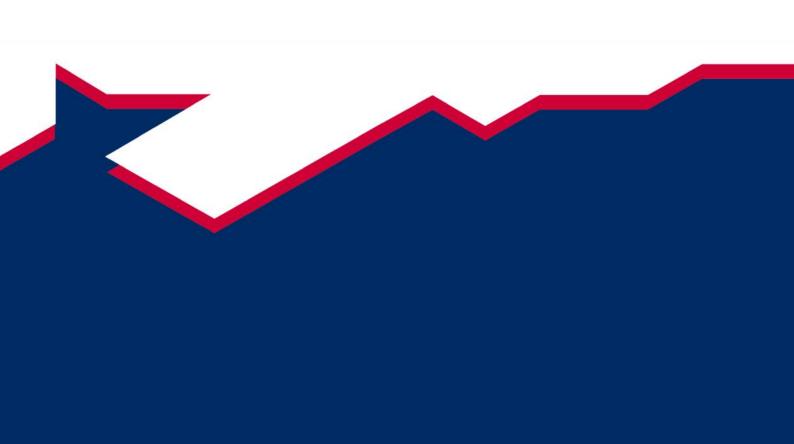**THE UK BORDER AGENCY RESPONSE TO THE INDEPENDENT CHIEF INSPECTOR'S REPORT: 'A COMPARATIVE INSPECTION OF THE UK BORDER AGENCY VISA SECTIONS THAT PROCESS APPLICATIONS SUBMITTED IN AFRICA: NAIROBI, ABUJA, PRETORIA AND THE UK VISA SECTION'**

The UK Border Agency thanks the Independent Chief Inspector (ICI) for advance sight of his report. We are pleased to see the generally positive findings for Nairobi and Pretoria and acknowledge that there was a clear need for improvement in Abuja and the UK visa section. The report focuses heavily on the quality of decision-making across all categories of visa applications and has repeated a number of previous recommendations; specifically on information and guidance to applicants and maintaining a clear audit trail for decisions. We note therefore that when the file sampling for this report was undertaken (the initial file sample dated from November 2010-February 2011) there were clearly issues needing to be addressed as recommended by the Chief Inspector. As a result, whilst the UK Border Agency did update its processes in response to these previous reports, the majority of this file sample pre-dated those changes. However, we acknowledge that all aspects of decision quality need to be consistently reviewed to ensure we make effective decisions and are able to deliver an excellent visa service that achieves our strategic objectives to secure the border, control migration, reduce costs and improve customer service.

**The UK Border Agency response to the Independent Chief Inspector's recommendations:**

**1. Provides applicants with clear information and guidance in advance of their application about the requirements they need to meet when submitting their application:** The UK Border Agency accepts this recommendation but it should be noted that it reflects existing Agency policy and guidance. We agree is an area that needs to be kept under regular review.

1.1  A successful visa application has to meet, on the balance of probabilities, the requirements of the Immigration Rules. To assist applicants the UK Border Agency has produced guidance detailing the types of documents that applicants may wish to submit in support of their application. The UK Border Agency makes it clear that this is not a prescriptive list of documents that must be provided and that it is the applicant's responsibility to decide which documents are most relevant to their applications. The UK Border Agency operates in 136 locations around the world and in excess of 70 different types of visa are available to non-Points Based System (PBS) applicants. The Agency's client base is extremely diverse and it would not be practical or desirable to insist on the same documentation from every applicant in every location. It will not always be necessary for an Entry Clearance Officer (ECO) to see all the documentation detailed in the supporting documentation guidance, if s/he is satisfied that the applicant meets the requirements of the Immigration Rules, taking into account all of the applicant's personal circumstances based on information supplied on the application form.

1.2  ECOs decide applications using the balance of probabilities test and their assessment of the credibility of an applicant and claimed circumstances is central to the decision making process in non-PBS cases. In some cases an applicant may present all the documentary evidence suggested in the UK Border Agency's guidance but could still be refused, as the ECO will not be satisfied on the totality of the evidence that the applicant meets the requirements of the Immigration Rules.

1.3  Nonetheless the UK Border Agency accepts that this is an important area to keep under review and to seek to improve both the service to applicants and our ability to take decisions in line with the Immigration Rules. As we review our guidance we will seek to enable applicants – as far as possible consistent with the points above – to identify those documents which will be key in our decision-making.

**2. Ensures that when applicants have followed published guidance, but Entry Clearance Officers require further information to make a decision, applicants are given an opportunity to provide this:** The UK Border Agency accepts this recommendation in the limited circumstances that are reflected in our existing Agency policy and guidance.

2.1   The onus is on the applicant to satisfy the ECO that they qualify for entry under the Immigration Rules, and to ensure that they have prepared the application properly before lodging it.  The UK Border Agency resolves the vast majority of visa applications on the basis of the application form, biometric and watchlist data, and any documentation submitted by the applicant. The guidance is clearly signposted to applicants throughout the application process – on the application form and through the suggested supporting documents guidance on the UK Border Agency website.

2.2   ECOs do provide applicants with specific reasons in writing on why their application has been refused. In many of the cases highlighted by the ICI as applying 'additional information requirements' ECOs had drafted poorly worded refusal notices and we recognise that this problem needs to be dealt with. The intention was not to suggest that there were particular evidential requirements relating to these applications. It should be noted that in most of these cases the reference to the lack of particular types of evidence is one of several reasons given for refusal and the overall decision to refuse was correct. The majority of the file sampling for this report covered decisions made in the period 1 November to 28 February 2011. An operational instruction was issued to posts in May 2011 reminding ECOs that non-PBS applications should not be refused solely for failure to provide specific documents.

2.3   ECOs will refuse an application if the information provided by an applicant does not show that they meet the requirements of the Immigration Rules.  Applicants will not routinely be given an opportunity to respond where an ECO is not satisfied in the first instance with the evidence that has been provided. However, in some circumstances where the ECO believes that an applicant is likely to meet the rules subject to some further piece of evidence which is needed for the decision, they will provide the applicant with an opportunity to submit this before the decision is finalised. It would not be practical to introduce a further stage to the consideration process, given that each year approximately 400,000 applications are refused. This would have a significant impact on resourcing and the UK Border Agency's ability to meet customer service standards.

**3. Ensures it records a clear rationale for entry clearance decisions and adequate case notes generally, on its IT case working system, and adopts a consistent approach to the retention of supporting documents on file, in order to maintain a clear audit trail:** The UK Border Agency accepts this recommendation.

3.1   The roll out of Immigration Casework (ICW) from 2013 onwards will give the facility to visa posts to retain scanned electronic copies of all supporting documentation submitted with applications. An operational instruction was issued on 21 January 2011 to all entry clearance staff clarifying the policy on retaining supporting documents relevant to entry clearance decisions. ECOs and Entry Clearance Managers (ECMs) were reminded that they should ensure that only documents specifically required are retained, and that this should include copies of supporting documents that are directly relevant to the decision and documents addressed to the visa section. Where it is not possible to retain all such

documents (for reasons such as a lack of secure storage space) they should be clearly referenced in issue notes/refusal notices. Again, adherence to this guidance will be measured through regular ECM reviews of decisions. All posts covered in this report have been reminded of policy in this area.

3.2 The rationale for the refusal of entry clearance decisions is contained in the comprehensive notice that applicants receive when their application for a visa / entry clearance has been refused. The refusal notice is linked electronically to the IT case working system. There is no requirement for the ECO to record anything beyond this on the IT case working system.

3.3 For cases that are granted a visa / entry clearance, the UK Border Agency agrees that the rationale for the decision should be clearly recorded on the IT case working system. However, the overall level of detail required in the notes will depend on the complexity of the case and the risk of the application. Guidance for staff in this area was updated in May 2012. A global reminder to all ECOs and ECMs of the standards required was also issued at this time.

3.4 The mandatory pass/fail ECO training course in the UK covers a session on case notes for granted/refused visas. ECMs review case notes during routine checks of decisions. At least 10% of all cases that are granted a visa / entry clearance are reviewed by an ECM.

**4. Provides all staff with adequate training on paragraph 320 of the Immigration Rules and ensures all staff are also trained in verification techniques including how to identify forged documents:** The UK Border Agency accepts this recommendation in part.

4.1 Following a similar previous recommendation from the ICI on improving staff guidance on the application of paragraph 320 of the Immigration Rules, the UK Border Agency produced a pass/fail e-learning package with a requirement that it had to be successfully completed by all staff that handle these cases. In addition work had previously been undertaken to improve the guidance on Paragraph 320 and this important part of the Rules is covered in detail on both the ECM and ECO training courses. Whilst this mandatory training is required for all staff at ECO and ECM grade, the UK Border Agency does not accept that staff in other roles require this training.

4.2 This report found no evidence of any inappropriate use of paragraph 320 and no cases where paragraph 320 should have been applied but had not been in Nairobi and Pretoria. Since the UK visa section was inspected in June 2011, all staff at relevant grades have undertaken the e-learning training and steps have been taken to ensure that these cases are all referred to an ECM. In Abuja, the problems with paragraph 320 were specifically in relation to settlement applications. A dedicated team has therefore been set up consisting of five experienced ECOs and one ECM to assess settlement applications with the aim of building a pool of knowledge and expertise in this area. All staff in Abuja have also received additional in-house training on paragraph 320 in acknowledgement of the need for improvement.

4.3 All ECOs receive training on forgery detection prior to taking up their postings. ECOs are given further forgery training specific to the documents they will deal with when they are at post. Since the inspection, the UK visa section has conducted localised verification training for staff at all grades. This included a visit to the Algiers spoke in October 2011 to conduct a workshop on forged documents. In Abuja, forgery refresher training was conducted throughout 2011 to operational staff in small groups and relayed current trends seen at the

post. In Pretoria and Nairobi, all ECOs, verification staff and spoke post staff continue to receive regular forgery briefings and training from RALON colleagues.

4.5    The UK Border Agency will issue a reminder in July to all operational managers to ensure all relevant staff are trained in verification techniques. Whilst this training is required for all staff that routinely consider visa applications or handle passports, other identity documents and supporting documentation, the UK Border Agency does not accept that staff in other roles require this training.

**5.   Ensures RALON teams are sufficiently resourced taking into account various local factors, for example in Abuja local factors would include the extent of fraud in Nigeria and the transfer of work from Lagos:** The UK Border Agency accepts this recommendation.

5.1    RALON resource has been deployed across the Africa region according to risk and we are seeking to deploy staff between regions on the same basis. A request for additional resourcing in Abuja is being considered alongside comparable areas of risk to ensure best value for investment across the whole of the UK Border Agency's international operations. Existing priorities are determined through a tasking process to ensure RALON can support delivery. A short term Immigration Liaison Officer (ILO) and Immigration Liaison Assistant (ILA) have also been deployed in Abuja.

5.2    International Group has a reserve list in place to fill both Immigration Liaison Manager (ILM) and ILO vacancies. A recruitment campaign was launched in November 2011 which will be used to fill all vacancies arising from September 2012 through to December 2013. Candidates identified through the campaign will be added to the reserve list as part of business continuity planning.

5.3    Since the inspection, the UK visa section has expanded its RALON staff compliment from one ILO to a fully staffed risk team. This comprises a regional ILM based in London, two ILOs and one ILA. The team's on-hand verification expertise for ECOs has therefore been considerably enhanced. This has led to an increase in training and the introduction of new products such as a verification log and improved streaming of applications according to risk.

**6. Manages complaints and correspondence effectively and in line with its complaint handling process ensuring greater accuracy in identifying, classifying and recording complaints:** The UK Border Agency accepts this recommendation.

6.1    The guidance on managing complaints and correspondence is well established. The UK Border Agency will issue a reminder to all operational managers on the complaint handling process and will test compliance in July.

6.2    The UK Border Agency is pleased to note that ICI found an effective complaints process in place in Pretoria and evidence of good communication with the Visa Application Centres regarding complaint management, as well as evidence of complaints being used as a driver for improvement.

6.3    Improvements were made in Nairobi immediately after the inspection. Training was provided to all staff and desk notes were updated to ensure the process was clear.  An ECM carried out additional quality control of the process and of outgoing correspondence

for an extended period of time until the issues highlighted in the report were resolved. The correspondence team are now integrated into a post-decision team, located in a new open plan space under the close supervision and with the support of an ECM and Post-Decision Manager. A 10% random check of correspondence is carried out by the Post-Decision Manager and the Regional Operations Manager also reviews all correspondence and complaints logs on a monthly basis.

6.4 The lack of management oversight of the process highlighted in the UK visa section has been addressed through the creation of an Entry Clearance Assistant (ECA) Team that focuses on post-decision correspondence and complaints. New process mapping is in place for ECAs that covers both the complaint and correspondence process. The office manager monitors the inboxes daily. All correspondence and complaints are handled within published target times.

6.5 Abuja complaints handling was commended with a requirement for greater managerial oversight of the commercial partner complaints handling process. Abuja has therefore instigated monthly review meetings with the commercial partner to oversee any complaints.


**7. Addresses the concerns raised through the Home Office staff survey and this inspection regarding the perceived disparity in treatment of staff:** The UK Border Agency accepts this recommendation.


7.1 Managers in each region received the 2011staff survey results broken down to post level in December. Each region has developed a 'better management' plan to address key areas for development. The plans are devised with input from staff through team meetings, focus groups and workshops. Regional plans help form the basis of the corporate plan which is developed by the International Group HR team.

7.2 International Group's senior HR advisor recently visited Africa region to deliver targeted people management training. Training was delivered to locally engaged managers plus UK based managers from the Foreign and Commonwealth Office (FCO) and Home Office. The training covered performance management, motivation and engagement, identifying and tackling bullying, harassment and discrimination, conduct and sickness absence. The trainer also spoke at the Africa regional management conference, facilitating discussions to promote better management. Feedback from all parties was positive and the region is taking forward a number of actions via better management action plans.

7.3 In the UK visa section low morale and perceived weak, inexperienced management has been addressed through new management and:

- ECAs being split into a three-part team structure with three-month rotations for better familiarity and work variety;
- ECOs being given specialised duties to broaden responsibility and increase developmental opportunities; short term overseas opportunities have also been made available for ECOs;
- Staff at all grades have attended Euromed workshops for exchanging best practice;
- ECMs have country and role specific responsibilities and lead weekly all-team meetings.

**8. Ensures all staff undertake the mandatory training on keeping children safe and ensures all required details of cases involving children are captured on the Agency's IT caseworking system:** The UK Border Agency accepts this recommendation.

8.1     All ECOs and ECMs are required to undertake the mandatory online e-learning package 'Keeping Children Safe From Harm' once they arrive at post. All staff in the four visa sections have now successfully completed this training. The UK Border Agency will seek assurance that all staff in all other visa sections have taken this e-learning in July.

8.2     All visa sections are required to ensure that details of sponsors, guardians and accommodation are recorded on the Agency's caseworking IT system. The caseworking IT system will now issue an automated reminder to staff if these details are not entered. The failure to complete details only applied to the UK visa section and the section has issued a reminder to all staff to ensure these details are captured.

**9. Standardises its practice on data protection and document retention across all visa sections, ensuring the incidence of documents going missing is kept to an absolute minimum:** The UK Border Agency accepts this recommendation.

9.1     Guidance on documentation retention is in place and relevant legislation is taken into consideration when applications are destroyed. If data goes missing an incident report is completed, investigated and mitigations noted to prevent this from occurring again. The UK Border Agency follows the FCO data handling procedures overseas. Post security officers have the authority to issue breach points to staff depending on the seriousness of the breach. Post security officers inform International Group of all breaches that occurs in visa sections and action is taken through regional managers to prevent reoccurrences. The UK Border Agency will review the current processes for managing information risk and will share the findings of the review with the ICI.

9.2     All entry clearance staff must complete the mandatory e-Learning 'Protecting Information Level 1' module. Line managers are asked to ensure that all new staff joining post complete this mandatory training. Regional Directors are asked to confirm by the Information Assurance Team in London that all staff have completed the e-learning. It is both a Home Office and FCO requirement that all staff pass this training module annually.

9.3     The roll out of ICW from 2013 onwards will give the facility to visa posts to retain scanned electronic copies of all supporting documentation submitted with applications. Ultimately it is envisaged that this will lead to a paperless office environment further reducing the risk of documents being lost.

