



Home Office

**International and  
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1 November 2013

Dear Mr O'Leary

### **FOI reference 29055**

Thank you for your e-mail of 23 September 2013 in which you ask for information relating to the Government's proposals to pilot a financial bond scheme for visitors following details of this published in The Sunday Times.

You specifically requested information on the policy initiative of the financial bond scheme, and the methodology used to identify high risk visitors from specific countries who would be in scope of the scheme. Your request has been handled as a request for information under the Freedom of Information Act 2000. Although there have been reports in the media of the Government's proposals to pilot a financial bond scheme, the scheme is still being developed. No final decisions have been taken on nationalities for inclusion in the pilot or pilot locations.

I can confirm that the Home Office holds the information that you requested. However, after careful consideration we have decided that the information is exempt from disclosure under sections 31(1) (e) (Law Enforcement) and 35(1) (a) (Formulation of Government policy) of the Freedom of Information Act.

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

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 the address below, quoting reference 29055. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team  
Home Office  
Ground Floor, Seacole Building  
2 Marsham Street  
London SW1P 4DF  
e-mail: [info.access@homeoffice.gsi.gov.uk](mailto:info.access@homeoffice.gsi.gov.uk)

As part of any internal review the Department's handling of your information request will be reassessed by staff who were 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

A. Ioannou

Migration Policy

## Annex

### **Freedom of information request from Mr O’Leary (reference 29055)**

#### **Information requested**

The policy initiative relating to the Government’s proposal to pilot a financial bond scheme and the methodology used to identify high risk visitors from specific countries who would be in scope of the scheme.

#### **Response**

The information is exempt from disclosure under sections 31(1) (e) (Law Enforcement) and 35(1) (a) (Formulation of Government policy) of the Freedom of Information Act (FOI).

#### **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.

#### **Section 31(1) (e) of the Act provides:**

*(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—  
(e) the operation of the immigration controls,*

The use of this exemption requires us to consider whether, in all the circumstances of the case, the public interest in maintaining the exemption stated above outweighs the public interest in disclosing the information.

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

There is a public interest in ensuring public confidence in the operation of our immigration controls and transparency in the work of the Home Office. There is also a public interest in ensuring that those who are subject to immigration controls are aware of those controls and how they operate, as this may discourage such persons from seeking to enter the UK illegally.

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

There is a public interest in ensuring people are not able to evade or abuse these controls and ensuring the efficiency and integrity of the United Kingdom's immigration controls are not undermined. Disclosure of the information requested would substantially prejudice the operation of our immigration controls. Disclosing the methodology used to identify visitors from high risk nationalities, who present a risk of overstaying their visa, would allow the public to assess the effectiveness of our risk assessment strategy and might assist potential immigration offenders to circumvent the United Kingdom's immigration controls. This is clearly not in the public interest.

## **Conclusion**

We have considered whether in all circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

We have concluded that the balance of the public interest identified lies in favour of maintaining the exemption because it is in the overall public interest that the Home Office is able to maintain the integrity of the United Kingdom's immigration controls.

## **Section 35(1) (a) provides that:**

*'Information held by a government department or by the Welsh Assembly Government is exempt information if it relates to—  
(a) the formulation or development of government policy.'*

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

The Home Office recognises that there is a public interest in openness and transparency in all aspects of government so it can assess the quality of advice being given to ministers and subsequent decision making.

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

Disclosure of the details of a policy that is still being considered would undermine ministers and officials to conduct rigorous and candid risk assessments of their policies and programmes including considerations of the pros and cons without there being premature disclosure which might close off better options.

The release of any information relating to a policy that is still being developed would be very likely to prejudice the decision making process for that particular policy.

## **Conclusion**

We consider that the public interest in withholding the information outweighs those arguments in favour of release.

We have therefore concluded that the balance of the public interests identified lies in favour of maintaining the exemption. Unless these considerations are protected, there is likely to be a negative effect on the conduct of good government.