

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 September 2017

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

Decision (including any steps ordered)

1. The complainant has requested information from the Home Office regarding the number of people given temporary admission into the UK from June 2013 to May 2016.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Home Office must issue a response to the request in accordance with its obligations under the FOIA.
4. The public authority 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 31 May 2016, the complainant wrote to the Home Office and requested information in the following terms:

"Could you please give me the total numbers of people given temporary admission into the UK broken down by month from June 2013 to May 2016.

I do not wish to know whether they are illegal immigrants or asylum seekers, just the total given temporary admission"

6. The Home Office sought clarification on 8 June 2016 to which the complainant responded on the same day. He stated:

"I would like the total number of people given temporary admission both at the port of entry and those that are found without valid leave to remain in country"

7. The Home Office sought further clarification on 24 June 2016 and again the complainant responded on the same day. He stated:

"Dear FOI Requests,

This is my original request

Could you please give me the total numbers of people given temporary admission into the UK broken down by month from June 2013 to May 2016.

I do not wish to know whether they are illegal immigrants or asylum seekers, just the total given temporary admission

So the answer to your question is the total number of people that have been temporary admittance between these dates whether this was given at port/airport of entry, removal centre and anywhere else the home office grant temporary admittance "

8. The Home Office acknowledged the request on 27 June 2016 and stated it aimed to provide a full response by 25 July 2016.
9. The complainant has contacted the Home Office a number of times since to ask when a response would be issued.

Scope of the case

10. The complainant contacted the Commissioner on 10 May 2017 to complain about the Home Office's failure to respond to his request.
11. Following receipt of the complaint the Commissioner contacted the Home Office, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.
12. Despite this intervention the Home Office has failed to respond to the complainant.

Reasons for decision

13. Section 10(1) of FOIA states that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

14. As a response has not yet been provided the Commissioner finds that the Home Office breached section 10(1) in failing to respond within 20 working days.

Right of appeal

15. 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

16. 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.
17. 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

Alun Johnson
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF