



# **A short-notice inspection of decision-making quality in the Warsaw Visa Section**

23 – 27 September 2013



**John Vine CBE QPM**

**Independent Chief Inspector of Borders and Immigration**



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# Foreword from John Vine CBE QPM

## Independent Chief Inspector of Borders and Immigration



I am pleased to present the report of my fourth short-notice inspection overseas. The inspection focused on my statutory remit as the Independent Monitor for Entry Clearance Refusals without the Right of Appeal.

I chose to inspect the Warsaw Visa Section because of its relatively high refusal rate for Other Visitor applications and, as a hub, it receives applications from a number of countries in Central and Eastern Europe. It is also a post in the midst of significant change, with rising application numbers as a result of the continued development of the hub and spoke model for the processing of visa applications.

I was concerned to find that the risk profile used at Warsaw was not properly aligned with decision outcomes. The profile should be reviewed to ensure that it accurately reflects the application types that pose the greatest risk.

I found that the Visa Section was meeting its customer service standards. However, decision quality was poor overall, with 12% of decisions seriously flawed and a further 24% containing other less significant errors in decision-making. This is particularly concerning given that these cases have only a limited right of appeal. The Home Office should consider how decisions can be better quality assured and also review performance targets in Warsaw to ensure that the correct decisions are made.

A handwritten signature in black ink that reads "John Vine .". The signature is written in a cursive, slightly stylized font.

**John Vine CBE QPM**  
**Independent Chief Inspector of Borders and Immigration**

# 1. Executive Summary

- 1.1 This short-notice inspection examined the efficiency and effectiveness of the Warsaw Visa Section, with a particular focus on decision-making quality for visa refusals in Other Visitor cases attracting limited rights of appeal.
- 1.2 The quality of decision-making was assessed by an analysis of 50 randomly selected Other Visitor refusal cases. This involved consideration of how Entry Clearance Officers (ECOs) had assessed and used evidence presented by applicants in order to determine whether decision-making was:
  - efficient, effective and fair; and
  - in line with relevant Immigration Rules and Home Office policy and guidance.

## Positive Findings

- 1.3 Although staff were given a very short time in which to locate the 50 files in our sample, all of the files were provided in a timely manner, indicating an efficient file storage and retrieval process. We also found that information security and data protection issues were treated seriously at the Warsaw Visa Section. There was a clear desk policy in place and a security sweep was carried out at the end of every day by the last person to leave. All staff had undertaken mandatory information security training.

*The Warsaw Visa Section was meeting its customer service targets*
- 1.4 We were pleased to find that relevant supporting documents were present on all files in our sample, which allowed us to assess decision quality in all cases. Conversely, we found no examples of original personal documents inappropriately retained on file, which was pleasing as this has been an issue in previous inspections.
- 1.5 The Warsaw Visa Section was meeting its customer service targets. Our file sample indicated that the mean processing time for an application made in the Other Visitor category was 12 days. This was a good performance in light of the 460% increase in application volumes processed by the Warsaw Visa Section since it started to process applications from Ukraine in July 2012. There were plans in train to increase volumes yet further from April 2014 as the result of the transfer of additional work to Warsaw. It is anticipated that this will result in a further 55% increase in workload.

*Although applications were processed in a timely manner we found that the quality of decision-making was poor*

## Areas for Improvement

- 1.6 Although applications were processed in a timely manner we found that the quality of decision-making was poor. As a result of our findings, the Home Office agreed that the decision to refuse the visa could not be maintained in 12% of the cases in our file sample due to serious flaws in the manner in which it had been taken. In a further 24% of the cases in the sample, we found that, whilst we agreed with the overall outcome, there were issues with the quality of decision-making indicating a lack of attention to detail on the part of the ECO. Given that applicants in this category

have only a limited right of appeal against a decision to refuse a visa, the standard of decision-making which we found in Warsaw is a serious concern.

1.7 Poor decision-making by ECOs should be addressed by a robust system of quality control to ensure that flawed decisions are put right before being communicated to applicants. However, we found that the level of quality control conducted by Entry Clearance Managers (ECMs) in Warsaw was inadequate and fell well short of Home Office guidelines, which required ECMs to review 20% of refusal decisions in the Other Visitor category. In the ten months to July 2013, an average of only 10% of refusal decisions were reviewed and between February and April 2013 just over 3 in every 100 refusals in this category were subject to quality control by management. This was not an acceptable way to treat visa applicants and a subsequent greater emphasis (although still short of guideline levels) on quality control in June and July 2013 was to be welcomed.

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*We found that the level of quality control conducted by Entry Clearance Managers (ECMs) in Warsaw was inadequate and fell well short of Home Office guidelines*

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1.8 Decision-makers told us that the risk profile produced by RALON was too broad to provide a meaningful aid to decision-making. We found that there was a lack of an assurance mechanism to provide managers with confidence that the appropriate amount of verification<sup>1</sup> checks were being carried out to test the veracity of visa applications.

1.9 It was difficult to reconcile the risks indicated by the RALON risk profile with the actual refusal rates across all of the locations from which the Visa Section received applications. Source countries which did not feature on the profile had relatively high refusal rates, whilst source countries which were thought to be high-risk had lower refusal rates. This was counter-intuitive and managers in both RALON and the Visa Section were unable to explain it satisfactorily. The Home Office needs to review the risk profile in conjunction with the refusal rates to ensure that it properly reflects where the relative risks of visa abuse lie.

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*ECOs in Warsaw had a benchmark target to process 45 Other Visitor applications per day. This equated to just 10 minutes per application*

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1.10 ECOs in Warsaw had a benchmark target to process 45 Other Visitor applications per day. This equated to just 10 minutes per application. Home Office guidance required that these targets were reviewed at least every six months and account should be taken of decision quality when deciding whether to maintain or revise the targets. Given the poor level of decision quality disclosed by our inspection, the Home Office should review the target for Other Visitor applications in Warsaw to determine if it needs to be revised to bring decision quality and ultimately customer service to an acceptable standard.

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<sup>1</sup> Risk-based checks, for example with employers and sponsors, to verify the veracity of an application.

## 2. Summary of Recommendations

### **We recommend that the Home Office:**

1. Ensures that more effective quality assurance of ECO decision-making is conducted in Warsaw in order to improve initial decisions on applications.
2. Reviews and revises the ECO target for Other Visitor applications in Warsaw in order to improve the quality of decisions.
3. Implements a process to provide management assurance that risk-based verification checks are conducted in all appropriate cases.
4. Reviews the risk profile in conjunction with refusal rates to determine whether it accurately reflects the most significant risks, and amends it in the light of that review.
5. Ensures that decision makers use the risk profile and that the scope of this is targeted to provide a meaningful aid to decision-making.

# 3. The Inspection

## Purpose and aim

- 3.1 The purpose of the inspection was to examine the efficiency and effectiveness of the Warsaw Visa Section with a particular focus on decision-making quality in relation to visa refusals without a full right of appeal, specifically, Other Visitor cases. This included applicants intending to visit the UK as tourists, business visitors or those wishing to study on a short-term basis. The examination of refusals in this category fulfilled the statutory remit of the Independent Chief Inspector to review entry clearance decisions in cases with limited rights of appeal.
- 3.2 This inspection measured the performance of the Visa Section in Warsaw against five of the Independent Chief Inspector's inspection criteria, which are set out in Appendix 1, in order to assess whether decision-making was:
- efficient, effective and fair; and
  - in line with relevant Immigration Rules, policy and guidance.
- 3.3 The inspection also examined the service provided to applicants, assessing the performance of UK Visas and Immigration (UKVI) in respect of its own customer service standards.

## Background

- 3.4 This section sets out general background information about UKVI and the work of the Visa Section in Warsaw.

