



Freedom of Information Team
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Harold Mercht
By email: request-295644-
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FOI Reference: 36993

3 November 2015

Dear Sir

Thank you for your email correspondence of 7 October requesting information relating to the Genuine Entrepreneur Test Interview, specifically:

1. A full list of all set questions asked by staff in regards to the Genuine Entrepreneur test interview.
2. Furthermore, I also request any specific questions asked of applicants due to their nationality of application location (specific risk profile).
3. A copy of the interview template together with any other post-interview documents used to by the interviewer to report back to the caseworker OR if the interviewer is the person making the decision than what ever document used to record their assessment of the interview.
4. Any internal guidance provided to assess genuineness of applicants.

Your request is being handled as a request for information under the Freedom of Information Act (FOIA) 2000. We have checked our records and can confirm that the Home Office holds the information you have requested.

Question 1 – All questions are based on the framework outlined in the Immigration Rules, and are informed by publically available guidance.

Question 2 – After careful consideration, our assessment of this part of your request is that the information is exempt from disclosure under section 31 of the Freedom of Information Act. Section 31(1) (e) of the Act allows us to exempt information where its disclosure would, or would be likely to, prejudice the operation of immigration controls.

This exemption requires us to consider whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is in the public interest that the immigration controls are

operated effectively in order to protect the UK and its interests. It is also in the public interest that government departments demonstrate openness and transparency in carrying out their functions.

We have considered that disclosure may promote public confidence in the operation of our immigration controls and in the way that the Home Office carries out its work. However, we also consider that releasing this information would be likely to affect the Home Office's ability to operate the immigration controls because it would enable individuals to be able to piece together valuable insights into procedures that may be in place to enable the effective operation of the immigration controls.

Having 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.

Question 3 – There is no set interview template or document used specifically to record the assessment of the Genuine Entrepreneur test interview.

Question 4 – Caseworkers follow the published modernised guidance for in-country and out-of country applications. Relevant information for out-of country applications is also available on the visa4uk website when applicants apply.

In regards to in-country applications, if cause for concern has been identified from the evidence presented in support of the application, caseworkers can select applications for interview with management approval. This is based on a variety of factors as outlined in the modernised guidance at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451886/Tier_1_Entrepreneur_13_0_EXT.pdf - pages 13-19 for in- country and 20 – 22 for overseas

Following the interview, caseworkers must consider all the available evidence and assess, on the balance of probability and within guidelines, whether the applicant is a genuine entrepreneur.

Section 21 of the Freedom of Information Act exempts the Home Office from having to provide you with this information because it is reasonable accessible. If you encounter any difficulties in accessing this information at the links which I have provided please contact the Home Office again.

In addition, please also find attached Operation Policy Instruction 389 which provides further information in relation Tier 1 Entrepreneur applications made out-of country.

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 [36993]. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response. The contact address for requesting an internal review is below:

Information Access Team
Home Office
Third Floor,
Peel Building
2 Marsham Street
London SW1P 4DF

E-mail: FOIRequests@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

M.Bennett (Miss)
FOI Practitioner – Midlands, East of England Responder Hub
UK Visas & Immigration

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:
<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>