

Annex A- FOI Request 41804 and response

1) Please provide a border force manual and/or set of instructions used by staff at juxtaposed controls, specifically applicable to juxtaposed control staff at Gare Du Nord, Paris.

More specifically, this request would be satisfied by providing specifically set of instructions on (1) processing admissions of family members of EU nationals, b) issuance of JUX3, and specifically JUX3 PAF forms to applicants for admission.

Please do NOT refer to EEA Regulations. This request is specifically for Border Force manual and staff instructions in respect of the two of the above. The request is in respect of specific instructions pertaining to the operations of juxtaposed controls, not just Border Force manual.

The specific instructions issued to Border Force staff at Gare Du Nord Paris is being withheld under section 31(1)(a),(b) and (e) of the Freedom of Information Act. This provides that information is withheld where disclosure would be prejudicial to the prevention or detection of crime, the apprehension or prosecution of offenders and the operation of the immigration controls.

We are able to provide the national guidance that is made available to all Border Force staff on the Immigration (European Economic Area) Regulations 2006 and the Free Movement of Persons Directive 2004/38/EC. The link to the information is here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/476706/Free_movement_rights_V14_0_EXT.pdf

2) Please provide information on a number of JUX3 and/or JUX3 PAF forms issued to applicants for admission at juxtaposed controls in France in general, and specifically in Paris, in 2016 and 2015.

(2a) Please provide information on how many of those forms above were issued to those seeking admission as family members of EU nationals.

The information you have requested above is not held.

3) Please provide a job description, including detailed person specification, used in recruitment of interview staff, that conduct "Marriage interviews" of EU nationals and their non-EU spouses in connection with Residence card applications.

There is no specific job description for interview staff, nor has there been a specific recruitment campaign for staff to undertake "Marriage Interviews". All job roles within the UK Visa and Immigration Directorate, and indeed across the wider Civil Service, are diverse and multifunctional. Vacancies are filled on the basis of merit using the Civil Service Core Competency Framework and candidates must demonstrate their effective behaviours appropriate to their role and grade.

Further information on the Framework can be found at:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/436073/cscf_fulla4potrait_2013-2017_v2d.pdf

3a) Please provide training slides/materials and information on what training the above staff are required to undergo after hire, if applicable, as well as full instructions manual/staff guidance on conducting interviews with EU citizens and their non-EU citizen spouses.

There is no set slides/material on the training provided to staff. All interviewing staff are provided with the relevant comprehensive training and mentoring. However, due to the nature of the role, this training is interactive, following a job-shadowing and mentoring route before the interviewer is allowed to interview alone. Following this, as with all aspects of casework, their work is subject to quality sampling processes.

4) Please provide the following numbers:

a) Number of EEA residence card applications as a spouse of an EEA citizen in 2015 and 2016

No. of Applications	
2015	2016
27,670	22,760

b) Number of the above cases, where "marriage interviews" were conducted

c) Number of the above cases where marriage interviews were conducted, which were subsequently refused (without regard to possible appeal outcomes).

The specific information you request is not held.

5) Please provide the following information - How many people currently REMAIN with CURRENT LEAVE as migrants in Tier 1 General category? This does NOT include dependant family members or those who have obtained settlement, naturalised or switched categories.

This will, for avoidance of doubt, include only those who hold CURRENTLY VALID BIOMETRIC RESIDENCE PERMITS that have been issued in category Tier 1 General migrant, and are still valid. Nationality data will have also been included on the BRP.

The total number of people is 6,150

5a) Please provide breakdown of these by primary nationality of the migrant." (SIC)

The information you request is provided in the table below.

Nationality	Number of Persons
Afghanistan	5
Albania	*
Algeria	5
Argentina	5
Armenia	10
Australia	245
Azerbaijan	20
Bahamas	*

