



Home Office

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Charlie Loudon
charlie@redress.org

1 May 2019

Dear Mr Loudon

Freedom of information request (our ref. 52267: internal review)

Thank you for your email dated 13 March 2019, in which you asked for an internal review of our response to your Freedom of Information (FOI) request regarding information on immigration applications.

I have now completed the review. I have consulted the policy unit which provided the original response and have considered whether the correct procedures were followed. I can confirm that I was not involved in the initial handling of your request.

The Home Office response of 12 March 2019 provided links to published information on the Refugee Convention and the number of refusals of asylum applications. The response also confirmed that 330 individuals were refused Citizenship and 4 individuals were refused Leave to Enter on the basis of suspicion of war crimes between 1 January 2010 and 30 September 2018.

I have considered your original request and the response provided by the Home Office. I note that you have asked for an explanation of the discrepancy between the numbers of adverse recommendations made by Home Office staff as provided in our original response to your FOI request and those provided in a previous FOI response (case reference 45026).

I can confirm that the discrepancy is due to the way the questions are worded in the two requests, which were interpreted slightly differently by the department.

Request 45026 asked how many adverse recommendations had been made by the Home Office between 2010 and 2016 for suspicion of war crimes and crimes against humanity.

This request was interpreted as relating to adverse recommendations for association with war crimes and crimes against humanity (no specific immigration application category was requested). This is a category of data that was captured at that time. The figures provided in the response relate to recommendations to entry clearance officers regarding individuals who may be associated with war crimes and crimes against humanity applying for entry clearance to the United Kingdom.

An adverse recommendation does not necessarily mean an adverse immigration decision against a specific immigration application. The figure of 817 in our response to request 45026 relates to recommendations in terms of background information that was supplied to entry clearance officers. We do not hold the information as to how many of those recommendations may have been the sole reason for someone to be refused entry clearance.

The figures included in the response to request 52267 relate to the specific immigration applications categories of asylum, citizenship, Leave to Remain and Enter. The figure provided includes the number of actual adverse decisions that have been made under these categories due to war crimes and crimes against humanity.

My conclusion is therefore that the original response was correct. This review has included an explanation of the apparent discrepancy between the figures provided in the original response to your request and to those provided in an earlier FOI response.

Yours sincerely

J Conquest

Information Rights Team

Annex A – Original request

Please could you provide the following information under the Freedom of Information Act.

Since 2010, in how many immigration applications have Home Office staff made adverse recommendations on the basis of suspicion of involvement in war crimes, crimes against humanity, genocide or torture? By the term 'immigration applications' we refer to applications for citizenship, asylum, leave to remain or leave to enter.

I note that the Home Office has provided similar information in response to freedom of information requests in the past:

- <https://www.gov.uk/government/publications/war-criminals>

I look forward to receiving a response within the standard 20 working day period. Please send your response to me, Charlie Loudon, at charlie@redress.org.

Yours faithfully

Charlie Loudon
International Legal Adviser

Annex B – Response letter

12 March 2019

FOI 52267

Dear Mr Loudon,

Thank you for your enquiry of 6 February in which you requested information on immigration applications. Your request has been handled as a request for information under the Freedom of Information Act 2000.

Information Requested

Since 2010, in how many immigration applications have Home Office staff made adverse recommendations on the basis of suspicion of involvement in war crimes, crimes against humanity, genocide or torture? By the term 'immigration applications' we refer to applications for citizenship, asylum, leave to remain or leave to enter.

Response

Article 1F of the Refugee Convention provides a means to exclude individuals from refugee protection where there are serious reasons to consider that they have committed certain serious crimes and they are avoiding being brought to international or national justice to be held to account for their actions. More information is available online at: <https://www.gov.uk/government/publications/people-excluded-from-refugee-status-under-article-1f-of-the-refugee-convention>

The Home Office publishes data on the number of refusals of asylum applications (main applicants), on a quarterly basis, in table as_01_q (asylum, volume 1) of the quarterly Immigration Statistics release. Refusals under Article 1F are a sub-set of the total refusals in this published data.

Over the period from 1 January 2010 to 30 September 2018 (the most recent period for which data are available), 138 applications for asylum were refused under Article 1F.

The Home Office does not regularly publish figures on Citizenship or Leave to Enter refusals on the basis of suspicion of involvement in war crimes. **However, I can confirm that from 1 January 2010 to 30 September 2018, there were 330 individuals refused Citizenship and 4 individuals refused Leave to Enter on the basis of suspicion of involvement in war crimes.** Please note, these statistics have been taken from a live operational database. As such, numbers may change as information on that system is updated.

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, quoting reference 52267. 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

J Rushton
Central Operations

Annex C – Internal Review request

Dear Sir / Madam

Thank you for the attached letter.

Please could you conduct an internal review of your response.

The information you have provided appears to be inconsistent with information you provided in response to a previous Freedom of Information Act request, dated 22 May 2018 (attached). In the 22 May 2018 response you stated that between 2010 and 2016 immigration staff made adverse recommendations in respect of 817 individuals due to suspicions that they were involved in or associated with war crimes, crimes against humanity or genocide. Please could you explain the discrepancy between that previous information and the figures in your recent response.

Yours faithfully

Charlie Loudon
International Legal Adviser

Annex D – Complaints Procedure

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your Fol request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF