



An inspection of visit visa operations

December 2022 – January 2023

David Neal

Independent Chief Inspector of
Borders and Immigration

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Presented to Parliament pursuant to Section 50(2) of the
UK Borders Act 2007

April 2023



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ISBN 978-1-5286-3925-5

E02865080 04/23

Printed on paper containing 40% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

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Foreword

This inspection examined the efficiency and effectiveness of the 'interim workflow routing solution' used by the Home Office's Visas, Status and Information (VSI) Services in relation to visit visas. This area of the Home Office has not been inspected by the ICIBI since 2017, at which time the Home Office used a 'Streaming Tool' to identify risk levels in visit visa applications. The Home Office has since reviewed its approach, and now uses a solution that seeks to balance its obligations to the Equality Act 2010, alongside the pressures of delivering a high-volume operation, an efficient customer service, and an effective immigration control for the UK.

My inspectors visited Croydon and Liverpool decision-making centres and found that both were good places to work, with a focus on welfare and wellbeing, and with staff who felt supported by their managers. I have three broad findings:

Firstly, the inspection found that the workflow routing solution would appear to be compliant with equality laws, but the Home Office needs to do more to ensure that this remains the case. As the solution relies on a ministerial authorisation permitting greater scrutiny of applications on the grounds of nationality, the Home Office should maintain up-to-date reviews and ensure its ways of working are consistent with its policy.

Secondly, there is evidence that the workflow routing solution appears to accurately identify the complexity of an application and, as a consequence, determines the required skillset of the decision maker assessing an application. Despite this, complex applications are taking longer to decide and some operational practices have emerged outside of policy which the Home Office should review. Nonetheless, my inspectors found that applications were, overall, being decided on individual merit and with sound consideration of evidence.

Thirdly, inspectors identified a lack of first-line assurance to monitor the effectiveness of the workflow routing solution. The current iteration has added ways for VSI to manage risk, but the solution is only effective in this regard if it can incorporate new risks, alongside existing ones.

This inspection was conducted between December 2022 and January 2023 and reflects the situation at that time. The Home Office should apply the five recommendations I have made across its global network of decision-making centres.

This report was sent to the Home Secretary on 10 February 2023.

A handwritten signature in black ink, appearing to read 'D Neal', with a horizontal line underneath.

David Neal
Independent Chief Inspector of Borders and Immigration

1. Recommendations

1. Review the 'interim' status of the Complexity Application Routing Solution (CARS) and declare the Home Office's long-term intentions
2. Ensure that all components of CARS are routinely reviewed, particularly equality impact assessments and risk profiles
3. Conduct a review to ensure that the CARS tool reflects the full range of known immigration risks to the UK and that a mechanism exists to incorporate new and emerging threats into the tool in a timely manner
4. Cease the use of routing, decision-making and enrichment practices, including unassured information sources such as 'Enrichment OneNotes', that are not compliant with policy. Managers should provide decision makers with solutions that are compliant with policy
5. Improve the existing first-line assurance regime to cover all operational grades and processes, with a focus on routing and decision quality

2. Background

Visits and International Network

- 2.1** The Visits and International Network sits within Visas, Status and Information (VSI) Services which forms part of the Customer Services Group of UK Visas and Immigration (UKVI) within the Home Office.¹
- 2.2** VSI processes applications made for visit visas in decision-making centres (DMCs) based in the UK and overseas. VSI has over 1,400 staff from civil service grades Administrative Officer to Senior Civil Servant, located in 28 cities in 21 countries.²
- 2.3** From January to September 2022, VSI processed over 1.29 million visit visa applications, which represented 49% of the total visas issued so far that year across VSI. Prior to the coronavirus (COVID-19) pandemic, the UK received approximately 2.5 million visit visa applications per year.³
- 2.4** The VSI network of DMCs comprises the locations and staffing set out in figure 1 below. Different

1 Home Office position statement

2 <https://www.instituteforgovernment.org.uk/explainer/grade-structures-civil-service>

3 Home Office position statement

DMCs service applications from different regions and countries.

Figure 1: Staffing figures across the global network of decision-making centres

DMC	Home Office UK⁴	Overseas UKB⁵	Overseas CBS⁶
Croydon	355		
Liverpool	211		
Sheffield	62		
Beijing		8	55
Abu Dhabi		22	136
Istanbul		17	57
New Delhi		38	168
Pretoria		21	80

Immigration Rules

2.5 VSI decides visa applications made under the ‘Immigration Rules Appendix V: Visitor’, which sets out the requirements to be met by those who

4 Staff based in UK DMCs are civil servants employed on UK terms and conditions.

5 UK-based staff (UKB) are civil servants posted overseas as diplomats but are subject to UK terms and conditions.

6 Country-based staff (CBS) are employed by diplomatic missions on the terms and conditions of the host nation. Their contracts of employment are with the mission at which they are employed.

require a visa to come to the UK for a short period: for tourism; for business; to marry or to enter into a civil partnership; to undertake paid engagements, such as performers or sports people; and also for those transiting the UK.^{7,8}

2.6 Decision makers (DMs) must be satisfied with the ‘credibility’ of an application and that visit visa applicants are genuinely seeking entry for the purpose of a visit for a limited period. The onus is on applicants to provide evidence to show that they meet the requirements set out in paragraph V4.2(a) to (e) of the Immigration Rules, meaning that they:

- will leave at the end of the visit

7 Not all nationalities require visit visas for the purposes of visiting the UK. Immigration Rules Appendix V sets out which nationals require visas: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-v-visitor>

8 Applications must also be considered under [Part 9 of the Immigration Rules](#) to determine if any ‘suitability’ or ‘general grounds for refusal’ apply. Examples include the use of deception, non-compliance with UK immigration laws, and criminality. (<https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-9-grounds-for-refusal>)

- will not seek to live in the UK through frequent and successive visits⁹
- will only undertake permitted activities and not engage in prohibited activities for visitors¹⁰
- have the financial means to maintain and accommodate themselves and any dependants for the duration of their visit without working and without recourse to public funds (including the cost of their return journey), which can also be from a sponsor^{11,12}

The visit visa application process

2.7 The process for applying for a UK visa is summarised in figure 2.

9 Such as staying for six months, leaving for a week, and then returning to the UK for a further six months.

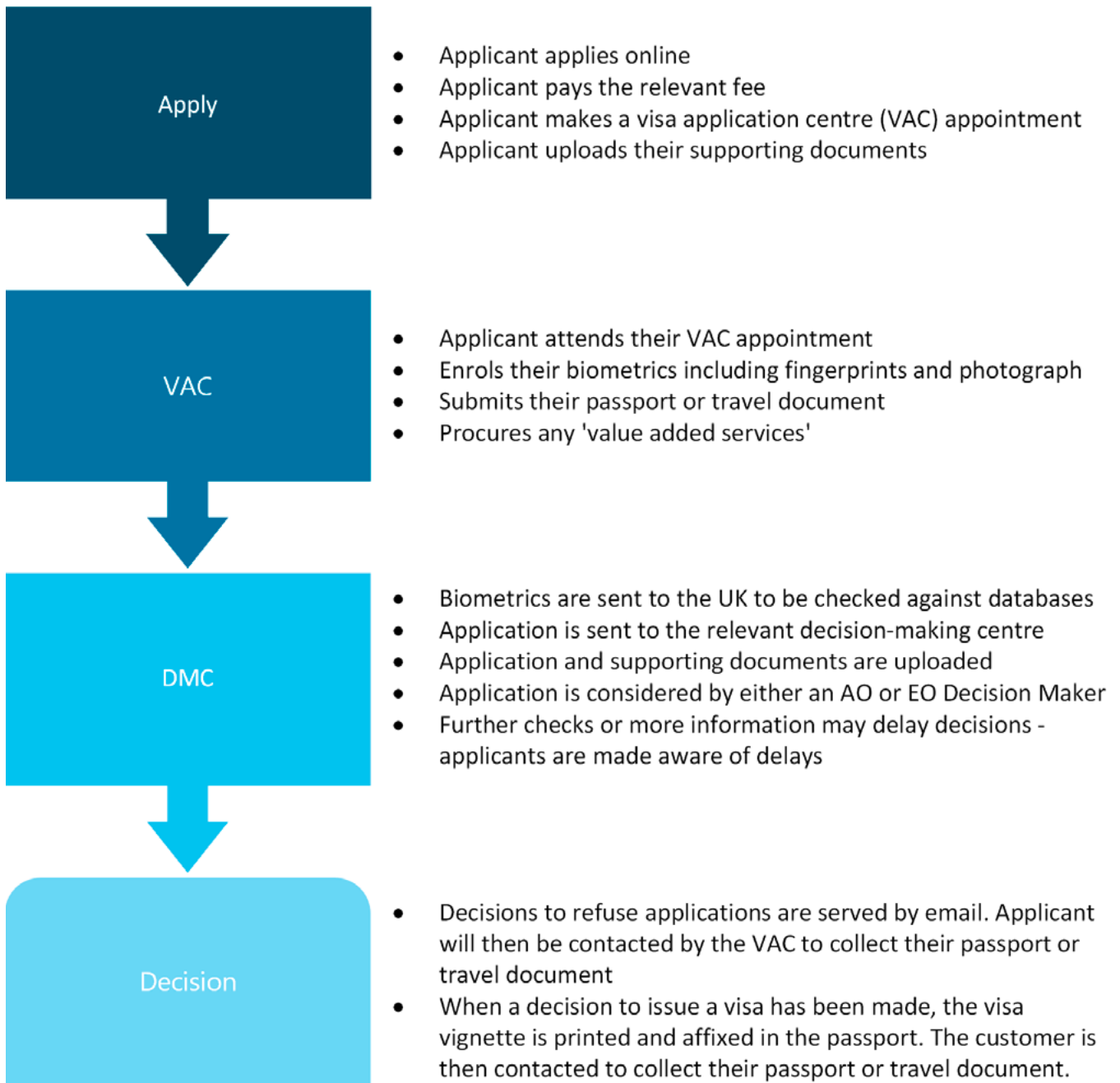
10 The Immigration Rules set out both permitted and prohibited activities for visitors to the UK.

11 The term “public funds” is defined in paragraph 6 of the Immigration Rules and relates to various benefits, housing and allowances.

(<https://www.gov.uk/guidance/immigration-rules/immigration-rules-introduction#intro6>)

12 In this instance, the additional requirements set out in paragraph V4.3 must also be met.

Figure 2: The visit visa application process



The ‘Streaming Tool’ and judicial review

- 2.8** In 2015, the Home Office introduced an automated system known as the ‘Streaming Tool’, which used ‘Global Visa Risk Status (GVRS) data’, including nationality data, to determine a risk level of red, amber or green (RAG), indicating the associated risk to DMs. An international ministerial authorisation (MA) was in use at the time that included entry clearance routes, to apply additional scrutiny by nationality.¹³
- 2.9** A previous ICIBI inspection report, published in 2017, examined “the efficiency and effectiveness of UKVI’s entry clearance processing operations at Croydon and Istanbul DMCs”.¹⁴ This report highlighted a particular concern that the Streaming Tool might become “a de facto decision-making tool”, and that the assurance regime

13 A ministerial authorisation permits direct discrimination on the grounds of race or age in subjecting specific classes of application to more robust scrutiny, where expressly authorised by a Minister of the Crown.

14 <https://www.gov.uk/government/publications/inspection-report-on-entry-clearance-processing-operations-in-croydon-and-istanbul-july-2017>

in place did not take account of the danger of ‘confirmation bias’.¹⁵

2.10 In early 2020, the Joint Council for the Welfare of Immigrants (JCWI), and the digital rights group Foxglove brought a legal challenge against the Home Office’s use of the Streaming Tool on the basis that:

- it amounted to unlawful discrimination based on race contrary to the Equality Act 2010 (EA2010)
- it contained ‘feedback loops’ which could drive further discriminatory decisions within the system.¹⁶

As part of its response to Judicial Review proceedings, the Home Office withdrew the use of the Streaming Tool across all entry clearance operations.

2.11 On 6 August 2020, the Home Office issued internal guidance immediately suspending the use of the Streaming Tool and introduced an ‘interim visit visa application routing solution’. This guidance was published externally on 12 August

15 The process of looking for evidence to confirm existing knowledge or hypotheses, rather than for potentially conflicting evidence.

