

**Refugee & Asylum Support and Integration Division**  
**Room 5.03**  
**Castle Buildings**  
**BELFAST BT4 3SQ**

**Email: [RASbusinesssupport@executiveoffice-ni.gov.uk](mailto:RASbusinesssupport@executiveoffice-ni.gov.uk)**

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Paige Jennings

**Your Ref: Illegal Migration Act - IMA**

paige@pprproject.org

**Our Ref: FOI 2023 0086**

**Date: 01 December 2023**

Dear Ms Jennings

**Freedom of Information Act 2000**

I refer to your request of 30th October 2023 seeking information relating to preparations for, and implementation of, the Illegal Migration Act. Please accept my apologies for the delay in responding to your request.

You asked for:

1. any available information (roll out, Trusts participating, training materials, guidance) regarding provision of training in scientific age assessment techniques per the provisions of the IMA
2. any available information on the role and responsibilities of the Department of Health with regard to unaccompanied children in light of the provisions of the IMA (referred to in the previous FOI response)
3. any available information on the role and responsibilities of the Department of Justice with regard to human trafficking and modern slavery protections in the context of the IMA (referred to in the previous FOI response)

## Response

I can confirm that TEO has now completed its search for this information and wish to advise you that we do not hold any recorded information pertaining to this request.

Under section 16 of the Freedom of Information Act, we have a duty to provide advice and assistance. As such, you may wish to contact the relevant departments/agencies who may hold information pertaining to your request namely:

- The Northern Ireland Health Trusts (Request 1)
- The Department of Health (Request 2)
- The Department of Justice (Request 3)

The relevant contact details for those departments outlined above who may hold information pertaining to your request are set out below.

Department / Government Organization	Contact Details
Belfast Health and Social Care Trust	Trust Headquarters, Administration Floor Belfast City Hospital, Lisburn Road Belfast BT9 7AB United Kingdom  Website: <a href="#">Belfast Health and Social Care Trust (external link opens in a new window / tab)</a>  Email: <a href="mailto:info@belfasttrust.hscni.net">info@belfasttrust.hscni.net</a>
Northern Health and Social Care Trust	Trust Headquarters, Bretten Hall Bush Road Antrim BT41 2RL United Kingdom  Website: <a href="#">Northern Health and Social Care Trust(external link opens in a new window / tab)</a>  Email: <a href="mailto:user.feedback@northerntrust.hscni.net">user.feedback@northerntrust.hscni.net</a>

<p>South Eastern Health and Social Care Trust</p>	<p>Trust Headquarters, Ulster Hospital Upper Newtownards Road, Dundonald Belfast BT16 1RH United Kingdom</p> <p>Website: <a href="#">South Eastern Health and Social Care Trust(external link opens in a new window / tab)</a></p> <p>Email: <a href="mailto:freedom.information@southernhealth.nhs.uk">freedom.information@southernhealth.nhs.uk</a></p>
<p>Western Health and Social Care Trust</p>	<p>Trust Headquarters, MDEC Building Altnagelvin Area Hospital Site, Glenshane Road Londonderry BT47 6SB United Kingdom</p> <p>Website: <a href="#">Western Health and Social Care Trust(external link opens in a new window / tab)</a></p> <p>Email: <a href="mailto:info.enquiry@westerntrust.hscni.net">info.enquiry@westerntrust.hscni.net</a></p>
<p>Southern Health and Social Care Trust</p>	<p>Trust Headquarters, College of Nursing Craigavon Area Hospital, 68 Lurgan Road Portadown BT63 5QQ United Kingdom</p> <p>Website: <a href="#">Southern Health and Social Care Trust(external link opens in a new window / tab)</a></p> <p>Email: <a href="mailto:corporate.hq@southerntrust.hscni.net">corporate.hq@southerntrust.hscni.net</a></p>
<p>Department of Health</p>	<p>FOI Unit DoH Annexe 3 Castle Buildings Stormont Belfast BT4 3SQ</p> <p>Email: <a href="mailto:FOI@health-ni.gov.uk">FOI@health-ni.gov.uk</a></p>
<p>Department of Justice</p>	<p>Department of Justice Freedom of Information Team &amp; Access to Personal Data Information Services Division</p>

	Block 2 Knockview Buildings Ballymiscaw Stormont Belfast BT4 3SL  Email <a href="mailto:foi@justice-ni.gov.uk">foi@justice-ni.gov.uk</a>
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In addition, you asked for meeting agendas and minutes of any cross departmental meetings on the IMA, (including but not limited to 'task and finish').

### **Response**

I can confirm that TEO has now completed its search for this information and wish to advise you that some of this information cannot be disclosed.

A copy of the information which can be disclosed is enclosed with this letter.

Some of the information you have requested is being withheld as it falls under the terms of exemptions s35(1)(a) – Formulation and Development of Government Policy and s28(1) - Relations Within the UK, and s40(2) – Personal information of the Freedom of Information Act. These are detailed in full later in our response.

In applying these exemptions, we have had to balance the public interest in withholding this information against the public interest in disclosing it. The factors we considered when deciding where the public interest lay are explained below.

### **Section 35(1)(a)**

Additional information is being withheld / redacted because it is exempt under Section 35(1)(a) of the Freedom of Information Act. Section 35 exempts information / data that is being used in the formulation or development of government policy.

## ***Public Interest Test***

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

There is a presumption of a general public interest in disclosure.

Disclosure may promote greater accountability and transparency and increased levels of public trust in the asylum process in NI.

Information, if disclosed, could help further the understanding of, and participation in, public debate and enable the public to have a more effective contribution to the policy-making process surrounding asylum.