## UK Visas & Immigration

- 3.5 Visa operations are the responsibility of UKVI, a Home Office directorate, under the leadership of a Director General.
- 3.6 UKVI International Group is organised into six geographical regions: EuroMed; Asia Pacific; Central Asia, South Asia and Turkey; Americas; Africa; and Middle East and Pakistan. The Warsaw Visa Section is a decision-making hub within the EuroMed region.

## Hub and spoke

- 3.7 The redesign of the Home Office global network of visa sections began in January 2007 as part of a wider programme of change, supported by the introduction of biometrics<sup>2</sup> and commercial partners. This redesign allowed the Home Office to think about how and where it considered applications, giving it an opportunity to make better use of its resources overseas. The redesign of the network into a hub and spoke business model aimed to deliver three main benefits:
- improved quality and consistency of decision-making;
  - improved efficiency and productivity; and

<sup>2</sup> All visa applicants are routinely required to provide biometric data (ten-digit finger scans and a digital photograph). There are some minor exceptions to this rule, e.g. heads of state and children aged under five.

- greater resilience and flexibility.

3.8 This business model has seen decision-making move from small visa sections to larger regional 'hubs' or processing centres. In early 2007, there were over 150 posts around the world, working largely independently and handling all aspects of visa processing including the receipt of applications and decision-making. By mid 2012, there were 375 locations involved in processing visa applications and 50 decision-making centres (hubs). Following the inspection, the Home Office informed us that there were now 192 locations involved in processing visa application centres and 54 decision-making hubs.

### **Warsaw Visa Section**

3.9 The EuroMed region, of which the Warsaw Visa Section is part, consists of 41 countries and 49 visa application points. Decision-making is conducted in four large hubs (Moscow, Warsaw, UK Visa Section and Paris), two smaller hubs (Madrid and Belgrade) and three stand-alone decision-making posts (Minsk, Rabat and Tirana).

3.10 At the time of our inspection, the Warsaw Visa Section received and assessed applications for entry clearance made by visa nationals based in:

- Poland;
- Ukraine;
- Austria;
- Bulgaria;
- Czech Republic;
- Slovakia;
- Hungary;
- Romania;
- Kosovo;
- Lithuania;
- Latvia; and
- Moldova.

3.11 Prior to July 2012, the Warsaw Visa Section processed approximately 12,000 visa applications per year. In September 2012 the processing of visa applications made in Ukraine was moved to the Warsaw Visa Section, resulting in a 460% increase in application volumes to around 56,000 per year. Plans are also in place to transfer responsibility for additional applications to the Warsaw Visa Section from April 2014. This will increase the volume of applications across all categories that are dealt with annually in Warsaw from around 56,000 currently to around 87,000. This represents an increase of 55%.

3.12 Of all visa applications received in Warsaw between 1 October 2012 and 30 September 2013, around 80% were from applicants seeking to enter the UK as an Other Visitor. Figure 1 shows the breakdown of Other Visitor applications by the location where the application was lodged, for the period August 2012 to July 2013.

**Figure 1: Other visitor application volumes by application location (Aug 2012 to Jul 2013)**

Application location	Number of applications	%of total (rounded to 1 d.p.)
Bucharest - Romania	345	0.8%
Budapest - Hungary	507	1.7%
Chisinau - Moldova	890	2.0%
Kiev - Ukraine	36,285	81.0%
Prague - Czech Republic	1,137	2.5%
Pristina - Kosovo	1,970	4.4%
Riga - Latvia	648	1.4%
Sofia - Bulgaria	196	0.4%
Vienna - Austria	1,750	3.9%
Warsaw - Poland	1,061	2.4%
<b>Total</b>	<b>44,789</b>	<b>100%</b>