**10. Adopts a consistent approach across all visa sections to the process of carrying out ECM reviews, ensuring these are carried out effectively and in sufficient number to drive improvements in decision quality, and that feedback is provided to staff:** The UK Border Agency accepts this recommendation.

10.1    Following a number of similar previous recommendations from the ICI, the UK Border Agency has completed a review of the ECM review process, looking at ways to improve

its effectiveness. As a result of the review, the following action will be piloted in June 2012:

- Changes to the caseworking IT system to capture the reasons for overturned decisions. This will produce better management information to allow comparison across individual posts and regions.

- Templates to aid ECMs to capture the reasoning for their decisions to uphold their decisions.

- Minimum standards for ECM review notes (to make ECM reviews more transparent).

- Quarterly checks on all ECOs decisions. This will be achieved by targeting an individual ECO's decisions on a daily basis once a quarter. This will not only allow for 1:1 feedback for ECOs but also for ECMs to better gauge and set the standards for decision quality across the post.

- Improved targeting of cases for ECM review.

- Revised targets for the number of ECM reviews.

10.2 The full findings of this review have been shared with the ICI. The impact of these changes will be assessed in six months.

## 11. Maximises the opportunities for learning and improving decision quality by adopting a consistent approach across all visa sections to analysing appeal determinations, decisions overturned by ECMs prior to allowing cases to go to appeal, and complaints to identify trends and patterns: The UK Border Agency accepts this recommendation.

11.1 The caseworking IT system used by the majority of staff overseas was amended in April 2012 in order to capture the reasons why refusal decisions are overturned by an ECM or by an Immigration Judge. These details will enable local and central management teams to analyse where there are issues in decision quality and use this information to better direct checking levels.

11.2 The International Appeals and Judicial Review teams were incorporated into the Appeals and Litigation directorate in February 2012. An E-determinations pilot, using technology to get allowed appeals to post in time for ECOs/ECMs to consider directly, with assistance from the Specialist Appeals Team, whether an onward appeal is appropriate is under development and will be launched in the next few months.

11.3 Each quarter, all regions are required to submit an analysis of complaints received, highlighting categories of complaints, trends, and actions taken to learn from complaints. These are analysed centrally by and shared with the whole visa business. 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. The most recent complaints analysis (March 2012) shows a 15% reduction in the overall total number of complaints in the Africa region during the quarter when compared to the same period last year.

**12. Raises staff awareness of the risk register, including how they can contribute to it so that managers can be assured they are alerted as soon as possible to potential, emerging or changing risks. A consistent standard of quality, including a mechanism for reviewing and updating the register should be adopted across all visa sections:** The UK Border Agency accepts this recommendation.

12.1   In February 2012 a guidance presentation on risk was circulated to all Regional Managers to make staff aware of International Group's strategic and operational risks and emphasise the importance of keeping risk registers updated. The guidance stressed the need to use a risk register template for consistency of approach, ease of reference and reporting. Africa and Euromed were the two regions selected by Home Office Assurance for an internal audit of risk management. The report, published in March 2012, gave an Amber/Green rating.

12.2   The escalation process if a risk is identified by a member of staff is to approach an ECM and these would be considered for addition to the risk register. Sub regions would feed in their risk registers and the Business Manager would consider what should appear on the regional risk register. The Regional Director would then make a decision to escalate to the strategic risk register which is discussed at the monthly operations board.

12.3   Following the inspection Pretoria developed a risk register for southern Africa that is reviewed regularly and circulated to all staff. In Nairobi and Abuja risk registers are reviewed on a monthly basis by the Regional Operations Manager. These risk registers are now circulated to all staff every time a change is recorded. The Euromed-wide risk register is now reviewed quarterly at senior management team meetings. The Regional Operational Manager then cascades relevant risks at weekly all-team and ECM team meetings and feeds back senior management team actions relating to risk mitigation, including new risks, to the section.

12.4   To further raise awareness of risk registers the UK Border Agency will issue an Operation Policy Instruction and process map to all staff to ensure that they are aware of how to raise risks and of the escalation process.