16 <https://www.jcwi.org.uk/our-response-to-the-independent-review-of-administrative-law>

2020.¹⁷ As this occurred during the COVID-19 pandemic, application rates were significantly reduced at the time due to global travel restrictions.¹⁸

2.12 The solution was known as the ‘Application Complexity Routing Solution’ (ACRS) and required uploaders to manually review the visa application form (VAF) to determine if four ‘person-centric attributes’ (PCAs)¹⁹ were met. These were:

17 <https://webarchive.nationalarchives.gov.uk/ukgwa/20200812220422/https://www.gov.uk/government/publications/workflow-routing-visitor-short-term-student-and-overseas-domestic-worker>

18 ‘Operational Policy Instruction (OPI) 975 – Suspension of the Streaming Tool and Interim Workflow Routing Solution Guidance for Visitor, Short-Term Student and Overseas Domestic Worker Applications’ to all staff.

19 These are defined by the Home Office as “attributes relating to individuals”. PCAs have either a neutral or positive response and not a negative response.

- travel to the UK or the Republic of Ireland, or residency in the Schengen or the European Economic Area (EEA) countries in the last five years²⁰
- the total financial outlay on the trip by the applicant amounts to no more than 10% of the applicant's stated annual income
- the applicant or their financial sponsor has been employed or self-employed for the past two years
- the applicant intends to stay in the United Kingdom for less than one month

2.13 If the applicant met three or more of the above criteria, the application was deemed to be 'non-complex' (NCX) and routed to an Administrative Officer decision maker (AODM).²¹ Applications unable to meet three or more of the above criteria were deemed to be 'complex' (CX) and routed to an Executive Officer decision maker (EODM).

20 The Schengen area comprises 27 countries, principally EEA member states, between which internal borders have been abolished but an external border to the Schengen area remains. The EEA consists of the countries of the European Union, plus Norway, Iceland and Liechtenstein.

21 Background section of equality impact assessment for the CARS tool

- 2.14** Further revisions were made to the manual ACRS systems, with version 2.0 of the Home Office policy guidance on the routing solution introduced on 30 October 2021.²² This reintroduced the use of a list of nationalities that could be subject to more rigorous examination based on an MA and a framework for how and when additional checks should be undertaken, known as the ‘enrichment framework’ (which was directed by an ‘enrichment table’).²³
- 2.15** Version 2.0 of the policy also required DMs to check applications against ‘bulk data tables’ (BDTs). BDTs are a collection of application-related data such as telephone numbers and email addresses which have been encountered in fraudulent applications.

The current model

- 2.16** In November 2021, VSI introduced the current iteration of the workflow routing solution for visitor applications. The name of the solution was changed to the ‘Complexity Application Routing

22 OPI 1077 Revised workflow routing for visitor applications

23 The term ‘enrichment’ is used by the Home Office to describe additional checks on an application, such as document verification checks, requests for further evidence or interview of the applicant or of a sponsor.

Solution' (CARS) to avoid confusion with the 'Afghan Citizen Resettlement Scheme', and VSI rolled out the use of a new Microsoft Access Database, which added a degree of automation to determine the complexity of the application. This tool uses a look-up function to identify pertinent application data from the Proviso system to assess certain attributes against a series of indicators of application complexity.²⁴

2.17 As part of this inspection, inspectors reviewed version 3.0 of the Home Office policy document for the 'Interim Workflow Routing Solution for Visitor Applications' available on GOV.UK.²⁵ This document provides an overview of the current three-step routing process which is summarised in the flow chart at figure 3.²⁶

2.18 No versions of the Home Office policy provided any rationale as to why the workflow solution is

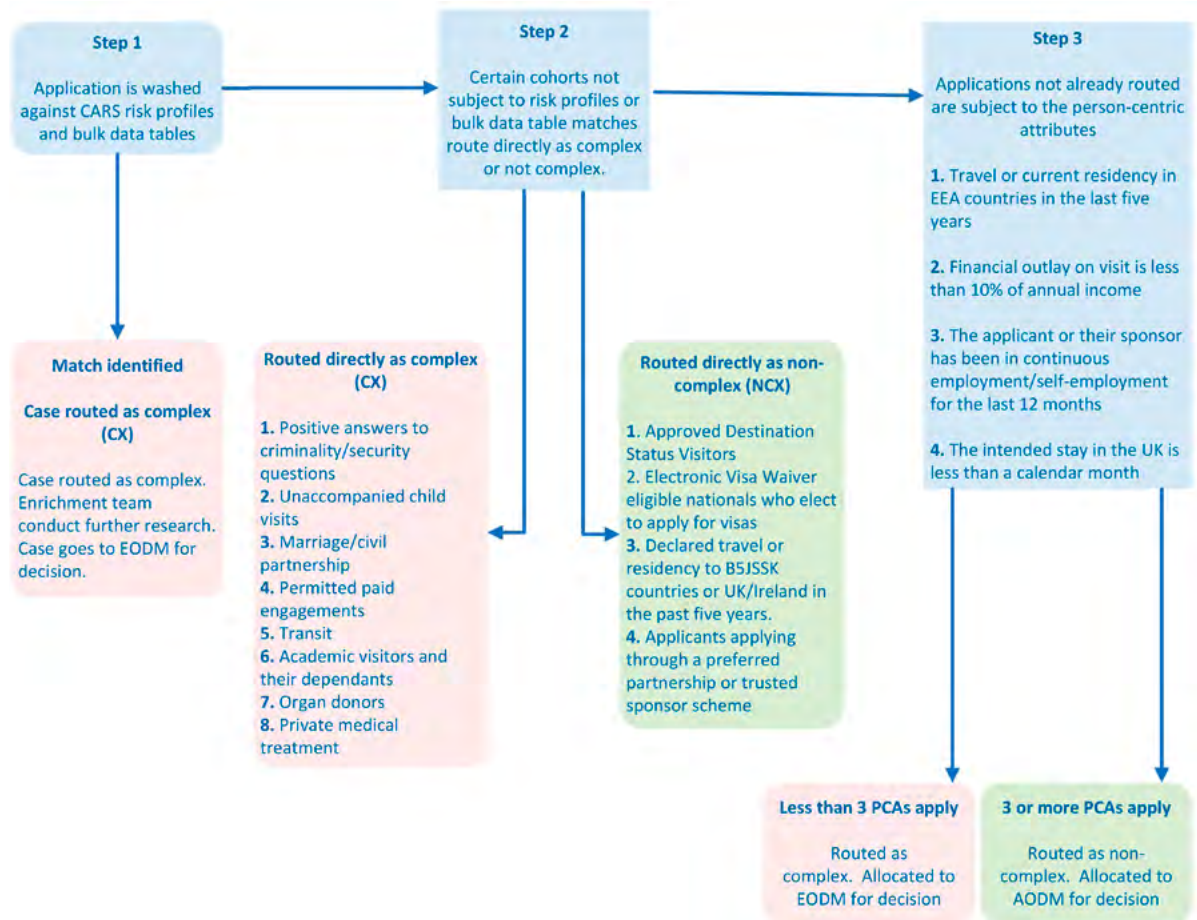
24 A Foreign, Commonwealth and Development Office system used to process all visit visa applications made overseas, including those processed at DMCs in the UK

25 <https://www.gov.uk/government/publications/workflow-routing-visitor-short-term-student-and-overseas-domestic-worker>

26 Some parts of this document on GOV.UK are redacted on the grounds of national or border security. An unredacted internal version of the document is available to Home Office staff on their intranet.

'interim', how long it is intended to be in place and what will succeed it. During an interview, managers responsible for the design and review of CARS told inspectors of their long-term plan to use the Immigration Rules as secondary legislation to permit higher degrees of scrutiny on visa applications from some nationalities.

Figure 3: Overview of the operation of the CARS system²⁷



27 This flow chart is based on the published Home Office policy. Inspectors became aware during the inspection that all of the current direct routing criteria are not reflected in this policy. The Schengen area comprises 27 countries, principally EEA member states, between which internal borders have been abolished but an external border to the Schengen area remains. The B5JSSK countries are Australia, Canada, Japan, New Zealand, Singapore, South Korea and the United States of America.

Current challenges

- 2.19** Managers within VSI stated that they had to overcome a number of challenges in the last 18 months. In their position statement to inspectors, VSI detailed that, following the end of COVID-19-related travel restrictions in late 2021 to early 2022, demand for visit visas has been above forecast and, in some markets, demand was higher than forecast by as much as 700%.²⁸
- 2.20** Managers within VSI also stated that the business has not been able to recruit at a relative pace to this demand, and provided a number of reasons for this, such as the time taken for recruitment, wider market conditions, and training and mentoring of new entrants.²⁹ They advised that these resulted in shortages of staff and affected VSI's ability to meet its published customer service standards (CSS) for non-priority applications through most of 2021 and 2022.
- 2.21** The published CSS for visit visa applications are:
- standard priority: 15 working days³⁰
 - priority: five working days

28 Home Office position statement

29 Home Office position statement

30 A working day does not include weekends or bank holidays.

- super priority: the next working day

- 2.22** VSI managers outline in their position statement to ICIBI that they began to recover the NCX standard work queues by October 2022. Managers cited that this was the result of better resourcing for this cohort, and by virtue of staff being able to work through NCX applications more quickly.³¹ They advised, however, that it had taken longer to recover CX work owing to the added complexity of this cohort, and recruitment challenges and wider external pressures.^{32,33}
- 2.23** Inspectors reviewed data showing the number of visit visa applications received from 1 October 2021 to 30 September 2022 and the proportion completed within published service standards. The performance figures are shown in figure 4.³⁴

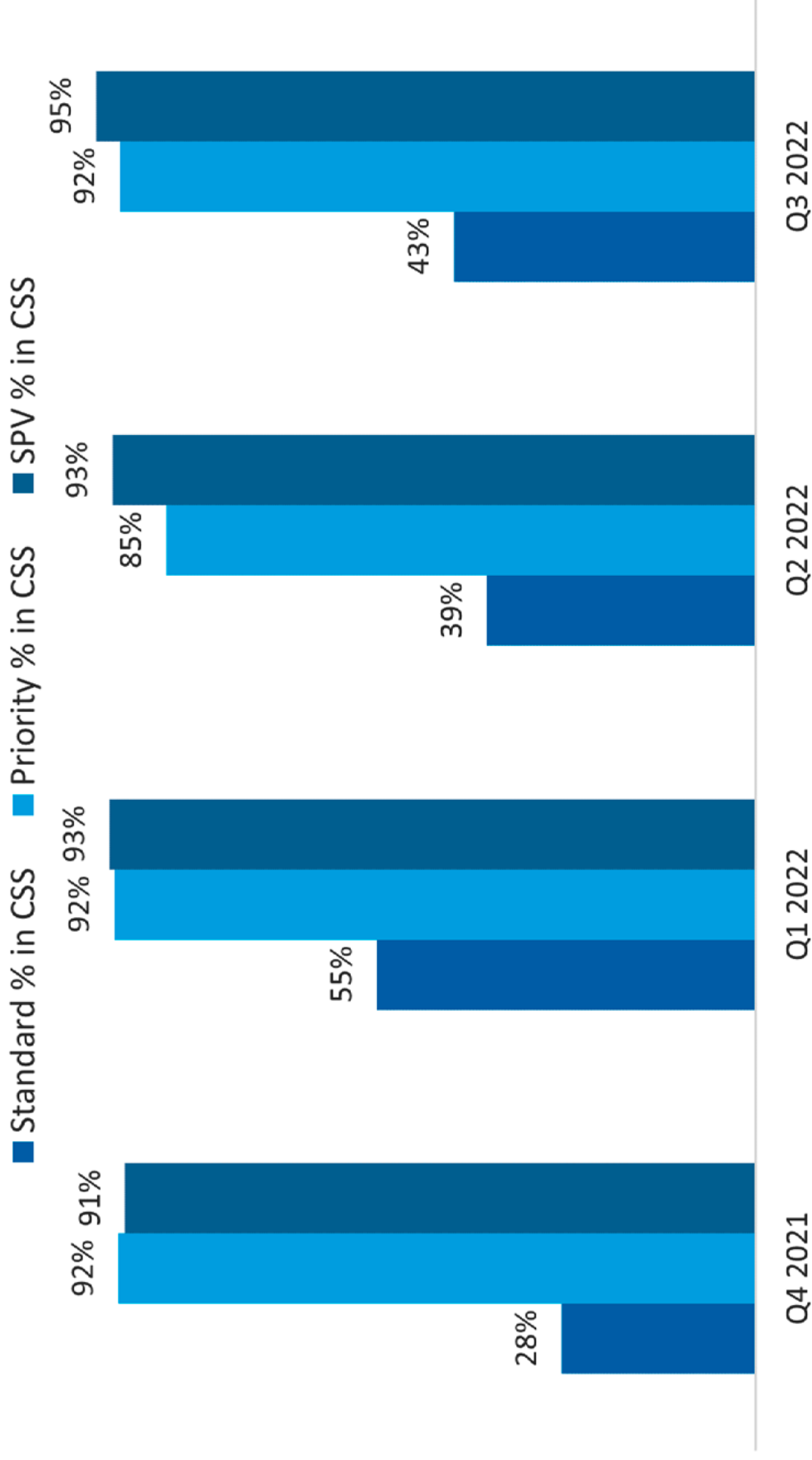
31 Home Office position statement

32 In its position statement to inspectors, the Home Office gave examples of these as loss of IT and unexpected site closures but no further detail.

33 Home Office position statement

34 Home Office evidence return, part 7

Figure 4: Applications completed within published customer service standards (CSS)



2.24 As part of an evidence request, VSI provided evidence to show the steps it had taken to recover CSS, such as a centrally produced 'Recovery

Tracker’, weekly meetings to check progress on and rebalance work globally based on available capacity, and an ‘Operational Ladder of Interventions’ outlining options to further balance its resources against demand and to mitigate potential impacts.³⁵ Looking forward, in its position statement, VSI stated:

“We intend to retain the current staff we have, continue to onboard new resource to budget and forecast plans, to ensure we are in a robust capacity position for 2023 and with the aim of avoiding a repeat of the service issues we’ve experienced this year.”

35 Home Office evidence return, part 12

3. Scope and methodology

- 3.1** This inspection sought to examine the efficiency, effectiveness and consistency of UKVI's interim workflow routing solution in visit visa operations.
- 3.2** The inspection was informed by ICIBI's expectations (see Annex B) and the ICIBI Equality, Diversity and Inclusion Statement and Objectives (see Annex C).
- 3.3** The inspection did not examine the customer perspective on visit visa operations.
- 3.4** Inspectors:
 - a. reviewed open-source material, including published Home Office guidance and transparency data
 - b. reviewed internal Home Office guidance and policy documents
 - c. reviewed the 'ICIBI report on entry clearance processing operations in Croydon and Istanbul, July 2017'
 - d. on 12 December 2022, participated in a familiarisation session with Visas, Status and Information (VSI) Services staff

- e. on 15 December 2022, formally notified the Home Office of the scope of the inspection and requested readily available documentary evidence
- f. reviewed and analysed evidence provided by the Home Office, including a position statement providing a clear and concise summary of the status of the area being inspected
- g. undertook random case sampling of 100 electronic visit visa records received worldwide by the Home Office on 1 November 2022
- h. on 10 and 11 January 2023, observed operational immigration activity at visit visa decision-making centres in Croydon and Liverpool
- i. spoke with VSI staff from grades Administrative Officer to Grade 7 during the onsite visits, including in focus groups
- j. interviewed staff and managers from VSI Cross-Cutting Services who were involved in the design and ongoing review of the interim workflow routing solution
- k. on 17 January, provided a debrief to senior VSI managers on observations from the onsite phase of the inspection

4. The Complexity Application Routing Solution and the public sector equality duty

4.1 A key aspect of the Complexity Application Routing Solution (CARS) is reliance on the ‘Equality (Consideration of Visit Visa Applications (No. 2) Authorisation 2021’, a ministerial authorisation (MA) providing for the more rigorous examination of applications from certain nationalities.

4.2 With regard to ICIBI’s Equality, Diversity and Inclusion Statement and Objectives (Annex C), inspectors examined how CARS uses this MA, and its overall compliance with equality law and Home Office policy.

Risk profiles

4.3 CARS contains a number of nationality-based ‘risk profiles’ which it uses as part of the workflow routing process to identify where there is a risk and the application should be routed to an Executive Officer decision maker (EODM). As a matter of policy, those profiles:

“... which differentiate based on nationality, may only do so in relation to the countries on the Ministerial Authority (MA) list and should

propose enrichment that is rationally linked to the relevant MA dataset. They must be supported by an equality impact assessment (EIA) completed by the profile originator before a decision-making centre (DMC) can use them in any aspect of the decision-making process.”³⁶

4.4 Risk profiles contain a number of attributes related specifically to that profile, and are underpinned by data to quantify the risk. In some instances, risk profiles impacted on other protected characteristics, which will be discussed further in this report. Home Office guidance provides the following example:

“...an evidence-based risk background document has been provided by Immigration Intelligence stating that first time travel applicants to the UK from an MA nationality, living in their country of nationality and employed by a specific employer have been submitting forged bank statements – as this nationality is supported by the MA, a profile could be created and added to the CARS.”

4.5 The CARS tool will then, “automatically identify applications which match a risk profile by checking

36 <https://www.gov.uk/government/publications/workflow-routing-visitor-short-term-student-and-overseas-domestic-worker>

information in the visa application against a table listing the profile attributes”.³⁷

Risk profile analysis

4.6 As part of an evidence request, inspectors requested copies of all risk profiles active on CARS as at 31 December 2022. The Home Office provided 42 risk profiles which inspectors analysed. These can be broken down as:

- one profile relating to four nationalities deemed to be low risk based on threat assessments and directly routing as non-complex^{38,39}
- 41 profiles directly routing applications as complex, and including:

37 Revised interim workflow routing solution for visitor applications Version 3.0

38 At the factual accuracy stage, the Home Office stated: “This is an attribute routing, not risk profile.”

39 A senior Home Office manager responsible for the oversight of the CARS system stated that these were not risk profiles: “It’s not a positive profile, it’s direct routing”. Inspectors considered these profiles as individual nationalities for statistical purposes.

- 21 different nationalities overall which feature in risk profiles
- eight countries that had more than one profile.

The broad thematic types of criteria applied in the risk profiles can be found in figure 5.

Figure 5: High-level, thematic summary of the criteria used by the Home Office in risk profiles uploaded to CARS

[Redacted]

- 4.7** Analysis of the risk profiles undertaken by inspectors found that, except for the profiles routing nationalities deemed to be low risk based on threat assessments (wherein routing was to NCX), the Home Office was not routing applications solely based on nationality⁴⁰.

Specificity of risk profiles

- 4.8** Most risk profiles contained very specific characteristics against which CARS could match applications. Inspectors found evidence within those profiles that the Home Office had, in some cases, sought to limit the wider impact on applicants by ensuring that the risk profile targeted

40 At the factual accuracy stage, the Home Office stated: “This is an attribute routing, not risk profile.”

applicants presenting the greatest risk by setting defined and specific attributes.

- 4.9** However, some of the profiles had the potential to match to a significant number of applicants, particularly those intending to visit the UK for the first time, applying [Redacted]. One such example can be found case study 1.

Case study 1 – routing profile

A routing profile provided by the Home Office targeted all applicants of a specific nationality, applying for a six-month visit visa at a visa application centre [Redacted]. The profile would route the case as complex but did not mandate any specific enrichment activity.

ICIBI comment

The objective justification of the profile was that around 6% of applicants matching the profile had claimed asylum following the grant of a visa.

A significant number of applicants of the specific nationality were likely to match the criteria set out in this profile. Evidence from the Home Office during the inspection indicated that processing times were longer for complex applications and there was therefore the potential for a significant impact on the processing times for visa applications for applicants in this cohort.

While there was an attempt to justify the risk in such applications, inspectors would have expected to see further refinement of the profile to establish other criteria which would indicate risk in the application beyond the three quite broad criteria cited in the profile. Inspectors also had difficulty understanding how the profile would address the perceived risk, given that it did not direct any specific enrichment activity to assist in the assessment of credibility in applications matching the profile.

Home Office response

At the factual accuracy stage, the Home Office stated: “The nationality MA permits more rigorous scrutiny. Enrichment ‘should’ be, not ‘must’ be directed. So routing all applications to an EODM is additional scrutiny.”

- 4.10** Inspectors also noted that many of the profiles considered location information related to the applicant as one of the criteria used to define applications presenting a risk. Inspectors had two concerns regarding this approach. Since location information related to the applicant may intrinsically be linked to protected characteristics (such as religion or belief, nationality, ethnic or national origin or colour) there is significant potential for such approaches to be indirectly discriminatory.⁴¹
- 4.11** Secondly, it was unclear to inspectors how the Home Office could effectively target all applicants by location information related to the applicant. Version 3 of the Revised interim workflow routing solution for visitor applications guidance mandates that V&I staff should hold monthly operational review meetings (ORMs) with Immigration Enforcement and Immigration Intelligence. The purpose of these meetings is to assure that all current risk profiles remain relevant; and to review all enrichment activity, both positive and

41 The Equality Act defines the protected characteristic of race as nationality, colour, ethnic or national origin.

negative in order to inform profiles and direct future enrichment.

- 4.12** A review of the monthly ORM minutes indicated that CARS was reliant on searching for key words corresponding to location information related to the applicant provided on the visa application form (VAF). How an applicant records this information on the VAF is open to variation. There is also the possibility of transliteration issues between different alphabets that may lead to a different spelling of place names between English and the original language. In either scenario, it is reasonable to assume that the Home Office could not credibly target all places in a particular region or all the potential transliterations of place names. This may lead to applicants matching the profile not actually being identified by the CARS tool, or vice versa.
- 4.13** In one profile reviewed by inspectors, one of the criteria applied was any applicant born in a region comprising tens of thousands of square kilometres. It appeared unlikely that all place names where applicants could conceivably have been born in that region were uploaded to CARS, and inspectors considered that it was, therefore, unlikely that all applicants to whom the profile referred would be identified by the tool.

Age

- 4.14** The policy for CARS was last updated on 20 December 2021. During an interview with Home Office managers responsible for oversight of the CARS system, inspectors became aware that VSI were also directly routing applications on the basis of age. This was confirmed with a senior manager during the onsite phase who told inspectors that all applicants matching to an age-group specific profile were deemed to be non-complex by a direct routing rule within CARS. There appeared to be no basis in policy for this direct routing criteria, and it was not reflected in the documents available to applicants to allow them to understand the routing process.⁴² This will be discussed in further detail later in this report at 4.48 to 4.54.
- 4.15** There also appeared to be something of a paradox between the statement made by the senior manager regarding the direct routing profile of persons matching to an age-group specific profile and two profiles seen by inspectors. While the general direct routing rule within CARS designated applications from this group as non-complex (as explained in 4.14), a criterion within two risk profiles identified that an applicant being

42 V3 of the interim workflow routing solution guidance does not reflect age as a direct routing criteria.

in that same age group was an indicator of risk.⁴³ It was not clear when the direct routing of this age group began, but the associated risk profiles had been introduced after mid-2022.

Equality impact assessments (EIAs)

4.16 The current MA used by the Home Office permits the more rigorous examination of persons applying for a visit visa, where their actual or claimed nationality is included on a list of nationalities approved by a minister.⁴⁴ The criteria for inclusion on the list of nationalities are based on statistical evidence relating to the number of nationals who have claimed asylum in the UK, or the refusal rates under paragraphs 9.7.1 or 9.7.2 of the Immigration Rules (or the legacy equivalents) of nationality cohorts based on both volume and global average.

4.17 While the current MA remains in force until revoked, the list of nationalities referred to by the

43 At the factual accuracy stage, the Home Office stated “Asylum harm data supports the use of this routing attribute, this is not 100%, but the risk has been accepted. So, it is possible that there is a subset of data identifying a particular risk by a nationality and age, so a separate risk profile can and should be operated.”

44 OPI 1076 Equality Act 2021 – Consideration of Visit Visa Applications ministerial authorisation (MA)

MA is subject to regular review. Home Office officials with responsibility for management of the CARS system told inspectors: “We refresh it twice yearly.” Subsequent ‘Operational Policy Instructions’ (OPIs) published internally by the Home Office confirm that this is happening, as the MA nationality list was refreshed on 30 April 2021, 20 August 2021, 26 November 2021 and 19 August 2022.⁴⁵

- 4.18** During the inspection, it was apparent that the legal challenge brought in response to the use of the original Streaming Tool had created a focus on equality and diversity issues. The use of the original tool was underpinned by an international MA that included entry clearance routes, to apply additional scrutiny by nationality. However, senior Home Office managers acknowledged that the legal challenge had caused them to reconsider their approach.
- 4.19** There was also an acknowledgment that, as a consequence of the Coronavirus (COVID-19) pandemic and its impact on global travel resulting in low volumes of visit visa applications, it was an opportune time for VSI to withdraw the Streaming Tool and produce an alternative that senior

45 At the factual accuracy stage, the Home Office stated that a refresh of the MA nationality list was currently pending.

managers were content was fully compliant with the Equality Act 2010 (EA2010).

- 4.20** The Home Office was dedicating resources to ensure that each element of the routing process had been subject to an EIA. When asked whether business need or equality considerations were driving the routing system, one senior manager said: “We don’t have a choice in respect of the second point ... it’s not a choice whether to comply with the Equality Act”. The manager was confident that the process complied with the requirements of equality legislation, describing it as “legally bulletproof.”
- 4.21** Inspectors requested copies of all current risk profiles and EIAs supporting CARS and the person-centric attributes (PCAs) it uses.

