

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 December 2015

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

Decision (including any steps ordered)

1. The complainant has requested from the Home Office (HO) information about the refusal of visas to foreign nationals wishing to visit the UK. The Commissioner's decision is that the Home Office has failed to respond substantively to this request and the Commissioner finds that, in so doing, it breached sections 1(1) and 10(1) of the FOIA.
2. The Commissioner requires the Home Office to respond to the request to ensure compliance with the legislation.
3. The Home Office must take this step 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

4. On 14 August 2015, the complainant wrote to the Home Secretary asking for information concerning the refusal of visas for foreign nationals wishing to visit the UK. This arose from the refusal of a visa request by an Algerian national. The information request was:

"Knowing that the occurrence of the lack of assets and/or property within Algeria is much higher than here in the UK I shall ask for the following information.

1. How many Visit Visa applications are refused because the Applicant does not or cannot demonstrate any personal assets and/or property owned by them?

2. In comparison how many Visit Visa applications are granted because the Applicant can demonstrate any personal assets and/or property is owned by the Applicant?

3. Is the percentage of granted Visit Visas higher for those Applicants that do have assets and/or property?

4. How many Visit Visa applications are successful for those Applicants that do not have any assets and/or property?

5. Why was this distinction made when it was clear that my friend does have a good history of immigration compliance, collects his Algerian Army Pension (See the refusal form as this is confirmed by the ECO), submitted a written undertaking by me, supplied his return Airline Ticket which he had to get to prove that he is entitled to free travel and other documentations which satisfactorily proves his circumstances. Was this a way of finding yet another reason to refuse the application that was not nor could not have been discovered or answered by my friend?

6. Given the fact that the ECO was satisfied in all parts of the application is it now necessary for an Applicant to have personal assets and/or property before being granted a visa?"

5. At the time of writing, despite reminders from the complainant, and from the ICO, HO has failed to respond substantively to this information request.

Scope of the case

6. The complainant contacted the Commissioner on 7 October 2015 to complain about the failure of HO to respond to his information request.

Reasons for decision

Sections 1 and 10

7. 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. Section 10(1) of the FOIA states that a public authority must

respond to a request promptly and “not later than the twentieth working day following the date of receipt”.

8. In this case HO has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. At paragraph 2 above HO is now required to respond to the complainant’s request in accordance with FOIA.

Other matters

9. As well as the finding above that HO has breached the FOIA in this case, a record has been made of the failure to respond to the complainant’s information request and this issue may be revisited in future enforcement action.

Right of appeal

10. 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

11. 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.
12. Any Notice of Appeal should be served on the Tribunal within 35 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF