



**THE UK BORDER AGENCY RESPONSE TO THE
INDEPENDENT CHIEF INSPECTOR'S REPORT OF THE UK
VISA SECTION: PAKISTAN SETTLEMENT APPLICATIONS**

Summary

The UK Border Agency accepts six of the recommendations in the report and is considering the implications of the seventh. Many of the recommendations have already been implemented as part of the programme to improve the Pakistan visa operation, following visits by the Home and Foreign Secretaries to Pakistan and discussions with the Pakistani government. After the Marriott Hotel bombing in September 2008, when the visa service was temporarily withdrawn, the UK Border Agency's priority in 2009 was to restructure the Pakistan visa operation (including creating the team dealing with Pakistani settlement applications examined in this report) to make it more resilient and able to operate in a deteriorating security situation. As a result, there were periods during the year, including the period sampled by the Independent Chief Inspector, when the UK Border Agency did not meet customer service standards consistently. The UK Border Agency did, however, carry out biometric, warnings index and passport forgery checks on all Pakistani visa applicants and targeted checks on documentation. The UK Border Agency does not share the view that there was a failure to protect the border.

Context

Pakistan is the UK Border Agency's fourth largest visa operation worldwide, with about 120,000 applications in 2009/10.

Following the Marriott Hotel bombing in September 2008, the UK Border Agency restructured the process for handling Pakistani visa applications to avoid the risk of having to suspend the service and to make it more resilient to security threats.

This included transferring decision-making on Pakistani settlement visa applications (approximately 9,000 in 2009) to an office in London which is the subject of this report.

The remainder of Pakistani applications (about 90,000 for visitors, work and study) are processed in Abu Dhabi. This part of the operation is the subject of a separate forthcoming report by the Independent Chief Inspector.

The decision to transfer work was consistent with the UK Border Agency's move to a "hub and spoke" programme, which had begun in 2007. The key feature of the model, which is common in global management, is that visa decisions are taken in national or regional hubs while local spokes receive applications and deliver decisions. The advantages include greater consistency of decision making and streamlining business processes while offering applicants points of application in a country or region beyond a single Embassy, High Commission or Consulate. Pakistan, for example, has four visa application centres.

By autumn 2008, the UK Border Agency had moved from a network of over 150 decision-making centres around the world, to one with about 80 decision making hubs and about 250 visa application centres/spokes. In early 2008, the UK Border Agency drew up plans to establish a visa processing hub in the UK, intended to process visa applications from Algiers. This operation started in November 2008.

After the Marriott Hotel bombing in September 2008, the UK Border Agency closed all four visa application centres in Pakistan for a period of at least three weeks (with one not opening for a further six months), while developing accelerated plans to extend the "hub and spoke" programme to Pakistani visa applications. The UK Border Agency started processing Pakistani settlement visas in January 2009 from the UK.

Although considerable planning had gone into developing the proposal at short notice, the first year (including the period covered by the Independent Chief Inspector's report) of operation was not smooth. The operation moved from central London to Croydon in July 2009, which caused a disruption to service; it had an unexpectedly high staff turnover and higher than average IT problems. The UK Border Agency also had to adapt the hub and spoke model to address concerns about security, fraud and corruption in Pakistan as well as the requirements of local legislation. The UK Border Agency regrets the impact these problems had on Pakistani applicants and their families, on its own staff and on its reputation. The UK Border Agency is, however, grateful to its staff for persevering in difficult circumstances to ensure that the visa operation remained open. The UK Border Agency was able to resume a full visa service during 2009 and did not have to restrict applications once it had reduced its presence in Islamabad.

The UK Border Agency kept the situation under constant review and made a series of adjustments (to management, staffing, security and premises) during 2009. Throughout the period, staff carried out biometric, watch list and passport forgery checks on all Pakistani applicants, together with targeted checks on supporting documentation. The refusal rate for settlement visa applications processed in the section was 44%, up from 22% when decisions were taken in Pakistan. While this is not a reliable indicator of decision quality, it does suggest more rigorous decision-making. The UK Border Agency conducted an internal review in February 2010 and made further changes to mandate a wider range of checks on UK sponsors of settlement applications.

UK Border Agency response to Independent Chief Inspector's recommendations

1. Implements a business plan to improve the overall performance of the UK Visa Section: The UK Border Agency accepts this recommendation and has already implemented it.

1.1 The UK Border Agency conducted a full internal review of both processes and staffing in early 2010. Against customer service targets, the section now processes 96% of settlement applications in 12 weeks (1% up on target) and 99% in 24 weeks (1% down on target).

The UK Border Agency has:

- Increased the number of Entry Clearance Managers from two at the time of the visit to four from April 2010.
- Adopted, following staff consultation and external benchmarking, a series of challenging and achievable targets to avoid future backlogs.
- Introduced mandatory standard wording for refusal notices for Pakistani settlement applications, which have improved productivity and consistency.
- Set up a dedicated team led by an Entry Clearance Manager (ECM) to handle appeals. The ECM may overturn a decision to refuse a visa before it goes to appeal if, on review of material presented with the appeal documents, the original grounds for refusal no longer stand. All members of the team have visited the Immigration and Asylum chamber of the First-tier Tribunal (IAFT) or have plans to do so.
- Set up a correspondence and complaints team working to agreed published standards.
- The Independent Chief Inspector's report sets out the training package already in place for staff.

2. Ensures settlement decisions made in the UK Visa Section are subject to effective scrutiny, supported by risk profiles and regular verification checks to drive and sustain improvements in decision-making: The UK Border Agency accepts this recommendation.

- 2.1 All applicants enrol their biometrics, which are checked against immigration and UK police databases. All applicants are also checked against biographical security databases. All passports are checked, including for forgery. Applicants' supporting documentation is verified in Islamabad on a targeted basis, using risk profiles. Further checks are carried out as necessary in the UK, in particular on UK sponsors. The UK Border Agency instructed posts to carry out a wider range of checks on sponsors, as noted in the report. Caseworkers make a decision based on all the evidence in the application and the further checks conducted. Their decisions are subject to review by an ECM. Therefore, while accepting the finding that some UK sponsor checks in the cases in the file sample could have been pursued more rigorously, the UK Border Agency maintains there was and is an effective scrutiny regime in place. The UK Border Agency is not clear how the report concludes that "*there was very limited verification activity to support the decision-making process*".
- 2.2 The report states that "*entry clearance staff had not been trained sufficiently to meet the demands of countering fraud.*" All staff had undergone the mandatory Entry Clearance Officer (ECO) training course, which includes fraud detection and counter terrorism training, before taking up post and in addition were provided with a comprehensive package of bespoke training, including modules covering fraud and forgery detection. Furthermore, the UK Border Agency is recruiting an Immigration Liaison Officer for the operation to provide direct intelligence support by the end of summer 2010.
- 2.3 The report states that checks were not undertaken with other government agencies e.g. NHS, benefits and tax/NI records. None of these is currently standard practice in any visa operation. The UK Border Agency is currently exploring how such checks, which require the cooperation of other agencies, can be put in place routinely and what resource implications they have.
- 2.4 On decision quality and consistency, the UK Border Agency notes the findings of the sample, that the correct immigration rules were used in 86 out of 89 cases, that correct information on appeal rights was provided in all cases (43), and that reasonable judgment was used in 70 out of 81 cases. The UK Border Agency is disappointed that in 33 out of 59 cases, the Independent Chief Inspector found deficiencies in the use of evidence in decision-making. The additional ECM resource noted above is helping address consistency. It is worth noting that this finding in relation to use of evidence does not mean that the resulting decision to refuse or issue the visa was wrong. As stated in the Report, when the UK Border Agency reviewed the cases in the sample, it overturned four refusals and agreed that six should not have been issued, out of a total sample of 100 cases.

3. Ensures policy and guidance is clear and applied consistently: The UK Border Agency accepts this recommendation and has already implemented it.

- 3.1 The UK Border Agency has confirmed with the Independent Chief Inspector that this recommendation relates to two points; the way that a starred determination was interpreted, and the use of evidence by ECOs when assessing applications.

- 3.2 The report states that ECOs had changed their evidentiary requirements following a starred judgement by the Asylum and Immigration Tribunal (now known as IAFI). The report notes that ECOs were refusing applicants who did not provide photographs, written communications such as emails and phone bills as proof of a subsisting relationship, and that these requirements were not advertised to applicants. It is not correct that this judgement changed the requirement in the Immigration Rules that the husband and wife (or civil partners) must demonstrate that their relationship is subsisting. The judgement confirmed that consideration of whether a marriage is subsisting should not be limited to whether there has been a valid marriage which formally continues but that it requires an assessment of the current relationship. In order to make this assessment ECOs will consider evidence of contact between the applicant and sponsor. The document checklist appended to the settlement application form states that the applicant will be expected to provide evidence of contact, e.g. phone records, letters and emails.
- 3.3 The report highlights *“two cases where the evidence submitted by customers was almost identical, but very different outcomes resulted. We saw other similar cases, predominantly (but not exclusively) linked to proving a subsisting relationship. In these cases Entry Clearance Officers frequently came to different conclusions, based on similar evidence submissions”*. The UK Border Agency considers that all settlement entry clearance applicants from Pakistan are likely to submit similar documentation to support their application. The fact that two applicants submitting similar documents do not receive the same decision should not necessarily be seen as an anomaly. It is not only the type of documents but also the quality and relevance of information contained within them that is important. Having considered this information and assessed the case in the round it is possible that ECOs, on the balance of probabilities will come to different conclusions even though they are based on similar evidence.
- 3.4 The UK Border Agency also considers that ECOs will not need to consider the same documentation in every case. For example, if a couple have been married for some time before making an entry clearance application it may be reasonable to expect them to demonstrate that their relationship is subsisting by showing that they are in contact with each other by submitting any letters, emails, cards etc that they may have. In cases where applicants are recently married the ability to produce such documentation and the relevance of it would be limited.
- 3.5 As the report notes, the UK Border Agency is currently piloting a standardised document checklist to make clear to customers what documents they need to submit. This is already the case for Points Based System applications where documents are specified. Staff in visa application centres do not advise customers on applications. However, they do point out to applicants any missing documents according to local document checklists and that their application may be refused as a result. Furthermore, the Visa Application Form (at part 11) contains a document checklist.
- 3.6 The UK Border Agency is also taking forward a project which it aims to complete by April 2011, if funding is secured, to rationalise the sources of information available to customers on its various websites. The objective is to put all visa information now on the Visa Services website onto the main UK Border Agency website and to restrict local websites to local information only.

