



## UK Visas & Immigration

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16 October 2018

Dear Mr Jones

Thank you for your enquiry of 6 August in which you requested information on settlement visa applications. Your request is being handled as a request for information under the Freedom of Information Act 2000.

### Information Requested

#### *PART 1.*

*Please provide the following information, grouped by quarter from 01 January 2016 until the present day:*

- \* The number of non-straightforward settlement out-of-country visa applications completed within 12 weeks for applications received in that quarter*
- \* Of those not completed within 12 weeks and accepted, the total time to completion grouped into groups no larger than 4 weeks (eg 12-16 weeks, 16-20 weeks 20-24 weeks and so on) for applications received in that quarter*
- \* Of those not completed within 12 weeks and rejected, the total time to completion grouped into groups no larger than 4 weeks (eg 12-16 weeks, 16-20 weeks 20-24 weeks and so on) for applications received in that quarter*
- \* The average time to resolve for all non-straightforward settlement out-of-country visa applications received in that quarter*
- \* The longest time to resolve for any non-straightforward settlement out-of-country visa application received in that quarter*
- \* The number of non-straightforward settlement out-of-country visa applications received in that quarter that are still pending at the time this FOI request is fulfilled*

Please interpret the visa categories of "not straightforward", "settlement" and "out of country" as per your published international operations data transparency reports, for example <https://www.gov.uk/government/publications/international-operations-transparency-data-may-2018>

Where an average, maximum, grouping of data into buckets or any other data processing is required, please substitute anonymised raw data if such processing is deemed to expensive to fulfil. If anonymised raw data can also not be provided, please substitute any available relevant aggregated data.

#### *PART 2.*

*Please also provide any documents, should they exist, that are used to categorise out-of-country settlement visa applications as "not straightforward" including but not limited to training materials, business processes, and software requirements.*

#### *PART 3.*

*Please also provide any documents, should they exist, that are used to prioritise out-of-country settlement visa applications including but not limited to training materials, business processes, and software requirements.*

### **Response**

We apologise for the delay in providing your response.

The data you have requested in Part one of your enquiry can be found in the attached Annex 1. Data is available up to 30 June 2018 in line with published statistics. These statistics have been taken from a live operational database. As such, numbers may change as information on that system is updated. We do hold the information you have requested for the period up to the date of your FOI request. This data will not be published into the public domain until later this year and we are unable to provide it.

After careful consideration we have decided that the information is exempt from disclosure under section 36(2)(c) of the Freedom of Information Act. This provides that information can be withheld where disclosure would prejudice the effective conduct of public affairs and the public interest falls in favour of applying the exemption.

Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out below in Annex 2.

Regarding part 2 of your request, Operational Instruction (OPI) 593 (attached as Annex 3) details how decision making centres should determine whether or not they should treat an application as not straightforward. Information contained within the attached Annex 3 has been redacted to remove some information using Section

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

This exemption requires us to consider whether, in every respect the public interest in maintaining the exemption stated above, outweighs the public interest in disclosing the information.

Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are also set out below in Annex 2.

Regarding part three of your request, prioritisation of settlement applications is determined by whether or not the applicant has paid for the Priority service, in which case we aim to process the application within 30 working days against 60 working days for the Standard service. Otherwise we aim to process applications according to the date on which they are received. However, where it is necessary to make additional enquiries processing times may take longer under either service. We may also prioritise processing where there are exceptional circumstances which warrant it. No specific guidance exists for this and entry clearance managers are expected to make a decision on a case by case basis, balancing meeting any exceptional needs of the applicant and their sponsors against the need to meet our customer service standards for all other applicants.

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](mailto:foirequests@homeoffice.gsi.gov.uk), quoting reference 49718. 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 will be reassessed by staff 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



Central Operations

We 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/> 

## **Annex 2**

### **Public interest test**

Some of the exemptions in the FOI Act, 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 favour of withholding the information, or the considerations for and against the requirement to say whether the information requested is held or not. 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 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. 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, including those who might represent a threat to the UK.

Regarding the use of a Section 36(2)(c) exemption:

#### **Considerations in favour of disclosing the information**

There is a general public interest in statistics relating to migration. Disclosure of the information requested would increase accountability and transparency and enhance the public's understanding of current trends in types of applications and processing times. All of these factors are in the public interest and there is some weight to be given to the considerations in favour of disclosing the information.

#### **Considerations in favour of withholding the information**

The Department publishes migration statistics quarterly and intends to publish migration statistics for the third quarter of 2018 later this year. Although the exact breakdown of the information requested will not be published, it will form part of the overall figures. Premature release of the subset of data requested could form part of a series of requests which together could build up a picture of the overall data due to be published. Although it is accepted that you may not necessarily be interested in making subsequent requests, information released to one person under the FOI Act is, in effect, released to the public at large. This would provide an opportunity for others to submit additional requests ahead of the planned publication date in order to obtain the information prematurely.

Premature disclosure of statistics without adhering to established pre-publication procedures (which include internal consultation about the final statistics being published) would undermine the Department's ability to use its staff resources effectively in a planned way, so that reasonable publication timetables are not affected.

Regarding the use of a Section 31(1)(e) exemption:

### **Considerations in favour of disclosing the information**

Disclosure of the information requested would ensure public confidence in the visa application process and how the Home Office is administering it. It would also enhance the public's understanding of Home Office process. All of these factors are in the public interest and there is some weight to be given to the considerations in favour of disclosing the information.

### **Considerations in favour withholding the information**

There is strong public interest in ensuring that the effective operation of immigration controls is preserved. The justification being that to release the guidance would show the sort of data we use and how we use it to determine the risk level of an application and so weaken the effectiveness of the UK's immigration control by providing valuable information to those who would seek to circumvent it.

We have therefore concluded that the balance of public interests identified lies in favour of maintaining the exemption. This is because the overall public interest lies in ensuring that the Home Office protects the operation of immigration controls.