EIA reviews and risk profile reviews

- 4.22** The ‘Home Office Public Sector Equality Duty (PSED) and Equality Impact Assessment Guidance’ states that:

“The PSED is a continuing duty and the policy should be kept under continuing review. In practice, this means that when we review the policy, whether this takes the form of a regular light-touch review or a complete re-think, we should review the PSED too.

You should insert the date on which the EIA will be reviewed. How often the PSED is reviewed and, if necessary, the EIA updated, will depend on each situation. The review date may refer to anticipated dates for the review of the policy itself, or the date when further research or data will be received so that the EIA can be updated with that new evidence. Updating the policy and EIA is particularly important when the evidence discloses something significant which affects the policy.”

4.23 In addition, Home Office policy requires that risk profiles be reviewed at ORMs. The Home Office’s OPI1185 states that:

“You must conduct monthly operational review meetings (ORMs) together with Immigration Enforcement (IE)/Casework International (CWI) to ensure that:

...all profiles (supported by an EIA) and bulk data table entries (supported by a risk document approved by Visas & Citizenship Central Services team) remain accurate and valid and do not require refreshing or weeding.”

4.24 All the risk profiles provided by the Home Office contained a ‘next review date’. Of the 45 profiles provided:

- 19 (42%) had a review date that was in the future, indicating that the review process was up to date
- 13 (31%) had a next review date that had already passed, with between one and 65 weeks having passed since the review should have taken place
- 13 (31%) did not record the next review date, though inspectors found that these profiles did record how often they should be reviewed (such as quarterly or annually)
- The average number of weeks since the review date had passed was 47.5 weeks.

4.25 Inspectors found that all risk profiles were underpinned by an EIA, but also that not all of the EIAs had been reviewed by the required date stated on the document. The final section of an EIA requires the author to record the date that it was produced, the date it was sent to the Home Office PSED team, and the date of its next review.

4.26 Inspectors found that:

- one EIA (2%) had no review date recorded but had been recently drafted and was only four months old

- 34 of the EIAs (75%) had a review date in the future, indicating that the Home Office had either reviewed the EIA or the EIA was sufficiently recent to remain relevant
- inspectors noted in this regard that nine of the EIAs (20%) were completed in December 2022, but inspectors were satisfied that the drafting of these EIAs was not prompted by this inspection as the accompanying risk profiles were also dated December 2022
- the remaining 10 (22%) EIAs had a review date which had already passed, and in some cases, the EIA was significantly beyond the review date
- in seven of the cases (15% of all EIAs) both the risk profile and EIA were found to have an expired review date
- while one of the 10 (2% of all EIAs) was only one week overdue a review, the remaining nine EIAs (20% of all EIAs) were between 17 and 65 weeks overdue a review – the average being 44.9 weeks which corresponded with risk profiles reviews

4.27 In relation to risk profiles, inspectors opted not to review the minutes from all ORMs going back to 2021, and instead focused on reviewing minutes from more recent meetings. It may well be the case that the Home Office was reviewing these

profiles, but, if this is the case, inspectors found that this was not being recorded in the risk profile documents themselves. Some of the documents had been updated to note that the data supporting the profile had been refreshed, so it was clear to inspectors that the profiles were 'living' documents.

4.28 Inspectors concluded that the Home Office clearly had a system for reviewing both the risk profiles and the EIAs underpinning them, as evidenced by the fact that the majority of the EIAs it provided were within the review timescale. It was, however, also evident that the process in place for reviewing all EIAs was either not working and the reviews were not taking place, or the Home Office was not updating their EIAs to record that they had been reviewed.

EIA analysis

4.29 Inspectors did not have the capacity to fully analyse all 45 EIAs underpinning the risk profiles and, therefore, adopted a methodology of analysing a representative random sample of 10 EIAs, covering 10 different nationalities across three different continents. A breakdown of the potential direct and indirect discrimination identified in the profile EIAs, broken down by protected characteristics, can be found in figure 6.

Figure 6: Breakdown of potential direct and indirect impacts identified in equality impact assessments in the 10 sampled by inspectors

EIA	Race		Age		Sex		Marriage/ CP		Maternity		Gender reassignment		Disability		Sexual orientation		Religion	
	D	I	D	I	D	I	D	I	D	I	D	I	D	I	D	I	D	I
1	●	●	●				●											●
2	●	●				●	●		●		●		●		●		●	●
3	●	●		●			●											●
4	●	●	●	●			●											●
5	●	●	●						●		●		●		●			●
6	●	●	●	●							●				●		●	●
7	●	●							●		●			●				●
8	●	●		●														●
9	●	●	●						●					●		●		●
10	●	●	●	●				●										●
	10	10	5	4	0	10	8	0	4	0	5	0	4	0	5	0	0	10

D: potential direct discrimination
I: potential indirect discrimination

4.30 The quality of EIAs was generally very good, with a sound analysis of the equality impact of both the approach and the profile in addressing the risk presented to immigration control.

- 4.31** Direct race discrimination in all EIAs was justified based on the MA, with all nationalities in the sample being included on the MA nationality list. Direct discrimination on the ground of age can also be authorised by a MA. Some of the profiles reviewed by inspectors did directly discriminate on the basis of age. The accompanying EIAs reviewed by inspectors indicated that the Home Office was not relying on a MA authorising more rigorous treatment on the ground of age. Instead, the Home Office appeared to rely on either the provisions within s13(2) of the EA2010 which permits direct discrimination on the basis of age where it can be objectively justified, or the exemption for immigration functions in Schedule 4, Part 3, s15a of the EA2010. It was not always clear from the EIAs which section of the EA2010 was being relied on to authorise the direct age discrimination.
- 4.32** Inspectors noted that the Home Office was consistently fully considering the direct and indirect impact of the protected characteristics for which they held data from the visa application form (race [nationality], age, sex and marital status). There was also an awareness that certain characteristics may correlate with nationality, ethnic origin, or national origin, such as religion, place of birth and place of residence. The potential indirect impact of using these indicators was invariably assessed in a balanced and objective manner. EIAs contained

objective statistical data which evidenced the risk in the cohort of applicants, but also justified the differentiated approach that was being taken to target specific cohorts of applicants.

- 4.33** EIAs also contained good analysis of statistical data held by the Home Office to assess the potential indirect discrimination in adopting a particular risk profile. For example, several of the risk profiles provided statistical data on the age and/or sex of applicants who matched the profile in the reference period for which the Home Office held data. This analysis was then used to determine if the profile would impact a specific cohort based on their protected characteristics, and assessed whether that would have a disproportionate impact which could be objectively justified.
- 4.34** Invariably, in the case of identified indirect discrimination, the objective justification relied on by the Home Office was: “The legitimate aim in this case is ensuring the overall integrity of the immigration system as it relates to visitors and maintaining an effective Immigration Control.” While this rationale is sound, inspectors felt it important that the Home Office not lose sight of the fact that the impact of the approach taken in each profile and the totality of the equality impact must be considered in each case. There was good evidence in the body of the EIAs of this

consideration taking place, and it is important that this be maintained by the Home Office.

Other equality considerations

- 4.35** Inspectors identified several areas where the Home Office may wish to review their approach to conducting risk profile EIAs.
- 4.36** Four of the EIAs sampled used the terms ‘sex’ and ‘gender’ interchangeably when considering the impact on the protected characteristic of sex. The Home Office may wish to review how sex and gender are considered within their EIAs.
- 4.37** Inspectors also saw one EIA where place of birth was cited as a protected characteristic. While place of birth may well correlate with protected characteristics (principally race and religion/belief), it is not a protected characteristic as defined by the EA2010.
- 4.38** There was inconsistency in the way that potential indirect discrimination was handled in the protected characteristics of sexual orientation, gender reassignment, maternity/pregnancy and religion or belief. All the EIAs confirmed that the Home Office did not hold data on these protected characteristics. Some of the EIAs concluded that no impact could be identified, while others indicated that there may be an impact which could not be quantified due to insufficient diversity data.

The Home Office may wish to consider how it can overcome the lack of diversity data that it holds for visa applicants in order to better identify potential direct and indirect impacts on those with protected characteristics.

- 4.39** The section considering the promotion of equality of opportunity between those with and without protected characteristics was broadly similar in the 10 EIAs sampled by inspectors. In relation to equality of opportunity, the EIAs stated: “It is anticipated that there should be minimal customer service standard impact on customers since the requirement (or not) for enrichment is identified at the start of the process.”
- 4.40** As detailed elsewhere in this report, there is evidence to support that the routing of a standard priority case as complex (CX) or re-routed complex (RCX) results in a delay to the processing of the application compared to an application that is submitted on the same day and routed as non-complex (NCX). In this regard, inspectors did not believe that the statement that there was “minimal customer service standard impact” was reasonable. Similarly, inspectors saw very similar statements in the section covering the

fostering of good relations.⁴⁶ All EIAs contained the statement that, “this is not an outwards (customer) facing process and is anticipated to have little or no customer service standard impact ...” and ... “is likely to be welcomed by the public and stakeholder groups as it protects the integrity of the UK Immigration Control in line with the Home Office responsibilities outlined here”.

- 4.41** It was clear that routing did have a quantifiable customer service impact in that applications routed CX or RCX took longer to resolve.
- 4.42** Regarding the point about public perception of the routing solution, it is unclear whether the Home Office has undertaken any public research or engagement with stakeholders to support the contention that the approach is likely to be welcomed, or whether this is surmising on the part of the author. The Home Office may wish to consider if it needs to undertake further research to support this assertion.

Dependability of sources

- 4.43** Inspectors had concerns regarding the reliability of the statistical data cited in the EIAs. Five of the

46 The third part of the Public Sector Equality Duty requires the Home Office to “foster good relations between people who share a relevant protected characteristic and those who do not”.

EIAs cited Wikipedia articles as statistical sources. Wikipedia is an open-source platform, with articles subject to unmoderated editing and, potentially, vandalism. The reliability of Wikipedia as a data source is questionable, and it is not clear what evidential burden is required in relation to the sources of the information articles contain, or what checks and balances exist to assure the accuracy of information.

4.44 One EIA, in a section assessing the impact on the protected characteristic of race, contained a reference to an irrelevant demographics article on Wikipedia which related to a completely different nationality. Inspectors also saw one EIA relying on what appeared to be a website with teaching resources for school children. Other sources were more robust, with the World Bank, official census data, and CIA open-source material cited as a data source.⁴⁷

4.45 Part of the assurance measures for EIAs involves review and sign-off by senior Home Office managers. Given the issues highlighted above, inspectors were concerned that current

⁴⁷ Inspectors considered data from these sources to be more reliable given the data was sourced from either reputable international organisations or governmental reports.

assurance processes for approving EIAs are not working effectively.

Understanding the role of EIAs

- 4.46** Inspectors also found a culture in which some managers appeared to believe that simply having an EIA alone was sufficient to demonstrate compliance with the EA2010. One manager, when asked to explain how the design of CARS had taken account of the three strands of the PSED, responded: “It’s in the EIA. Every question you’ve asked, is answered in the EIA”.
- 4.47** When asked how managers assured that routing did not influence decision making, an operational manager told inspectors, “a risk profile is in place, and there is an EIA”. An EIA is a useful document to demonstrate compliance, but the focus must remain on whether the approach taken is compliant with equality legislation and internal policy, rather than simply producing an EIA.
- 4.48** The Home Office provided inspectors with an exhaustive and comprehensive EIA considering the impact of the automated CARS system. This document ran to 44 pages and fully considered the potential impact of the automated approach, direct routing criteria and PCAs. It was clear to inspectors that a significant amount of time and effort had been taken to consider the impacts

of the CARS system from an equality and diversity perspective.

- 4.49** Inspectors did, however, have two concerns regarding this overarching EIA. Firstly, it was dated November 2021 and was due for review May 2022, indicating that a review was overdue by some six months.
- 4.50** Secondly, the need for a review was evidenced by the fact that the CARS EIA did not accurately reflect the direct routing criteria being used by the Home Office, as it did not assess the impact of the direct routing criteria of an age-group specific profile (as mentioned at 4.14 and 4.15) and which was in use at the time of the inspection. While direct discrimination on the grounds of age is not necessarily unlawful if it can be objectively justified, inspectors expected to see as a minimum a consideration of the potential impact of the approach, given that this was differentiation based directly on a protected characteristic.
- 4.51** The lack of an assessment of the impact of the direct routing criteria the age-group specific profile was raised with the Home Office during the onsite debrief. The managers responsible for oversight of the CARS system responded that there was an EIA covering the direct routing profile and that it had unintentionally not been provided to inspectors. They committed to provide this to inspectors after the debrief.