4. Ensures communications are in place to manage and co-ordinate business processes effectively across all locations: The UK Border Agency accepts this recommendation and has already implemented it.

4.1 A review of communications between all locations involved in the operations was already underway at the time of the inspection. This has led to the implementation of a communications strategy containing the following key components:

- Comprehensive process maps for the Pakistan and Algeria work streams have been developed. These are displayed in the section, form part of the staff induction pack and have been shared with colleagues in Algiers, Abu Dhabi and Pakistan.
- An action plan has been agreed to take forward recommendations for improvements in joint-working across all locations, which includes updating risk profiles and providing Pakistan settlement decision makers with a library of local documents to aid decision making.
- A memorandum of understanding (MOU) is in place with the document verification unit in Islamabad which makes clear exactly what verification work is done by whom.
- Weekly telephone conferences are held across all locations to discuss emerging issues.
- The Operations Manager and Pakistan ECM receive a daily update from Pakistan on local performance and the weekly update from the UK is shared with Pakistan and Algiers colleagues.
- Regular exchanges of staff are taking place across all locations to improve the understanding of the issues affecting the respective operations and to share best practice.
- All appeals processes are now documented and this documentation is accessible to staff at any time.

5. Meets the service standards set out in its customer strategy document published in April 2009: The UK Border Agency accepts this recommendation.

5.1 The UK Border Agency regrets the disruption to customer service standards in the second half of 2009, including in the period sampled by the Independent Chief Inspector, and took a series of measures (staffing, management, IT) designed to restore service. The operation has met visa processing time standards since January 2010.

5.2 The UK Border Agency values effective complaint handling as a customer service and a source of feedback. The UK Border Agency implemented revised complaints handling procedures from 1 September 2009. Each quarter, with effect from October – December 2009, all International Group regions are required to submit an analysis of complaints received, highlighting categories of complaints received, trends, and actions taken to learn from complaints. These are analysed centrally by and shared with the whole visa business. The first report under this new procedure was submitted by the end of January 2010. A central team is tasked with ensuring that best practice as highlighted by the regions is promulgated globally and that generic weakness in procedure is addressed.

6. Manages customer correspondence and complaints efficiency in order to:

- **provide detailed responses where necessary in a timely manner**
- **identify improvement opportunities**
- **improve the overall levels of service provided**

The UK Border Agency accepts this recommendation and has already implemented it.

6.1 Since the inspection there is now a dedicated correspondence team, headed by an ECM. There are specific plans in place to improve correspondence handling, and improved practices have already been implemented:

- Standard wordings for responses are in place to ensure consistency and prevent grammatical errors.
- Complicated correspondence and all complaints are escalated to an ECM who drafts a full response.
- All complaints are cleared by the Operations Manager.
- ECO line managers as well as ECMs and the Operations Manager routinely carry out spot checks on correspondence.
- All correspondence and complaints information is recorded in a single document and analysed by the ECMs and the Operations Manager. This is enabling trends to be identified and acted upon.
- Where an ECM produces a response, either to a complaint or high level correspondence, a percentage of these are subject to peer review by an ECM colleague.
- A full review of the standard replies currently in use has been carried out, and their use will continue to be monitored by the correspondence ECM. They will be updated where appropriate to improve the overall quality and to ensure they remain relevant.
- Staff have been given training in correspondence handling, and the emphasis has been on resolving the points that are raised in correspondence rather than advising customers to redirect their queries elsewhere.

Recommendation 7: Sets a reasonable target for issuing entry clearance when a refusal is overturned by an Entry Clearance Manager upon receipt of an appeal: The UK Border Agency wishes to consider this recommendation in more detail before accepting.

7.1 The UK Border Agency is working on a range of issues to improve appeals handling. In this context, the UK Border Agency will decide by end September 2010 whether there is a need to introduce a global target for this specific part of the process. Targets already exist in respect of turnaround times upon receipt of allowed appeals, and for the number of dismissed appeals.