

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 16 November 2017

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

### Decision (including any steps ordered)

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1. The complainant has requested information regarding enforced removals of foreign nationals from the Home Office (the "HO"). By the date of this notice, the HO has yet to provide a substantive response to this request.
2. The Commissioner's decision is that the HO breached sections 1 and 10 of the FOIA in failing to provide a valid response to the request within 20 working days of receipt. She requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
3. The HO 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

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4. On 8 June 2017 the complainant wrote to the HO and requested information in the following terms:

*"1a) Please state the number of airline plane tickets issued by the Home Office under removal instructions from the Home Office.*

*b) Please state the total cost of these airline tickets.*

*c) Please state the number of persons successfully removed from the UK under Home Office issued removal instructions.*

*Please provide information for each of the following financial years:*

- i) 2015/16*
- ii) 2016/17*

*2) Please state the number of Home Office instructed enforced removals of foreign nationals (asylum and non-asylum) where it is the case that the removal was unsuccessful.*

*Please provide the numbers of unsuccessful removals for each of the following reasons:*

- a) Administrative paperwork relevant to this individual's enforced removal was incorrectly filled or absent – (both escorted and unescorted)*
- b) The individual was absent / in a different location when the TASCOR escorts arrived at the designated pick up location (escorted)*
- c) The removal was cancelled part way through / after the escorting process has begun. Please break this further down by the reason for the cancellation.*

*Please provide information for each of the following financial years:*

- i) 2014/15*
- ii) 2015/16*
- iii) 2016/17*

*3) Please state the number of*

- a) Successful, escorted*
- b) Successful, unescorted*
- c) Unsuccessful, escorted*
- d) Unsuccessful, unescorted*

*Transfers of individuals between immigration detention centres for each of the following financial years:*

- i) 2014/15*
- ii) 2015/16*
- iii) 2016/17*

*4) Please state the average cost of a planned removal of a foreign national from the UK for each of the following financial years:*

- i) 2015/16*
- ii) 2016/17*

*If this request as a whole breaches the cost limit set out under the freedom of information act, please answer just question 1A & 2A".*

5. The HO wrote to the complainant on 5 July 2017 and advised her:

*"Some of the information you have requested is being considered under the exemption in section 31(1) (e) of the Act, which relate to law enforcement and the operation of immigration control*

*... We now aim to let you have a full response by 1 August".*

6. No response was provided.

### **Scope of the case**

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7. On 3 August 2017 the complainant contacted the Commissioner to complain about the lack of response by the HO to her request for information.
8. The Commissioner contacted the HO on 31 October 2017 to query the non-response. The HO advised her that the response was still awaiting "clearance" and that it was unable to give an indication as to when it would be cleared.
9. No substantive response to the request has been provided by the date of this notice.

### **Reasons for decision**

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#### **Section 10 – time for compliance**

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 provides that 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. From the information provided to the Commissioner it is evident that the HO did not respond to the complainant within the statutory timeframe in respect of this request.

#### *Conclusion*

12. The Commissioner's decision is that the HO did not deal with the request for information in accordance with the FOIA. In this case the HO has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. The Home Office is now required to respond to the request of 8 June 2017 in accordance with the FOIA.

## **Other matters**

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13. As well as finding above that the HO is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against the HO should evidence from other cases suggest that there are systemic issues within the Home Office that are causing delays.

## Right of appeal

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14. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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 .....**

**Carolyn Howes**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**