- 4.52** When the EIA was provided by the Home Office, inspectors found that the document only covered applications submitted by that specific age group at one specific overseas visa application centre (VAC). The EIA was dated July 2022 and had no review date. In correspondence, the Home Office subsequently acknowledged that the direct routing that specific age group had been rolled out globally, and they committed to amending the EIA to take account of this.
- 4.53** Inspectors also found that the Home Office was applying a PCA of travel to the B5JSSK countries, EEA, UK or Ireland in the past seven years, rather than the last five years as stated in the extant routing solution policy.⁴⁸ This was evident in the file sample undertaken by inspectors, where the routing notes generated by the CARS system and copied to Proviso stated: “Previous compliant travel to or current residency in Schengen or EEA countries during the seven years prior to the application?” The seven-year timeframe had not been considered in the EIA covering the CARS system.

48 See footnote 27. At the factual accuracy stage, the Home Office stated: “This is to offset the 2-year period of limited travel during COVID, which is entirely reasonable in the circumstances, and we will review and change this as part of the current CARS review.”

4.54 It is entirely reasonable for the Home Office to amend their direct routing criteria to take account of positive and negative changes in the risk or complexity of applications. Where such changes are made, it is incumbent on the Home Office to update their published policies and consider the potential equality impact of those changes by conducting an ad hoc review of any EIAs to ensure they fully consider and reflect the manner in which applications are being processed.

Conclusion

4.55 In summary, the application of the current routing solution, risk profiles and the associated EIAs, has been subject to a significant amount of due diligence to assure that they are compliant with the legal requirements of the EA2010. In this regard, inspectors were satisfied that, on balance, the Home Office is adhering to the six “Brown Principles” (which are explained fully in Annex D) and having due regard for equality and diversity considerations in the operation of the visit visa routing process. This is caveated on the basis that inspectors did find areas where the Home Office may need to reconsider their approach or review their processes as detailed in the sections above.

4.56 The Home Office needs to tighten its assurance processes and ensure that reviews are undertaken both when scheduled, or when a change is

proposed to policy, approach or the substance of the risk profiles.

5. The Complexity Application Routing Solution in visit visa operations

5.1 The Complexity Application Routing Solution (CARS) is central to the effective and efficient processing of visit visas applications.

5.2 With regard to ICIBI's expectations, inspectors examined the use of CARS and its overall efficiency, effectiveness and consistency in visit visa operations.

Process overview

Figure 7: Overview of routing, roles and responsibilities in the visit visa process

Step	Action	Grade responsibility
Step 1: Uploader	<p>Upload visit visa application to Proviso, confirm accuracy of biographical information and aliases and link supporting documents.</p> <p>Check for previous applications.</p> <p>Use CARS tool to determine application complexity and follow directions for either 'profile-defined enrichment' or make ready for decision making at the appropriate grade.</p>	Uploader – normally of Administrative Officer (AO) grade
Step 2a: Enrich	Conduct profile-determined enrichment checks on supporting evidence or verification checks approved by a Senior Caseworker or Entry Clearance Manager.	Enrichment Team – either AO grade or Executive Officer (EO) grade

Step	Action	Grade responsibility
Step 2b: Allocate	Allocators use the Business Activity Monitoring (BAM) ⁴⁹ spreadsheet to monitor casework and load it into the Central Allocations Tool (CAT). Non-complex (NCX) applications are assigned to AO decision makers (AODMs), and Complex (CX) and re-routed complex (RCX) applications are assigned to EO decision makers (EODMs).	Allocator – normally of EO grade
Step 3: Decide	The decision maker (DM) assesses the application under Appendix V: Visitor of the Immigration Rules. The DM considers the suitability and genuineness of the application.	DMs are either AODMs or EODMs.
Step 4: Assure	Entry clearance managers (ECMs) work alongside Higher Executive Officer (HEO) team leaders and manage EODMs. They review DMs' work and manage their performance.	ECMs work alongside HEO team leaders.

49 The 'BAM' is a database of the current 'work in progress' (WIP) at a DMC. It breaks the WIP down by the stage it is at in the process so each team within the DMC can manage its workflow.

Uploaders

- 5.3** Uploaders are normally Administrative Officer (AO) grade and managed by Executive Officer (EO) team leaders. In Croydon, two team leaders at EO grade are each responsible for managing 11 to 13 uploaders. A similar structure existed in Liverpool. Inspectors found that uploaders were engaged, committed, and enthusiastic about their roles at both decision-making centres (DMCs), and they spoke of being well managed.
- 5.4** Uploaders have a daily target of 50 applications in Liverpool and 70 applications in Croydon. Inspectors found that, as a result of these targets, there is limited time to upload each case and a member of the uploading team told inspectors, “We are not reading the information – we are just looking for trigger words”. Inspectors were not provided with a rationale for the different targets in place across the two DMCs.

The CARS tool

- 5.5** While onsite, uploaders told inspectors that the CARS tool is effective and stated that the latest version has saved a lot of time and made their job easier in determining complexity due to the addition of automation.
- 5.6** Inspectors noted that some elements of the tool are not automated and require uploaders to enter

information manually from the visa application form (VAF) into the tool, such as income, place of residence and employment status. For example, where income figures were expressed by applicants in a foreign currency, the uploader had the additional step of converting the figure into pounds before entering it on to CARS.

- 5.7** Inspectors undertook random case sampling of 100 electronic visit visa applications received worldwide by Visas, Status and Information (VSI) Services on 1 November 2022. Inspectors assessed whether CARS had correctly routed the application and found that in 96 (96%) applications they had been correctly routed; three (3%) applications were correctly routed but inspectors considered they should have then been re-routed; and one (1%) application was incorrectly routed. The incorrectly routed case was routed as non-complex, despite not meeting the set criteria. The case notes acknowledged this misrouting but did not include a justification as to why an exception was made.
- 5.8** While uploaders have confidence in the CARS tool, some DMs noted that routing errors often arose because uploaders had made errors when entering information into the CARS tool where manual entry is required. During a focus group, DMs told inspectors that they were seeing ever-increasing numbers of routing errors that they

were having to correct. One DM told inspectors that matters had reached the point where they had “no faith” in the CARS output because of these errors. Both Croydon and Liverpool DMCs now have a dedicated email inbox which is used to provide feedback on quality issues in order to identify training needs.

- 5.9** While onsite in Liverpool, inspectors were made aware of an email from an EO team leader which directed uploaders no to enter into the CARS tool additional sources of income received from friends and family or investments, where applicants had declared these. It was not clear to inspectors what the basis for this instruction was, or that such an action would be compliant with policy.

Enrichment

- 5.10** Some applications require the DM to carry out additional checks. This is known as ‘enrichment’. Enrichment can take the form of verification checks, requests for further evidence, or an interview with the applicant or sponsor. The revised interim workflow routing solution for visitor applications provides DMs with guidance

on when enrichment will take place in its 'Enrichment Framework':⁵⁰

“Profile-defined checks at the application routing stage must be considered where there is a match to a profile or bulk table. Where a profile match is found, the application must be deferred to the DMC Enrichment or Checks Team. The ultimate decision to conduct the defined check will be determined by the Enrichment or Checks Team.”

5.11 During the onsite phase of the inspection, inspectors queried if profile-directed enrichment was taking place in relation to a nationality subject to specific risk profiles. One manager stated, “That is not being done”, and that:

“The original profile was making a lot of work. So, the management decision was that it went to the floor first and a DM should decide if it is an issue or a refusal. If they decide it was refusal, that decision was fine without enrichment. If the decision was to issue, the case was taken to enrichment.”

50 <https://www.gov.uk/government/publications/workflow-routing-visitor-short-term-student-and-overseas-domestic-worker>

5.12 The manager also stated that this deviation from the published policy had been approved by a senior Home Office manager.

5.13 Furthermore, there is an inconsistency in the application of enrichment checks between DMCs which is not in line with official guidance. DMs are instructed:

“Where there is no profile-defined routing check, enrichment will principally be directed by the checks table. Once an application has been assigned to a decision-maker based on complexity, the decision-maker must initially determine whether the Immigration Rules are met.”⁵¹

5.14 The ‘checks table’ comprises a breakdown of ‘scenarios’ DMs are likely to encounter in visit visa applications, the required action for both NCX and CX applications, and whether the DM is AO or EO grade. Guidance states that “AODMs must apply the checks table to all applications they consider” and “both AODMs and EODMs can commission checks, although AODMs must only commission checks where they have been instructed by a senior caseworker (SCW) as part of a referral”. The checks table has been subject to an Equality Impact Assessment (EIA).

51 Revised interim workflow routing solution for visitor applications, version 3.0

- 5.15** At one DMC, however, this policy was not being followed. Enrichment was guided by a OneNote notebook containing information which inspectors considered to be de-facto ‘risk profiles’, outside of CARS. Some of the information within the OneNote notebook contained protected characteristics without an EIA in place.
- 5.16** DMCs have created their own enrichment toolkits, such as a list of bank account numbers, which may be more appropriate for inclusion in the bulk data tables, without an EIA.
- 5.17** Inspectors viewed a copy of an enrichment OneNote and noted that it included an ‘Immigration Intelligence Alert’. CARS policy stated that: “DMCs should continue to work closely with Immigration Intelligence colleagues to produce awareness briefings for decision-makers. These may inform other potential scenarios for enrichment checks.” During an interview, Immigration Intelligence staff told inspectors that intelligence alerts are information only, and that until they are operationalised there is no requirement to conduct an EIA. It was apparent to inspectors that, as part of an enrichment OneNote, an intel alert had the potential to be operationalised and it was not clear if, at this point, VSI had undertaken an EIA.
- 5.18** During a focus group, AODMs in Liverpool advised inspectors that they did not routinely seek approval

from SCWs for enrichment. Instead, they would simply re-route the application to complex (RCX).

5.19 Nonetheless, inspectors also observed instances where CARS was efficiently and effectively routing applications for enrichment. For example, in Croydon, in one week, 80 to 100 forgeries were identified as a result of applications routed to the enrichment team, which is a notable increase compared to the number of suspected false documents identified prior to the introduction of CARS.

Allocators

5.20 Allocation teams do not have direct involvement with the CARS tool itself. However, the role requires them to ensure that applications are routed to the correct grade of DM, as set out in Home Office policy.

5.21 Allocators use a 'Central Allocations Tool' (CAT) which allows them to allocate work to DMs who in turn have access to the same tool to pick up their allocation of applications. To ensure that allocators are working from the most up-to-date information, the CAT needs to be linked to the latest 'Business Activity Monitoring' (BAM) tool, which must be refreshed regularly. Inspectors found that the CAT is mostly easy to use with a clear distinction between

non-complex (NCX) and complex (CX) applications.

- 5.22** However, the process of re-routing applications from NCX to CX is the most difficult process currently undertaken by allocators. An allocator in Croydon demonstrated how such applications are re-assigned. First, the case must be de-allocated, before all AOs are manually de-selected from a list of over 100 staff members, before it is allocated to an EO. Inspectors considered the process to be overly intricate. Inspectors found that, while the CAT provided a robust way for the Home Office to allocate work, operation of the system was not intuitive and required some refinement, and that consistent practices across DMCs might be beneficial.
- 5.23** In Liverpool, different allocation processes existed for AODMs and EODMs, and the CAT was not used to allocate AODMs' work. Additionally, allocators told inspectors they received updated BAMs only twice per day, which meant that applications re-routed to RCX were not allocated to be considered by DMs until the following morning. Inspectors considered that this added unnecessary time to consider RCX applications.
- 5.24** In one DMC, inspectors observed instances where the CARS complexity outcome is disregarded. A member of staff from the allocations team told inspectors that trends had been identified from

certain visa application centres (VACs) where NCX applications were being regularly re-routed as complex (RCX). When further applications are then received from those particular VACs, a CARS routing of NCX was ignored and applications would be manually allocated to an EODM. This is not consistent with published Home Office policy.

Decision making

Confirmation bias

5.25 A key principle of CARS is that the routing of the application will not influence the decision outcome. An application must be considered on its individual merits. A manager told inspectors:

“Decision-makers at all grades must continue to assess each application on its individual merits against the Immigration Rules. Each application will continue to be decided based on the information provided by the customer and any other relevant factors at the date of decision.”⁵²

5.26 When asked how routing and decision making could be effectively separated, the managers told inspectors:

⁵² <https://www.gov.uk/government/publications/workflow-routing-visitor-short-term-student-and-overseas-domestic-worker>

“If we’ve got authority to route applications because of known trends and data to support that it is in an EIA – we would want caseworkers to see that information and to have the confidence and autonomy to make a decision. If you’re not aware of the risk with certain applications, then you’re not necessarily going to make the right decision or an informed decision.”