### The Application Process

3.13 The visa application process is set out in Figure 2 below.

**Figure 2: Warsaw Visa Section - application process**

1. Applicants complete an online application form, book an appointment to have their biometrics taken and pay the relevant fee.
2. Applicants attend the VAC in Kiev or in-house spoke in other locations, to submit their biometric data and their supporting documents and pay the application fee if not done previously. Supporting documents are copied and originals are returned to the applicant.
3. Entry Clearance Assistants carry out risk based verification checks as appropriate to test the veracity of the application.
4. The VAF and copies of supporting documents are sent to Warsaw Visa Section.
5. The decision to issue or refuse entry clearance is made by an Entry Clearance Officer in the Warsaw Visa Section.
6. The visa vignette or refusal notice is printed and returned to the applicant via the VAC in Kiev or the in-house spoke in other locations.

## Staffing

- 3.14 Figure 3 provides a breakdown of UKVI staffing numbers at the Warsaw Visa Section at the time of our inspection:

<b>Visa Section staff</b>	<b>Number</b>
Regional Operations Manager (Senior Executive Officer)	1
Entry Clearance Manager (Higher Executive Officer)	2
Office Manager	1
Entry Clearance Officers (Executive Officer)	9
Entry Clearance Assistants	26
<b>Total</b>	<b>39</b>

Note: Information provided by UK Visas & Immigration<sup>3</sup>

## Scope / Methodology

- 3.15 The Home Office was given one week's notification that this inspection would take place. It provided an up-to-date picture of decision-making quality in Other Visitor cases, as all the decisions in the cases we sampled were made between 1 March and 31 August 2013.
- 3.16 As this inspection was focussed on decision quality, we assessed the performance of the Warsaw Visa Section against five of the Chief Inspector's inspection criteria, which can be found at Appendix 1. We also:
- sampled 50 Other Visitor refusal cases which had been decided between 1 March and 31 August 2013;
  - carried out stakeholder interviews; and
  - conducted observations and interviewed 16 staff and managers to identify issues of concern and areas of good practice against each of the criteria in scope.
- 3.17 On 27 September, we provided feedback on high-level emerging findings to the Home Office. The inspection identified five recommendations for improvement in Warsaw.

<sup>3</sup> Both the Regional Director and Regional Manager were based in London.

## 4. Inspection findings – Operational Delivery

Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration.

- 4.1. Prior to the on-site phase of our inspection, we requested a randomly selected sample of 50 Other Visitor refusal case files, to be drawn from a list of applications refused in Warsaw between 1 March and 31 August 2013. This section provides detailed results and analysis of the files that we examined during the on-site phase of our inspection.

### **Timeliness**

- 4.2. At the time of our inspection the Home Office measured its performance against the following customer service standards: to complete:
- 90% of non-settlement visa applications in not more than 15 working days;
  - 98% in 30 working days; and
  - 100% in 60 working days.
- 4.3. Home Office management information showed that the Warsaw Visa Section was consistently meeting these customer service standards. This picture was confirmed by our file sample which showed that the average processing time for an Other Visitor application was 12 days. This was a good performance.

### **Decision Quality - Other Visitor refusals**

- 4.4. We examined refused Other Visitor entry clearance cases using the Independent Chief Inspector's decision quality indicators to determine if:
- the administration of the case was sound;
  - the decision to refuse entry clearance was assessed against the correct Immigration Rules;
  - the correct information on appeal rights was provided to the applicant;
  - the Entry Clearance Officer made their decision based on all the available evidence; and
  - the quality of the refusal notice was adequate.

## Maladministration

- 4.5. We did not identify any instances of maladministration<sup>4</sup> in this inspection.

## Immigration Rules

We found that the decision to refuse entry clearance was assessed against the correct Immigration Rules in all the cases in our sample. This was in line with our findings in our last two short-notice inspections<sup>5</sup> of visa sections.

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- 4.6. In a number of cases, the applicant had clearly submitted the visa application on the wrong form, for example where the visit was clearly for business purposes but the applicant had applied on a general visitor form. We were pleased to see that in such cases Entry Clearance Officers (ECOs) had taken a pragmatic approach and assessed the application under the category in which the application should have been made. This was good customer service.
- 4.7. However, in one case an ECO had refused an application as a general visitor but had gone on to consider the application under the domestic servant Rule because the evidence on file indicated that the applicant wanted to accompany their employers to the UK to look after their children. We were told by Entry Clearance Managers (ECMs) that this was not an appropriate course of action because the application fee for a domestic servant was considerably higher than the general visitor fee and that the applicant should have been advised to reapply as a domestic servant.

## Correct information given on appeal rights

- 4.8. We found that the correct information on appeal rights was provided in all but one of the cases in our sample. In this case, the applicant was refused under both the general visitor rule and the domestic servant rule. The ECO incorrectly informed the applicant that their right of appeal was limited to human rights and race discrimination grounds. This was incorrect, as a refusal under the domestic servant Rule carried a full right of appeal.

## Use of evidence in decision-making

- 4.9. We noted that supporting evidence had been retained on all the files that we sampled. This meant that, taken alongside the notes on the Proviso database and the contents of the refusal notice issued to unsuccessful applicants, we were able to assess the reasonableness of the decision-making in all 50 cases. This represents an improvement on previous inspections<sup>6</sup> where we made recommendations about evidence retention.
- 4.10. However, we concluded that, in six of the 50 cases (12%) we examined, the decision to refuse the application was flawed. This is a significant proportion of the sample and is of particular concern as the applicants in these cases have only a limited right of appeal against refusal as a visitor.

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4 Includes cases where the visa decision would or might have been different had there not been an administrative failing. For example, an applicant applies for entry clearance to attend a fixed date conference in the UK. The visa would have otherwise been issued but is refused because a delay in processing the application means that the conference has already finished.

5 <http://icinspector.independent.gov.uk/wp-content/uploads/2012/09/Madrid-Visa-Section-FINAL.pdf> and <http://icinspector.independent.gov.uk/wp-content/uploads/2012/12/A-short-notice-inspection-of-decision-making-quality-in-the-Accra-visa-section-FINAL.pdf>

6 <http://icinspector.independent.gov.uk/wp-content/uploads/2013/09/An-Inspection-of-Tier-1-PBS-Investor-and-Entrepreneur-Applications.pdf>

- 4.11. The six cases disclosed a variety of reasons why the decision to refuse was flawed. These included:
- incorrect interpretation of intentions, circumstances and evidence (four cases);
  - unsound justifications concerning lack of incentive to leave the UK at the end of the proposed visit (three cases);
  - no attempt to verify submitted documents and thus not accepting them as evidence (two cases); and
  - submitted evidence, central to the application, missed and therefore not considered (one case).
- 4.12. In some cases, there was more than one reason why the decision was flawed. An example of a flawed decision is provided in Figure 4 below:

#### **Figure 4: Case study – Flawed refusal grounds**

##### **The applicant:**

- was an Iranian national who applied for a visa to enter the UK as a general visitor;
- submitted his application in Vienna where he held a valid Schengen visa;
- had previously been issued with three UK visas and had travelled to, and left, the UK on six occasions;
- submitted a range of evidence, which included financial and business documents relating to his current circumstances in Iran;
- was refused entry clearance because:
  - he had not shown he had an incentive to return to Austria;
  - his Iranian documents could not be readily assessed in Warsaw; and
  - his travel history did not indicate an incentive to leave the UK at the end of his trip.

##### **Chief Inspector's Comments:**

- The Immigration Rules required that the applicant 'intends to leave the United Kingdom at the end of the period of the visit'. There was no requirement for the applicant to return to the location from which they applied.
- It is unfair to third-country nationals for the Home Office to refuse visa applications because documents can not be 'readily verified' from Warsaw. It is difficult to see how a bona fide applicant could succeed as this amounted to an unwillingness to properly consider the application.
- Given the applicant's extensive compliant travel history to the UK, we could not see how the ECO came to the conclusion that this was not indicative of an incentive to leave the UK.
- We considered that the decision was flawed.

##### **The Home Office:**

- Accepted that the reasoning of the ECO was flawed and agreed to reconsider the application.

4.13. Figure 5 provides details of the case where positive evidence was not considered by the ECO.

### Figure 5: Case study – Positive evidence disregarded

#### The applicant

- was an Ukrainian national who applied for a visa to enter the UK as a general visitor but sought entry for business reasons;
- had family and home in the Ukraine;
- had previously travelled to the UK on multiple occasions;
- submitted a range of evidence, which included a letter from his employer showing him to hold a senior, well-paid position in the company and also a UK company letter inviting him for a training visit relevant to his area of employment;
- was refused entry clearance as both a general visitor and a business visitor as the purpose of his visit was for business but he had not submitted any satisfactory evidence that he had any appointments or meetings scheduled or which company he intended to visit.

#### Chief Inspector's Comments:

- We were pleased to see that the Home Office took a pragmatic approach and considered this application under the business visitor rules even though it had been made on the general visitor form.
- However, lack of attention to detail caused the ECO to disregard key evidence which provided reasons for the business trip and could have put this applicant and his company to considerable inconvenience.
- We therefore assessed this decision as flawed.

#### The Home Office:

- in light of the clear failure to consider key evidence, agreed that the decision was flawed and agreed to consider the application afresh.

4.14. In all six cases where we considered that the decision of the ECO was flawed, the Home Office accepted our findings. In five of the six cases the Home Office undertook to revoke the decisions it had taken and to reconsider the applications.

4.15. In the remaining case, we were informed that the applicant had made a subsequent application for a visit visa which had been successful. Given that the Home Office accepted that the original refusal had been flawed, we suggested in the interests of fairness that the fee for the subsequent application be refunded. Unfortunately managers at the Warsaw Visa Section were unable to provide such an undertaking but agreed to escalate the matter to the appropriate level. It is not acceptable that visa applicants should face financial disadvantage as well as the inconvenience caused by poor decision-making on the part of the Home Office. We therefore repeat that the applicant should be reimbursed for the additional expense to which she was put through no fault of her own.

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*It is not acceptable that visa applicants should face financial disadvantage as well as the inconvenience caused by poor decision-making on the part of the Home Office*

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## Quality of refusal correspondence

4.16. In the remaining 44 (88%) applications we inspected, we agreed that the overall decision to refuse the applicant a visa was the correct one. However, we had concerns about aspects of the quality of decision-making in a further 12 of these 44 applications (24% of the original sample of 50 cases). Most of these concerns (8 of the 12 applications) related to poorly worded, factually incorrect and incomplete refusal notices.

4.17. Many of the poorly worded, factually incorrect and incomplete refusal notices arose from a lack of attention to detail when drafting the refusal notice. An example is provided at Figure 6 below:

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*Many of the poorly worded, factually incorrect and incomplete refusal notices arose from a lack of attention to detail when drafting the refusal notice*

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### Figure 6: Case study – Factually incorrect refusal notice

#### The applicant:

- was originally from Cuba but since 2008 had been issued with travel documents by the Slovakian authorities;
- stated on his application form that he currently lived with his Slovakian wife and their 1 year old daughter in Slovakia;
- submitted his residence permit issued by the Slovakian authorities;
- claimed to be a self employed builder with a registered business in Slovakia;
- applied for a visa to enter the UK as a general visitor;
- was issued with a refusal notice which referred to his business being registered in Hungary and which stated that:
  - he had not provided sufficient details that the business was currently operating and that he had the financial resources to fund the visit; and
  - he had no evidence of ongoing employment or any other ties to Slovakia.

