British citizens returning to the UK with non-EEA family members using the Surinder Singh route.

a) Please provide the number of applications received under Surinder Singh, within the following time periods

January 2013 - August 2013 (or as recent as possible, please provide the date to which this is provided)

January 2012 - December 2012

January 2011 - December 2011

- i) number of applications received in each of the above periods
- ii) number of applications granted the residence card
- iii) number of applications refused the residence card
- iv) number of applications that are still in process

Please also note any reasons for difference in the number within ii)-iv) not summing up to the number in i).

b) Please also provide information on the time taken for the processing, from receipt of application by the Home Office to

- i) the issuance of a 6 month stamp allowing said family members to live and work in the UK while their application is being processed,
- and
- ii) the issuance of the 5 year residence card.

covering the same time intervals as in a).

Regards

BritCits

Annex D - 15th October response

FOI Response ref: 28957

BritCits
15 October 2013
Our Reference: 28957
[\[FOI #176658 email\]](#)

Dear Sir or Madam

Thank you for your e-mail of 13 September, in which you ask for information about Surinder Singh applications. Your request has been handled as a request for information under the Freedom of Information Act 2000.

I am able to disclose the following;

Please see below for an FOI request with regards to British citizens returning to the UK with non-EEA family members using the Surinder Singh route.

a) Please provide the number of applications received under Surinder Singh, within the following time periods:

January 2013 - August 2013 (or as recent as possible, please provide the date to which this is provided) January 2012 - December 2012 January 2011 - December 2011

- i) number of applications received in each of the above periods
- ii) number of applications granted the residence card
- iii) number of applications refused the residence card
- iv) number of applications that are still in process

Please also note any reasons for difference in the number within ii)-iv) not summing up to the number in i).

b) Please also provide information on the time taken for the processing, from receipt of application by the Home Office to

- i) the issuance of a 6 month stamp allowing said family members to live and work in the UK while their application is being processed, and
- ii) the issuance of the 5 year residence card.

covering the same time intervals as in a).

UK Visas and Immigration is an operational command of the Home Office

We are only able to report on data that is captured in certain mandatory fields on the Case Information Database (CID). Details of whether an application was made using the Surinder Singh route is not recorded in a reportable field. Consequently, in order to provide the requested information, we would need to undertake a manual case by case search of records.

The Home Office is not obliged to comply with any information request where the prescribed cost of supplying you with the information exceeds £600. The £600 limit applies

to all central government departments and is based on work being carried out at a rate of £25 per hour, which equates to 3½ days work per request. Prescribed costs include those which cover the cost of locating and retrieving information, and preparing our response to you. They do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or disbursements such as photocopying or postage.

We have estimated that to gather and collate the information you have requested would exceed the £600 cost threshold.

In keeping with the Freedom of Information Act, we assume that all information can be released to the public unless it is exempt. In line with normal practice we are therefore releasing the information which you requested via the Home Office website.

I hope that this information meets your requirements. I would like to assure you that we have provided you with all relevant information that the Home Office holds.

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 28957. 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: [\[email address\]](#)

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.

Yours sincerely

Emma Byrne
North West Correspondence Team

Annex E

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