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Hari

FOI Reference: 22493/1562

Email:
request-109087-fc515175@whatdotheyknow.com

12 June 2012

Dear Hari

Thank you for your enquiry of 10 April where you have requested further information regarding Tier 1 General initial application verification timelines. Your request has been handled as a request for information under the Freedom of Information Act 2000.

Please see the information below in response to your questions.

1. You have mentioned that 73 Tier 1 initial applications received between 1st February 2011 and 6th April 2011 are still not decided. But you have also mentioned that none of the Tier1 Applications handled by ILU or RVT are outstanding. So which team are these 73 applications pending with ? And what is the expected turn aroundtime of this team(s) ?

2. Clearly, these 73 Tier 1 applications have been pending for more than one year. Why is the Caseworker still not able to make a decision ? Are they waiting for a reply from a third party ? Or are these applications still waiting in some queue waiting to be actioned by a team ?

1) You previously requested information on the number of in-country Tier 1 General initial applications, received between 1 February and 6 April 2011. At the time when you submitted your FOI request reference 22493, we had 73 Tier 1 applications that had yet to be decided.

As mentioned in our previous response, applications may be passed to the International Liaison Unit (ILU) or to the Regional Verification Team (RVT) for verification. Once caseworkers receive a response they will continue to process the application accordingly.

Service standards for employment cases in 2011/2012 are 90% cases decided within four weeks from when the Biometrics are completed. Turnaround times for those referrals handled by ILU, are difficult to predict as there are different factors to consider with each referral dependent on the concerns of those considering such applications. There is no service level agreement in place for verifying overseas referral, such cases will take as long as they need to take for verification. We do however regularly review progress on each case. The expected turnaround time for referrals to RVT is five working days on average in approximately 90% of referrals.

2) Reasons for referral and the length of time it takes to verify and subsequently process the application will vary as referrals will be at different stages of the process.

The compliance process is designed to support caseworkers in making the required checks and considerations when handling applications. I can confirm that we hold some additional information relevant to your enquiry; however, I have decided not to communicate the information to you pursuant to the exemption under section 31 of the FOIA. Annex A provides an explanation of why we have exempted this information.

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 22493. 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: 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.

Yours sincerely

Daniela Walker

Section 31 (1) (e)

Section 31 (1) (e) allows us to exempt information if its disclosure would, or would be likely to, prejudice the operation of immigration controls.

The information relates to our compliance process and in particular the process undertaken to verify and process individual applications. The UK Border Agency must be able to regulate the immigration mechanism freely and without restriction from external influence.

The use of this exemption also requires us to consider whether in all the circumstances of the case the public interest in maintaining the exemption stated above outweighs the public interest in disclosing the information.

We have considered the public interest there may be in disclosing the information to you. There may be a public interest in disclosure to ensure that there is public confidence in the Points Based System (PBS) and how the UK Border Agency is administering it.

We have also considered the public interest in maintaining the exemption to the duty to communicate. There is strong public interest in ensuring that the UK Border Agency is allowed the necessary space and confidentiality in which to carry out the compliance process. The compliance process comprises a variety of processes and checking mechanisms. All of which take varying lengths of time to instigate and complete. If we have reason to believe that a migrant poses a threat to immigration control we may refuse an application. The compliance process is designed to support caseworkers in making the required checks and considerations when handling applications. The checks and specialist teams involved in carrying out these checks are an integral part of the compliance process. We have considered whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information. We have concluded that the balance of the public interests identified lies in favour of maintaining the exemption because the greater public interest lies in ensuring that UK Border Agency officials are allowed to administer the compliance process without undue outside influence.