- 5.27** Induction training includes guided learning on confirmation bias taking place in the classroom. Currently, all staff receive annual refresher e-learning training on unconscious bias.
- 5.28** Other managers told inspectors that there was not an issue, stating, “The main thing to keep in mind is CARS is a way of routing applications, it doesn’t dictate the outcome of the decision”. Home Office Managers are confident that the CARS tool allows them to work efficiently, and that staff are assessing applications on their own merit.
- 5.29** Managers perceived that CARS provided a fairer system to routing applications than the previous Streaming Tool. One Home Office manager told inspectors: “It’s certainly better than the RAG system.⁵³ Under the old system, red was refuse

53 The Streaming Tool was referred to as a RAG system internally by Home Office staff because it rated applications red, amber or green.

and green was issue. Now, staff are using the routing as a starting point ... it doesn't influence the decision as much as it used to."

- 5.30** Inspectors found that both AODMs and EODMs were aware of how confirmation bias can potentially impact on their decision making. DMs were clear that they should not make assumptions about individual applications, and instead should rely on the information provided within them.
- 5.31** AODMs told inspectors that CARS is used to route a case to the correct team, and that it is not a decision-making tool. AODMs review the case and decide whether the visit visa should be issued or if the case should be RCX and therefore passed to an EODM.
- 5.32** EODMs told inspectors that they do not view the routing outcome of CARS when reviewing an application, as each application is being assessed on credibility, and therefore, the outcome of CARS is not relevant to the decision making. EODMs at both DMCs told inspectors that they assessed on the "evidence in front of them".
- 5.33** Inspectors observed both AODMs and EODMs undertaking multiple visit visa application assessments. EODMs assessing complex applications did not appear to consider the CARS outcome while making their decision. Both

decision-making teams had access to an SCW who could offer advice if needed.

- 5.34** Furthermore, during case sampling, in 81% of applications, inspectors were completely satisfied that there was no evidence of routing influencing the decision.
- 5.35** In the remaining 19% of applications, inspectors noted that the DM had stated they had taken account of the routing outcome in their case notes. However, during the onsite phase, inspectors were told that this was a standard proforma minute that DMs were expected to use, and DMs explained that the entry was merely to reflect that they had taken account of whether the case was complex or non-complex. Inspectors considered the inclusion of this line to be at odds with guidance on confirmation bias.⁵⁴
- 5.36** While onsite, an AODM stated, “We look at the case and don’t trust the CARS ... I just look if it is non-complex” and “I treat it like it’s the first time it’s been looked at. I don’t give the routing any consideration. I wouldn’t waste my time looking to see why [it has been routed a particular way]”. Another DM said: “I don’t read this [the

54 At the factual accuracy stage, the Home Office stated: “It is necessary to note the routing outcome so there is an audit trail to show the application has been assessed by the correct grade of Decision Maker.”

CARS output] when reviewing an application as I am assessing each application on credibility and, therefore, I don't actually need to know the outcome of the CARS tool.”

5.37 While onsite in one DMC, inspectors were made aware that first-time travellers from Africa required a referral to an SCW, which was not in line with the enrichment approach set out in the checks table. While ‘first-time travellers’ is a scenario that DMs can enrich, the checks table does not mandate this and nor does it limit it to any nationalities or any other protected characteristics. In addition, inspectors could not be satisfied as to the legal basis for the more rigorous examination of all first-time applicants of nationalities from the continent of Africa. It was also not clear that this was supported by an EIA.

Re-routing applications

5.38 Re-routing applications, the process whereby an AODM can re-route an application to complex (RCX), ensures that a qualified decision maker assesses complex applications. While inspectors understood the need for an escalation step, at face value, it is a double handling of a visit visa application and, as found by inspectors, leads

to delays in decision times.⁵⁵ Figure 8 shows the performance of VSI in terms of the complexity of all cases received on 1 November 2022. Almost 66% of RCX applications took more than 15 working days to resolve, compared with approximately only 7.5% of NCX applications.

Figure 8: Summary of days taken to conclude applications received by VSI on 1 November 2022

	Unresolved as at 31 Dec 2022	<15 working days ⁵⁶	>15 working days	No. of applications
CX	1.62%	50.38%	48.01%	2,660
NCX	0.58%	91.94%	7.47%	3,091
RCX	4.16%	29.87%	65.97%	529
Grand Total	1.32%	69.11%	29.57%	6,280 ⁵⁷

55 At the factual accuracy stage, the Home Office stated: “If an application has been routed by complexity, based on the information provided in the online application, but the decision maker has identified that the application needs to be re-routed as out of their scope, then it is a sensible safeguard, not double handling.”

56 Figures were established without consideration of any holidays. Given figures are indicative, inspectors consider that these remain statistically valid.

57 The total file sample consisted of 6,301 applications received globally on 01 November 2022. 21 of those contained erroneous complexity data and were excluded by inspectors from the sample.

- 5.39** The process for re-routing applications differed between DCMs. In Liverpool, AODMs told inspectors that once an application has been referred to an EODM as RCX, they do not receive any feedback on the outcome or on whether the case was indeed complex. Although Home Office managers in Liverpool stated that AODMs had the option to “walk and talk” an application through with an SCW. In Croydon, AODMs referred an application to an SCW to establish whether it was in fact complex before it was re-routed to an EODM.
- 5.40** While onsite, AODMs told inspectors that they were using their knowledge of risk profile indicators in their decision to re-route applications. One AODM explained that, if an application matched to, for example, three indicators from the list of all indicators, their instinct was to refer the application as RCX rather than to consider it within the scope of NCX.
- 5.41** Gatekeeping the re-routing of an application, as demonstrated in Croydon, and to a lesser extent at Liverpool, would ensure fewer instances of unnecessary re-routing. Inspectors considered that a more robust and end-user-focused feedback process in relation to RCX applications, which is explored elsewhere in this report, would provide an opportunity to develop the confidence of

AODMs in their decision making, and reduce RCX throughput.

Productivity expectations

- 5.42** In both DMCs, uploaders and DMs raised concerns about the productivity expectations placed on them. They told inspectors that they felt pressured to meet targets. During the onsite phase of the inspection, inspectors were told that AODMs have a target of 40 to 50 applications per day, and EODMs have a target of 25 applications per day.
- 5.43** DMs described the daily targets as achievable, however, it depends on the type of applications assigned to them that day. If DMs are assigned family or group applications, the daily target is achievable. Otherwise, DMs can struggle to reach the daily target. Inspectors found that AODMs are particularly disadvantaged as RCX applications do not count towards their daily figures. Furthermore, AODMs have no control over applications that are routed incorrectly as NCX. Inspectors found that, if DMs are consistently struggling to meet their targets, managers advised that they adjusted targets and workload to account for personal circumstances. In both DMCs, Home Office managers said it was about quality, not quantity, and that productivity demands should not affect the quality of decisions. However, DMs also

told inspectors that monthly conversations with managers were focused on quantity.

- 5.44** Conversely, managers told inspectors that productivity expectations are managed with a more nuanced approach that views output as a ‘whole’ rather than as a daily component. The Home Office should ensure that its approach to managing performance balances the need for productivity against the inherent risk of confirmation bias, and that quality conversations are providing oversight and feedback to promote a culture of continuous improvement.

Impact on customer service standards (CSS)

- 5.45** While onsite, inspectors were shown ‘Daily Operational Updates’⁵⁸ in both DMCs.
- The Croydon DMC was assessing NCX applications on day four and CX applications on day nine.
 - The Liverpool DMC was assessing NCX applications at day six and CX applications at day 15.
- 5.46** In inspectors’ sampling of 100 electronic visit visa records, they found that, on average, NCX applications were made on day eight and complex

58 These are sent to all staff and provide an update on the current operational position of the DMC.

applications were decided on day 19. As shown above in figure 8, for applications received globally on 1 November 2022, 91.94% of applications routed as NCX were resolved within 15 working days compared to only 50.38% that were routed CX.

- 5.47** Inspectors accept that the nature of complexity will result in discrepancies in the time taken to decide applications. However, applicants pay the same standard fee and should expect the same standards of service regardless of the complexity. It is arguable that applicants have no control over the routing of their application. Furthermore, having to manage cohorts of applications in this manner is not operationally efficient and will increase demands on operational managers and the time they spend planning for delivery.
- 5.48** In its position statement to inspectors, VSI cited delays in recruitment as one of the challenges it has faced. Following a recent recruitment campaign, managers in Croydon and Liverpool stated that their teams were now adequately resourced. However, onboarding new staff has led to challenges in resourcing trained EODMs to assess complex applications. This staff influx has led to insufficient numbers of line managers being available, which has led to a lack of efficient assurance and feedback processes.

Leadership

- 5.49** While the focus of this inspection relates to the CARS, inspectors observed evidence of a positive workplace culture and employee engagement across both Croydon and Liverpool DMCs. Managers considered the welfare and wellbeing of their team, and staff in both DMCs commented that they felt supported by their managers.
- 5.50** At both locations, teams were structured so that they sat together in banks of desks with their team managers. For DMs, these banks included an SCW, who could be approached for guidance where needed. Teams had monthly team meetings led by their managers. Staff were generally positive about the quality and value of their monthly ‘check-ins’ with their line managers and felt that they focused on wellbeing and development.⁵⁹
- 5.51** Each bank of desks also had its own team-specific noticeboard that demonstrated the positive culture of employee engagement, including celebrations of successful results, team performance, quotes and

59 The Home Office defines ‘check-ins’ as “regular performance and development conversations”. The Home Office performance management policy requires that line managers aim to hold monthly conversations with their employees, but it is mandatory to hold conversations at least quarterly.

thoughts of the day, and photographs of various team and workplace events.

- 5.52** Staff across all grades provided positive feedback about management and appeared confident and enthusiastic about their work. DMs told inspectors that their managers were approachable, and that when staff raised any concerns, they felt listened to. A member of staff commented, “This is the happiest I have been as a civil servant”.

Conclusion

- 5.53** Inspectors found that, as a tool, CARS is generally accurate in routing work to the correct decision-making resource based on the information contained within it.
- 5.54** Discrepancies between CSS for applications that are deemed CX and NCX require action. However, senior managers described their intention to “be bolder with the tool”. Amendments to CARS are likely to see an increase in NCX applications which should, to some extent, reconcile the availability of appropriate decision makers.
- 5.55** Ethical issues identified in the previous Streaming Tool have been ‘designed out’ in CARS, and an ethos of assessing on the evidence available was apparent in conversations inspectors had with staff onsite in UK DMCs.

5.56 While it is commendable that DMCs look to identify ways to work efficiently, there is inconsistency in how enrichment is undertaken across locations. DMs were, where necessary, undertaking enrichment activity, but inspectors identified that this often was not as directed by risk profiles, or relied on local sources of unchecked information. These included the use of a OneNote to direct decision-maker enrichment or the use of lists of known bank account numbers, which may lead to a two-tier system.

6. Monitoring and reviewing the Complexity Application Routing Solution

- 6.1** As a relatively new tool within Visas, Status and Information (VSI) Services, there remains a focus on refining and improving the Complexity Application Routing Solution (CARS) so that it is effective and efficient. VSI has been tested at pace in its ability to develop and continuously improve the tool, especially with forecasts for visit visa demand being outstripped.
- 6.2** With regard to ICIBI's expectations, inspectors considered what quality assurance processes are in place and how effective these are in relation to CARS.

Assurance

Uploaders

- 6.3** While onsite, inspectors were informed of errors made at the uploader stage and the impact this was having on the efficiency of the decision-making process. A Home Office manager said that "a lot of errors" are made during the uploading process.

- 6.4** Inspectors found that Home Office managers were aware of the need to improve the assurance of the uploading process to help rectify quality issues. One Home Office manager explained that there are plans in place to improve uploader training.
- 6.5** An errors mailbox has recently been implemented at Croydon, and a similar mailbox was in place at Liverpool. Both can be used by Executive Officer decision makers (EODMs) and Administrative Officer decision makers (AODMs) to alert allocators to errors. The aim is to identify trends in data quality issues to resolve repeated errors.
- 6.6** The errors mailbox is designed to complement a new error reporting system at Liverpool and Croydon. The error reporting system has various levels of errors that determine the type of management action required, from informal conversations to extra training or escalation to a senior manager.
- 6.7** At Liverpool, inspectors were also told that there are plans for a 'Quality Team', with the aim of adding value and assurance to the work being undertaken.
- 6.8** Inspectors found that the AO uploader assurance processes need further improvements. In Croydon, EO team leaders do not undertake any assurance checks. Instead, there is a 'Technical Lead' responsible for assurance, who solely

undertakes quality checks to assure uploaders' work. Therefore, there appears to be a lack of resilience in the assurance checks of uploader work. The EO team leaders' only involvement in assurance checks is to discuss the outcome with AO uploaders.