Bangladesh	65
Barbados	*
Belarus	5
Bolivia	*
Brazil	10
British Citizen	20
British National (Overseas)	5
Burma (Myanmar)	*
Cameroon	5
Canada	45
Chile	*
China	125
Colombia	10
Cuba	*
Dominican Republic	*
Egypt	60
Ethiopia	5
Gambia	*
Georgia	*
Ghana	10
Guyana	*
Hong Kong Special Administrative Region of China	*
India	3,180
Indonesia	5
Iran (Islamic Republic of)	40
Iraq	5
Israel	15
Jamaica	5
Japan	10
Jordan	5
Kazakhstan	15
Kenya	15
Kosovo	*
Kyrgyzstan	*
Lebanon	10
Libya	*
Macedonia (Former Yugoslav Republic of)	*
Madagascar	*
Malaysia	40
Maldives	*
Mauritius	10
Mexico	10
Moldova, Republic of	*
Montenegro (the Republic of)	*
Morocco	*
Nepal	5
New Zealand	130

Nigeria	410
Pakistan	745
Palestinian Authority	*
Peru	*
Philippines	10
Portugal	*
Russian Federation	110
Saudi Arabia	5
Serbia (the Republic of)	5
Sierra Leone	*
Singapore	20
South Africa	75
South Korea (Rep of Korea)	5
Sri Lanka	180
Sudan	10
Syria Arab Republic	5
Taiwan (Republic of China)	5
Thailand	5
Trinidad & Tobago	10
Tunisia	5
Turkey	60
Uganda	*
Ukraine	35
United Rep of Tanzania	5
United States of America	230
Unspecified Nationality	*
Uzbekistan	5
Venezuela	5
Vietnam	5
Yemen	*
Zambia	*
Zimbabwe	10
Sum:	6,150

Caveat

Please note the following:

Figures are rounded to the nearest 5 (- = 0, * = 1 or 2) and may not sum to the totals shown because of independent rounding.

There is a cut off date of 30-Sep-2016 in line with Published Migration Statistics.

These statistics have been taken from a live operational database. As such, numbers may change as information on that system is updated.

Annex B

Public interest test (PIT) in relation to section 31(1)-prejudice to law enforcement

The Home Office considers the information you have requested to be exempt from disclosure on the grounds that release would, or would be likely to, prejudice law enforcement. The information is thereby withheld under the exemption under sections 31(1) (a), (b) and (e). These sections provide that information can be withheld where disclosure would or would be likely to prejudice the prevention and detection of crime, apprehension or prosecution of offenders, the operation of immigration controls and the collection of tax or duty (customs and excise duty).

It is defined in the Act as follows:

31 (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

(a) the prevention or detection of crime,

(b) the apprehension or prosecution of offenders,

(e) the operation of the immigration controls,

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 maintaining the exemption. 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. Transparency and 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.

Considerations in favour of disclosing the information

There is a general public interest in openness and transparency in government, which will serve to increase public trust. It is acknowledged that there is public interest in operational activities carried out by border force officials. Disclosure of the information requested would result in greater transparency and accountability around operational matters at ports and this would enhance the understanding of Border Force operations at the ports of entry- in this case Gare Du Nord, Paris.

The release of information would provide openness, accountability and enables the public to see the effectiveness of the Border Force in apprehending potential offenders and criminals. Disclosure would therefore increase public confidence and ultimately reassure the public that there are effective and sufficient security measures in place to safeguard the UK.

Consideration in maintaining the exemption

To provide details about specific instructions provided by staff at Gare Du Nord, Paris could assist persons seeking to enter the UK illegally to deduce how successful they could be in being allowed into the UK and whether they could be detected or not. Disclosing this information could provide potential offenders with information about security checks at the port. By doing so individuals could be at an advantage at knowing where there were lower or higher presence of security and target locations where they believe they could more likely evade detection.

It is important that this sensitive information is protected. As providing a response to one person, is in effect expressing a willingness to provide the same information to others, it could allow a picture to be built of where persons could illegally attempt to enter or bring in unauthorised items into the UK. Individuals wishing evade could then use the information to make an assumption on where intelligence led deployments are concentrated and target locations where they believe they could more likely evade detection or immigration controls. Any disclosure that would prejudice the operation of the immigration controls would be contrary to the public interest.

Therefore, it is concluded on the balance of the public interest that disclosure of information would be prejudicial to the safeguarding of law enforcement interests of UK citizens and would undermine the department's efforts to prevent and deter the evasion of controls. There is also a very strong public interest in preventing individuals intending to circumvent law enforcement methods from having access to information which could assist them in building a pattern of resources and deployments in place in Gare Du Nord Paris.

We therefore conclude that the balance of the public interest lies in maintaining the exemption and withholding the information.