

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 March 2017

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested information relating to five men arrested in the Winchelsea beach area, on suspicion of entering the UK illegally.
2. The Home Office failed to respond to this request for information and the Commissioner's decision is that in doing so the Home Office breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - Issue a response to the request under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
4. The Home Office must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 9 August 2016, the complainant wrote to the Home Office and requested information in the following terms:

"A Home Office spokesperson said: "On Sunday, 31 July Sussex Police arrested five men in the Winchelsea beach area, on suspicion of entering the UK illegally. The five, all from Iran and aged between 18 and 44,

were passed to Border Force for interview. All five must now report regularly to the Home Office while their cases are progressed in line with immigration rules.

I would like to know the following:

- 1. How often do these men have to report to the Home Office and by what means (ie: What is 'regularly' is it weekly, fortnightly, monthly and in person or phone, email etc)?*
- 2. How many individuals (and their dependents) who indicated they wanted to claim asylum in Britain have gone missing since 2010. That is, are no longer in contact with the Home Office or have absconded. I would like a figure for each of the six full years and a figure for the first six months of 2016.*
- 3. How many failed asylum seekers are still in the UK?*
- 4. What is the total annual cost to the UK of asylum. Official documents give the figure for 2014/15 as 474,340,920. I would like the latest available figure, so the cost in 2015/16."*
6. The Home Office acknowledged the request on the 16 August 2016. It said that it would aim to respond to the request by the 7 September 2016.
7. At the date of this decision notice, the Home Office had yet to respond substantively to the request.

Scope of the case

8. The complainant contacted the Commissioner on the 8 November 2016 to complain about the way his request for information had been handled.

Reasons for decision

9. The Commissioner wrote to the Home Office on 28 November 2016 and asked it to respond to the complainant's request within 10 working days. Despite this, neither the Commissioner nor the complainant received any response from the Home Office.
10. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held

and, if the information is held, to have that information communicated to them.

11. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"no later than the twentieth working day following the date of receipt"*.
12. In this case the Home Office has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Right of appeal

13. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
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