6.9 Furthermore, the approach taken in Croydon is inconsistent with that taken in Liverpool, where EO team leaders undertake assurance checks of uploaders' work. An EO team leader showed inspectors the performance and productivity spreadsheets linked to their team. This document did not include any reference to quality checks, and it was not clear how, or even if, these checks were recorded.

6.10 While the errors mailbox is still in its infancy, several AODMs and EODMs commented that, due to the volume of errors, it was timelier to resolve errors themselves rather than notify the uploader team. Inspectors observed decision makers at one decision-making centre (DMC) taking the time to correct such errors. This is potentially a missed opportunity to ensure that lessons are learned by providing feedback to the uploader, with the aim of reducing the number of errors and improving accuracy and overall efficiency.

Administrative Officer decision makers (AODMs) and Executive Officer decision makers (EODMs)

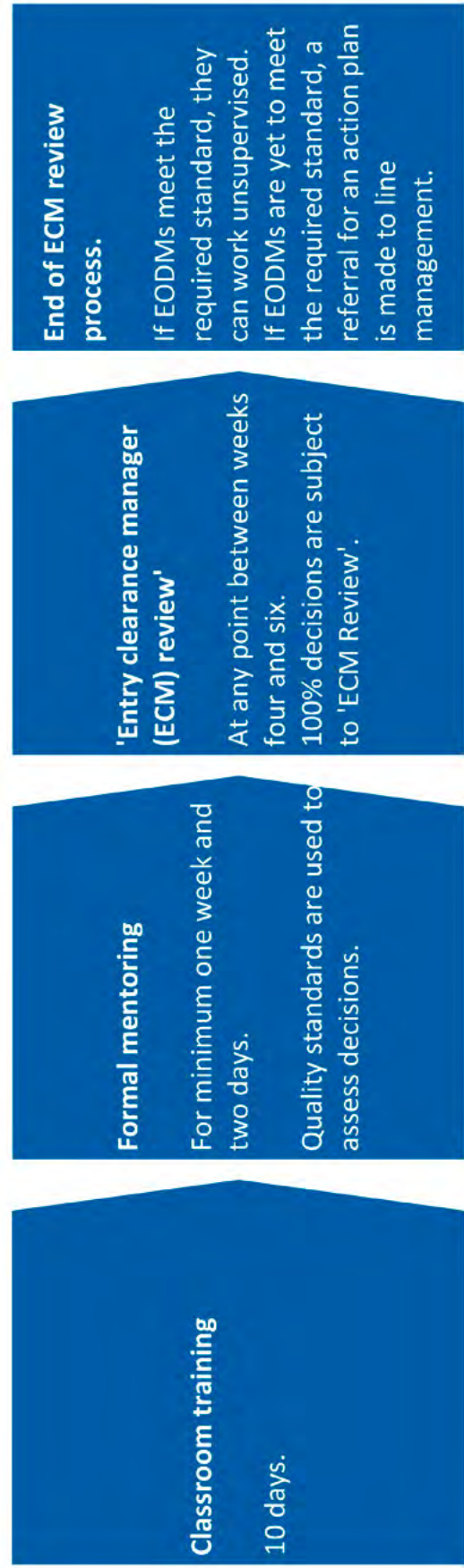
6.11 The Home Office's training course for new decision makers defines its assurance of decisions made by AODMs and EODMs as follows:

“...to promote decision quality, avoid errors, ensure fairness and consistency, we conduct Decision Assurance Reviews across a range of applications including all complexity levels, high-profile cases and those made by new decision makers.”⁶⁰

Figure 9: AODM training process



Figure 10: EODM training process



6.12 The CARS policy and guidance document defines a ‘decision assurance review’. This states that, “Reviewers should be allocated 10% of both non-complex decisions and complex decisions which must be reviewed daily. Where decision-making centres (DMCs) have the scope to increase the volumes of baseline reviews, they are encouraged to do so”.⁶¹ Baselines reviews are defined by internal Home Office guidance.

‘Revised Interim Decision Assurance Framework’

6.13 The Revised Interim Decision Assurance Framework specifies the two types of review conducted by ECMs:⁶²

- ‘ECM Approval’ can be requested by a decision maker for an ECM to review a “specific aspect of the application” prior to the decision being entered on Proviso. This can also be used for any general queries regarding the assessment of the application. There are certain applications that must be referred for an ECM Approval review, such as when the

61 Decision Quality and Post Decision Procedures

62 An Entry Clearance Manager (ECM) manages the work of a team of decision makers to ensure compliance with the UKVI Operating Mandate and associated processes.

application includes unaccompanied minors, or when a previous application has been refused in the last two years.

- A 'Decision Assurance Review' is a full review of the application and the decision made. This measure can be used for new decision makers and for quality assurance file sampling of non-complex (NCX) and complex (CX) applications. These reviews can be conducted by a peer of the same grade as the decision maker, or by an ECM.

6.14 In Liverpool and Croydon, inspectors found that ECMs and Higher Executive Officer (HEO) managers intended to be consistent with the Revised Interim Decision Assurance Framework and did aim to undertake the number of reviews required.⁶³ To try to achieve this, ECMs also conduct reviews for each other's teams.

6.15 However, inspectors were concerned that the Revised Interim Decision Assurance Framework was not being fully adhered to, and that fewer assurance reviews occur when there is an increase in new staff. Inspectors found that, due to the volume of new starters, the scope to undertake regular reviews was a challenge, and the extent

63 An ECM focuses on the technical management of the visit visas processes. HEO managers are focused on the welfare and support of decision makers.

to which assurance reviews occur is based on capacity.

6.16 There was acknowledgement from Home Office managers at both Liverpool and Croydon that assurance is a work in progress. Home Office managers also told inspectors that the inexperience of new staff imposed additional pressures to the assurance process. One Home Office manager also commented that now more ECMs are employed, “no shortcuts are being taken.” Inspectors undertook a file sample of visit visa decisions and were concerned to find some errors with an ECM review. Sixteen (16%) of the applications reviewed were subjected to an ECM or peer review. In two (13% of the applications which were reviewed) instances, inspectors were concerned about the quality of the review undertaken.

Case study 2 – ECM review

The applicant was seeking to visit the UK for a period of two months to visit a friend. The application was routed as CX. The application was refused on the basis that the EODM:

- was not satisfied of the veracity of the relationship between the applicant and sponsor
- was not satisfied that the applicant could stay at the sponsor's residence due to tenancy restrictions
- had insufficient funds to source alternative accommodation and, on this basis, was likely to seek recourse to public funds

presented bank statements with a minimal financial balance, which caused the EODM to conclude that the applicant was not a genuine visitor and would not leave the UK at the end of their visit

Inspectors noted that the refusal notice contained grammatical errors, and that the applicant was only refused under paragraph V4.3(a) in the Visitor Rules, regarding a lack of suitable sponsor. The grounds cited in the refusal notice reference the genuineness of the visit (paragraph V4.2(a)). However, this is not reflected in the decision.

No enrichment was undertaken on the application.

The case was subject to a full ECM review. This review did not highlight any issues in the case, but inspectors noted two factual errors in the ECM's notes. The ECM recorded that the issue notes were correct on Home Office systems and that enrichment activity had been carried out in line with the enrichment framework and checks table.

ICIBI comment

The majority of the ECM review reflected the circumstances of the application. However, the two errors highlighted were of concern, given that these statements did not reflect the true circumstances of the case. It is also of concern that the ECM review did not highlight the grammatical errors in a document served on an applicant, nor did the review highlight that the paragraphs of the Immigration Rules used to refuse the application did not correlate with the content of the refusal notice.

It was not clear to inspectors that any higher-level assurance process was in place to assure those that assure decisions.

Home Office response

At the factual accuracy stage, the Home Office stated:

“The applicant was also refused under V4.2 (A) and (C) also the errors highlighted in the ECM review were incorrect

With respect to the enrichment activity in that enrichment was not applicable and there is no evidence to suggest that any enrichment activity has been carried out given their N/A response.

Based on the above information there is no evidence to suggest that the ECM made two errors when reviewing the case.

Based on the refusal notice linked to Proviso, whilst we have refused under 4.2 (a) and (c) we have separately disputed both the relationship and the ability of the sponsor to provide accommodation therefore it is accepted that we should have also added 4.3(c) into the refusal wording. It is also accepted that there are a small number of grammatical errors in the refusal notice.”

6.17 AODMs also widely reported that they rarely receive any feedback on applications they have re-routed as complex (RCX) to an EODM. This

appears to be a missed learning opportunity to improve the consistency of RCX referrals made by AODMs.

- 6.18** As a result of this limited assurance activity, some decision makers (DMs) receive limited feedback and reported that “you only hear back if it is not right.”
- 6.19** Inspectors also found further inconsistencies between qualitative and quantitative feedback provided to DMs. One manager told inspectors that, “Due to the operational demands the pressure has been on quantity and not quality. We never get judged on how happy and engaged staff are, or on quality.” However, another manager told inspectors, “It’s not about quantity, it’s about quality. We can work together to give projections but as long as the quality is there, and they understand credibility, then that’s the way we go.”
- 6.20** In Liverpool, quantitative feedback is often in the form of an email. One EODM acknowledged that “a lot of the team are struggling with stats.” Staff stated that part of the check-in meetings focused mostly on qualitative rather than quantitative feedback ‘as and when’ it’s necessary, and that positive feedback is only provided during check-ins if something has been done particularly well.
- 6.21** Overall, inspectors found that check-in meetings considered the welfare of DMs but that line

managers were not balancing this with quantitative feedback and monitoring to improve operational efficiency.

Assurance Workshop – December 2022

- 6.22** Inspectors found that there is an organisational awareness of the need to improve assurance processes in VSI. A ‘Visits Streaming Risk and Assurance Workshop’ was held over three days in December 2022. One objective of this workshop was to: “review the current first-line assurance framework and agree a sustainable framework going forward.” The challenges of achieving the quota of reviews were discussed, alongside how decision assurance review data can inform data quality.
- 6.23** The workshop had two outcomes. The first aim was to review and revise the assurance framework. The second outcome was the establishment of a working group of representatives from both DMCs within the UK and Casework IT specialists in order to manage a detailed review of a ‘Decision Assurance Review Tool’ used in Liverpool.
- 6.24** The workshop also considered improvements to CARS risk profiles and reviewed the direct routing categories within CARS. The need for

high-quality data to better inform the system was acknowledged. One manager told inspectors that, “We recognise we need to be a bit bolder, based on the workshop ... We are looking at how we can make it [CARS] more effective.” There was further positive acknowledgement among attendees that the efficiency of CARS could be improved, following suggested changes at the workshop, particularly around improving the split between the routing of NCX and CX applications.

- 6.25** Inspectors found that work is ongoing to consider the number of person-centric attributes (PCAs) utilised in CARS. Seventeen PCAs have been identified and, following consultation with Home Office Legal Advisers (HOLA), nine are being considered for inclusion in CARS, once an equality impact assessment (EIA) has been drafted and agreed.

Review and feedback of CARS

Enrichment teams

- 6.26** Inspectors were concerned to find workaround solutions in place at one DMC and reference being made to similar products being used in other DMCs. Home Office managers disagreed on whether the reason that local tools, such as enrichment OneNotes, have not been made accessible across all DMCs was due to concerns regarding some of the information sources

contained within them. Staff working in enrichment and harm at one DMC told managers that, “We looked into having a single OneNote, but HOLA (Home Office Legal Advisors) were not happy because of some of the sources”.

6.27 Inspectors noted that the inconsistency of this approach has the potential to affect the level of enrichment undertaken on applications in one DMC compared to another. This could cause an applicant to have their application subjected to different levels of scrutiny depending on the DMC to which it was referred.

6.28 It was not clear to inspectors why the risks presented in such documents were not being built into CARS to further increase its operational effectiveness and efficiency. This was made more pertinent given that one document was an Intelligence Alert originating from Immigration Intelligence and which was based on a very real and present threat to the integrity of the immigration control.

Intelligence and harm teams

6.29 Harm teams focus on analysing applications where an ‘adverse’ outcome has been reported. An adverse outcome refers to when a visit visa has been issued and the applicant has arrived in the UK. Following their arrival, the applicant makes an asylum claim, an in-country application to

remain in UK, or breaches the conditions of their visit or UK immigration law. Part of this process involves considering if the correct decision to issue or refuse a visa was made. Intelligence can be gathered during the analysis, which can then be fed back into CARS to improve its effectiveness, and into other routes such as the Casework Intelligence team, with whom the Harm and Enrichment teams work closely. For example, one application was analysed by the Harm team after an applicant was granted a visit visa but was refused entry at the UK border. Further research identified common characteristics with several other applications, which were also fraudulent.