Disclosure would provide the opportunity to help individuals understand decisions made by public authorities which affect their lives, and to assess the quality of decisions taken as well as understand the extent to which various factors influenced certain decisions.

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

TEO is of the view that there must be a safe space to develop ideas, debate live issues, and reach decisions away from external interference and distraction. With that in mind we are of the opinion that should the information in question be released we would be subtracting from this safe space.

TEO is also aware of potential “chilling effects” when releasing certain information into the public sphere. TEO is of the opinion that should we release the information in question we may inadvertently contribute to poorer decision-making of officials in the future. TEO believes that officials may feel that they are not able to have free and frank discussions and this loss of frankness and candour could damage the quality of advice and in turn lead to poorer decision-making. This is particularly pertinent given that the formulation of policy relating to the Illegal Migration Act is currently an area of live and ongoing policy development, with decisions yet to be taken relating to its roll-out.

## ***Balancing the public interest***

After weighing the various factors in favour of disclosing and withholding the information requested, we believe that it is not in the public interest to disclose such information as it is likely to have a negative impact on the development of current and future policy by removing officials' ability to speak in a free and frank manner, in a safe space.

It is therefore the view of the Department that under section 35(1)(a) of the Freedom of Information Act, the arguments in favour of non-disclosure of some of the information you have requested outweigh the arguments in favour of disclosure.

## **Section 28(1)**

### ***Public Interest Test***

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

There is a presumption of a general public interest in disclosure.

Disclosure may promote greater accountability and transparency and increased levels of public trust in the asylum process in Northern Ireland.

Information, if disclosed, could help further the understanding of, and participation in, the public debate of and enable the public to have a more effective contribution to the policy making process surrounding asylum.

There would be the opportunity to help individuals understand decisions made by public authorities, which affect their lives, and to assess the quality of the decision taken as well as understand the extent of which various factors influenced certain decisions.

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

It is essential that officials in TEO and the UK Government are confident that they can communicate with one and another directly and candidly and that the confidentiality of their communications will be respected.

You have requested information on the Illegal Migration Act, and during our search it has become apparent that information pertaining to the Illegal Migration Bill, which preceded the Bill securing Royal Assent and becoming an Act, would also be within the scope of your request.

The information we hold relating to the Illegal Migration Bill would be a “moment in time snapshot” as it was not yet law when in discussion, and in the opinion of TEO should it be released into the public sphere, would skew public perception and cause confusion. We could release information that potentially contradicts or goes against information which has been officially released into the public domain, which would be detrimental to public understanding and public perception of the legislation.

The Illegal Migration Bill and the subsequent Illegal Migration Act are excepted policy matters.

### ***Balancing the public interest***

After weighing the various factors in favour of disclosing and withholding the information requested of us, we believe that it is not in the public interest to disclose such information as it would skew public perception, cause confusion and impact on relations between NI officials and UK Government officials. Devolution settlement relies on an atmosphere of trust, co-operation, sharing of information and respect between the four administrations, the release of this information would impact on good relations between the different administrations.

It is therefore the view of the department that under section 28 of the Freedom of Information Act, the arguments in favour of non-disclosure of some of the information you have requested outweigh the arguments in favour of disclosure.

In the spirit of section 16 of the Freedom of Information Act, the duty to provide advice and assistance, please be advised that the Home Office is responsible for Asylum Policy in Northern Ireland and may hold information pertaining to your request. For ease, the relevant contact details for making a Freedom of Information request to the Home Office is – [foirequests@homeoffice.gov.uk](mailto:foirequests@homeoffice.gov.uk), by email, or Direct communications unit, 2 Marsham Street, London, SW1P 4DF, United Kingdom by post.

### **Section 40(2)**

Information is being withheld / redacted because it is exempt under Section 40(2) of the Freedom of Information Act. Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would contravene one of the data protection principles in Article 5 of the UK General Data Protection Regulation. In this case it is our view that disclosure would contravene the first data protection principle which provides that personal data must be processed lawfully, fairly and in a transparent manner. Section 40(2) is an absolute exemption, and The Executive Office is not obliged to consider whether the public interest favours disclosing the information.

If you are unhappy with the level of service you have received in relation to our handling of this request, you may ask for an internal review within two calendar months of the date of this letter. You should contact –

Director of Corporate Services  
Room A5.15  
Castle Buildings  
Stormont Estate  
BELFAST  
BT4 3SR  
Email - [foi@executiveoffice-ni.gov.uk](mailto:foi@executiveoffice-ni.gov.uk)

In order to assist a thorough review, it would be helpful if you set out any particular grounds for complaint.



If you are not content with the outcome of the internal review, you then have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at –

Information Commissioner's Office  
Wycliffe House  
Water Lane  
WILMSLOW  
Cheshire  
SK9 5AF

The Information Commissioner will not investigate a complaint unless the internal review procedure outlined above has been completed.

The supply of information in response to a freedom of information request does not confer an automatic right to re-use the information. Under UK copyright law you can use any information supplied for the purposes of private study and non-commercial research without requiring permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs.

For other forms of re-use, for example publishing the information, you would need the permission of the organisation or person who owns the copyright. In the case of information produced by government departments and agencies you can re-use the information under the Open Government Licence. For information about this please see [www.nationalarchives.gov.uk/doc/open-government-licence/version/2/](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/).

If, however, the copyright is identified as belonging to somebody else, you will need to apply for permission. For information about how to obtain permission from a third party, please go to Intellectual Property Office's website at <http://www.ipo.gov.uk/types/copy/c-other.htm>

Please contact me if you have any queries about this letter, remembering to quote the reference number above in any future communications.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Orla McStravick', with a long horizontal flourish extending to the right.

Orla McStravick