6.30 Inspectors were concerned about the limited action taken after a visa has been issued based on fraudulent application documents. As part of the enrichment process, the validity of documents submitted as supporting evidence for visit visa applications can be checked by the issuing institutions. After a specified period, if no response has been received, the application is returned to the decision maker to assess the case on the information available. If a response is later received which confirms that the document is fraudulent, and the visa has already been issued, the visa should be revoked, and a new decision made to refuse the application. As the visa start dates are one week prior to the intended date of

travel, inspectors were told that there is usually time to revoke the visa.

6.31 However, if the visa has already been used and the applicant has travelled to the UK, one member of staff from the Enrichment and Harm teams repeatedly told inspectors that “there is nothing that can be done” and then provided inspectors with a rationale for this argument. This perceived lack of awareness of mitigating measures that can be utilised in these instances is of concern to inspectors. There are a number of potential border security concerns that arise from applicants who have been granted permission to enter the UK by deception not being referred to Border Force or Immigration Enforcement, whose core purpose is to prevent abuse of the immigration system.⁶⁴ The assumption that “there is nothing that can be done” in these cases is questionable, given that the biometric information (fingerprints and photograph) that applicants have provided with their applications may facilitate enforcement action.

6.32 In another example, staff from Immigration Intelligence told inspectors of an attempt to add a new risk profile to CARS. They described having

64 <https://www.gov.uk/government/organisations/immigration-enforcement/about>, <https://www.gov.uk/government/organisations/border-force/about>

strong evidence and extensive data relating to a specific nationality applying from a specific VAC to support the risk profiles. However, managers responsible for CARS rejected the risk profiles on the basis that it was too narrow.

6.33 One Home Office manager told inspectors that there is a plan to obtain a ministerial authorisation for a non-nationality-specific 'emerging threats' risk profile. Inspectors considered that capturing the perceived risks that are being recorded in additional datasets, such as enrichment OneNotes, and being utilised outside of CARS, should be a priority. However, in building additional risks into CARS in this way to improve its operational effectiveness, and ultimately, improving the quality of decisions that are being made, there needs to be a cautious approach which ensures that compliance with equality laws is not compromised.

6.34 Again, inspectors considered that VSI was missing opportunities to properly take account of risks to the integrity of the immigration control and to review CARS more widely to ensure that it is as effective as possible in achieving its aims in support of VSI's organisational objectives.

Conclusion

6.35 Inspectors found little evidence that there is sufficient assurance of CARS nor that there is a

focus on improving its operational effectiveness. Inspectors found that the current Revised Interim Decision Assurance Framework is not used consistently across all decision-making roles within the two DMCs visited, and that there are inconsistencies between the assurance processes for uploaders between the two DMCs.

- 6.36** There appears to be an organisational awareness of the need to improve assurance and a few measures are in the planning stages, particularly following the CARS assurance workshop in December 2022.
- 6.37** Opportunities to improve the effectiveness of CARS based on the full range of available data and reliable information sources pertaining to risk do not appear to be utilised.
- 6.38** However, inspectors found instances where assurance processes could be developed beyond these plans, to improve the robustness of the decisions being made. Additional tools could also be used in enrichment and decision-making processes to be implemented into CARS and bulk data tables to allow for scrutiny and to confirm with legal compliance.

Annex A: Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf. The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions and in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (unfounded claim)

- the law about discrimination in the exercise of functions, including reliance on paragraph 17 of Schedule 3 to the Equality Act 2010 (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State.

The Secretary of State lays all reports before Parliament, which she has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session.

Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

Annex B: ICIBI ‘expectations’

Background and explanatory documents are easy to understand and use (e.g. statements of intent (both ministerial and managerial), impact assessments, legislation, policies, guidance, instructions, strategies, business plans, intranet and GOV.UK pages, posters, leaflets etc.)

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate)
- They are kept up to date
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible)
- Processes are simple to follow and transparent
- They are IT-enabled and include input formatting to prevent users from making data entry errors

- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined
- The potential for blockages and delays is designed out, wherever possible
- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets)

Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent

- Individuals understand their role, responsibilities, accountabilities and powers
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences

- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences

Decisions and actions are ‘right first time’

- They are demonstrably evidence-based or, where appropriate, intelligence-led
- They are made in accordance with relevant legislation and guidance
- They are reasonable (in light of the available evidence) and consistent
- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements)

Errors are identified, acknowledged and promptly ‘put right’

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective
- Complaints are handled efficiently, effectively and consistently
- Lessons are learned and shared, including from administrative reviews and litigation

- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits

Each immigration, asylum, nationality or customs function has a Home Office (Borders, Immigration and Citizenship System) ‘owner’

- The BICS ‘owner’ is accountable for:
 - implementation of relevant policies and processes
 - performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
 - resourcing (including workforce planning and capability development, including knowledge and information management)
 - managing risks (including maintaining a Risk Register)
 - communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
 - effective monitoring and management of relevant contracted out services

- stakeholder engagement (including customers, applicants, claimants and their representatives)

Annex C: ICIBI Equality, Diversity and Inclusion Statement and Objectives

ICIBI equality objectives

In carrying out its statutory functions, as set out in the UK Borders Act 2007, ICIBI has three equality objectives:⁶⁵

- to monitor and report on compliance with the Equality Act 2010 by the Secretary of State, her officials and others exercising functions relating to immigration, asylum, nationality or customs on her behalf, including reliance on paragraph 17 of Schedule 3 of the Equality Act 2010⁶⁶ (exception for immigration functions)
- to ensure that its policies, processes, and practices are fair and transparent and comply with the Equality Act 2010⁶⁷
- to promote equality, diversity and inclusion through its inspections and within the inspectorate

65 <https://www.legislation.gov.uk/ukpga/2007/30/crossheading/border-and-immigration-inspectorate>

66 <https://www.legislation.gov.uk/ukpga/2010/15/schedule/3/part/4/crossheading/nationality-and-ethnic-or-national-origins>

67 <https://www.legislation.gov.uk/ukpga/2010/15/contents>

Through these objectives ICIBI seeks to:

- eliminate unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

ICIBI Equality, Diversity and Inclusion Statement

ICIBI is committed to promoting the letter and spirit of the Equality Act 2010 by embedding Equality, Diversity and Inclusion (EDI) in everything it does.

The immigration, asylum, nationality and customs functions performed by and on behalf of the Home Secretary involve and affect a wide range of other bodies, and touch everyone living in or seeking to visit the UK.

In order to inform individual inspections and the overall inspection programme, ICIBI will reach out through its website, and directly where possible, to capture relevant evidence and to try to understand and reflect the widest range of perspectives, interests and concerns.

Within the inspectorate, the EDI Staff Group will help the Independent Chief Inspector to ensure that policies,

processes and practices, and inspection plans, take full account of ICIBI's Equality Objectives and EDI Statement, and that these are updated as necessary.

ICIBI's Equality Objectives and Equality, Diversity and Inclusion Statement should be read in conjunction with its 'Statement of Purpose', 'Vision', 'Values' and 'Expectations'.

Annex D: A summary of the application of the Equality Act 2010 in immigration functions

The principal piece of equality legislation in Great Britain is the Equality Act 2010⁶⁸ (EA2010). With limited exceptions, the territorial scope of this act applies to England, Scotland and Wales. Separate equality legislation applies to Northern Ireland, although both pieces of legislation mirror each other. All decision-making centres (DMCs) within the UK are in England. A full list of DMCs overseas can be found in the background section of this report.

Chapter 1 of the EA2010⁶⁹ defines nine protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race

68 <https://www.legislation.gov.uk/ukpga/2010/15/contents>

69 <https://www.legislation.gov.uk/ukpga/2010/15/part/2/chapter/1>

- religion or belief
- sex
- sexual orientation.

Race is defined by s9(1) of the EA2010 as colour, nationality and ethnic or national origin.⁷⁰

S29 of the EA2010⁷¹ makes it unlawful for a service provider (including government departments such as the Home Office) providing a service to the public (such as assessing a visa application) to discriminate, harass or victimise a person.

The EA2010 also makes a distinction between direct discrimination and indirect discrimination.

Direct discrimination is less favourable treatment because a person has a protected characteristic; is perceived to have a protected characteristic; or is associated with a person with a protected characteristic.

Indirect discrimination is when a policy criterion or practice applied to all, places a group sharing a protected characteristic at a disadvantage.

While direct discrimination is almost always unlawful (subject to certain exemptions) indirect discrimination

70 <https://www.legislation.gov.uk/ukpga/2010/15/section/9>

71 <https://www.legislation.gov.uk/ukpga/2010/15/section/29>

can be justified as a proportionate means to achieving a legitimate aim. It should be noted that direct discrimination on the ground of age can be lawful if objectively justified,⁷² or the less favourable treatment arises because the person is under the age of 18.⁷³

Schedule 3 part 4 of the EA2010⁷⁴ provides several exemptions from the duty for a public body not to discriminate based on protected characteristics. These include an exemption from the requirements from s29 (prohibition of discrimination, harassment and victimisation) on the grounds of age, race (nationality, ethnic or national origin only) in relation to exercise of functions under the various Immigration Acts or Immigration Rules. Exemptions also apply to discrimination on the grounds of disability and religion and belief in respect of certain immigration decisions made in accordance with the Immigration Rules.

As well as the above exceptions, a Minister of the Crown may issue a ministerial authorisation (MA). A MA authorises direct discrimination on the grounds of age⁷⁵

72 S13(2) of the Equality Act 2010

73 S28(1)a of the Equality Act 2010

74 <https://www.legislation.gov.uk/ukpga/2010/15/schedule/3/part/4>

75 <https://www.legislation.gov.uk/ukpga/2010/15/schedule/3/paragraph/15A>

or race⁷⁶ (nationality or national/ethnic origin). Where an MA is in force, Home Office officials may lawfully directly discriminate based on the relevant protected characteristic.

Public sector equality duty

S149 of the EA2010⁷⁷ requires public authorities to comply with the Public Sector Equality Duty (PSED). A list of public authorities is included in Schedule 19 of the EA2010⁷⁸ and includes the Home Office under the umbrella term of a 'government department'. The PSED requires public authorities to have due regard to:

- eliminate discrimination, harassment or other conduct prohibited by the EA2010
- advancing equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a relevant protected characteristic and those who do not

76 <https://www.legislation.gov.uk/ukpga/2010/15/schedule/3/paragraph/17>

77 <https://www.legislation.gov.uk/ukpga/2010/15/section/149>

78 <https://www.legislation.gov.uk/ukpga/2010/15/schedule/19>

Schedule 18 s2 of the EA2010⁷⁹ exempts immigration and nationality functions from the requirement to have due regard to advance equality of opportunity where the relevant protected characteristic is age or race (which is defined in this context as nationality or ethnic or national origin).

The PSED requires public authorities to demonstrate that they have given the matters within scope the due consideration required. There is not a requirement under the PSED for public authorities to demonstrate a tangible outcome.

Case law has established the six ‘Brown Principles’⁸⁰ which courts may use to assess whether or not a public authority has had “due regard” for the three elements of the PSED.

The Brown Principles are:

- **Knowledge** – Those making decisions are informed regarding their duties and this is brought to their attention at appropriate times.
- **Timeliness** – Equality is integrated from the beginning of a process or its initial stages and is continually considered (it’s not an afterthought).

79 <https://www.legislation.gov.uk/ukpga/2010/15/schedule/18/paragraph/2>

80 <https://www.bailii.org/ew/cases/EWHC/Admin/2008/3158.html>

- **Real Consideration** – Rigorous and documented decision making has taken place. An appropriate audit trail is available.
- **Sufficient Information** – For those making decisions there is enough information to be fully informed and it is brought to their attention.
- **Responsibility** – It is not possible to delegate this responsibility. The Home Office and contractors delivering a service are jointly and severally liable to comply with the PSED.
- **Review and Record Keeping** – There are adequate assurance and review steps and a record has been kept of the decision-making process (for example, an equality impact assessment has been completed).

The guidance on the application of the provisions of the EA2010 in Home Office policy is contained in the Home Office discrimination and differentiation policy. This policy does not appear to be in the public domain and is not available to applicants or stakeholders on GOV.UK.

The Home Office also publishes internal guidance on the PSED and equality impact assessments.

Acknowledgements

The inspection team is grateful to the Home Office for its co-operation and assistance during this inspection and for the contributions from the staff who participated.

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