#### Chief Inspector's Comments:

- The applicant had registered his business in Slovakia, not Hungary, as was clear from the evidence on the file.
- We could not see how the ECO came to the conclusion that the applicant had failed to evidence 'any other ties to Slovakia'. He had submitted travel documents and a residence permit issued by the authorities there and stated that he lived with his family and owned a business in Slovakia.
- Such factual inaccuracies and manifestly unsound reasons in refusal notices issued to the applicants weakened an otherwise sound decision in this case and have the potential to cause reputational damage to the Home Office in the eyes of its customers.

#### The Home Office

- accepted the poor quality of the refusal notice and undertook to issue a factually accurate notice of refusal to the applicant.

## Entry Clearance Manager (ECM) Reviews

4.18. The refusal of entry clearance as a visitor does not carry a full right of appeal and the only internal check and balance against poor or arbitrary decision-making is the ECM Review. Home Office guidance requires ECMs to review 20% of refusals in categories where there are only limited appeal rights, such as the Visitor category. In the case of successful applications for a visit visa, ECMs were required to review 10% of decisions.

4.19. It was clear that the ECMs in Warsaw were not aware of the proportion of decisions which they were required to review. We were told that ECMs were not achieving the required number of reviews in issue cases but that they were confident that the required number of reviews was being conducted in refusal cases. Their confidence was based on a local practice of conducting a full review whenever a disappointed applicant made representations following a refusal.

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*It was clear that the ECMs in Warsaw were not aware of the proportion of decisions which they were required to review*

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4.20. Following the on-site phase of our inspection, the Home Office provided us with information that showed that the Warsaw Visa Section had conducted an adequate number of ECM reviews following a refusal in only one month between October 2012 and July 2013. In February 2013 just two out of every 100 refusal decisions in this category were subjected to quality assurance by a manager. This was unacceptable and may in part explain why our file sampling revealed such a high proportion of decisions where the evidence had not been properly assessed. Figure 7 shows the level of ECM reviews conducted on Other Visitor decisions between October 2012 and July 2013:

**Figure 7: Warsaw Visa Section – ECM review performance**

	Other Visitor issues (Target 10%)	Other Visitor refusals (Target 20%)
Oct 12	0.4%	7.0%
Nov 12	0.9%	10.6%
Dec 12	0.2%	5.1%
Jan 13	7.7%	23.7%
Feb 13	0.0%	2.2%
Mar 13	0.1%	3.7%
Apr 13	0.2%	3.6%
May 13	0.8%	7.1%
Jun 13	4.7%	14.1%
Jul 13	3.6%	18.3%
<b>Average review rate</b>	<b>2%</b>	<b>10%</b>

4.21. In light of our findings about the poor quality of decision-making in Warsaw, it is of serious concern that the Visa Section paid so little attention to the quality assurance of decisions made by ECOs. Applicants who are refused have no remedy available to them beyond strictly limited grounds for appeal. It is therefore crucial that the Home Office ensures that an adequate level of quality assurance takes place to check that initial decisions are soundly based and to maintain the necessary confidence in the visa system. As a result, we make the recommendation below.

## We recommend that the Home Office:

Ensures that more effective quality assurance of ECO decision-making is conducted in Warsaw in order to improve initial decisions on applications.

# Customs and immigration offences should be prevented, detected, investigated and, where appropriate prosecuted.

## Risk and Liaison Overseas Network (RALON)

- 4.22. RALON is an intelligence operation delivering objectives across the fields of Air, Risk and Criminality and provides support to ECOs in their decision-making process by providing information and intelligence on known risks.

## Risk Profiles

- 4.23. We were provided with examples of generic risk profiles produced by RALON covering Warsaw and all spokes. These risk profiles were compiled for the benefit of entry clearance staff and highlighted types of applications which intelligence suggested posed a heightened risk and where risk-based verification checks were appropriate to test the genuineness and credibility of the application. In some cases the risk profile indicated the type of check which should be carried out.

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*In light of our findings about the poor quality of decision-making in Warsaw, it is of serious concern that the Visa Section paid so little attention to the quality assurance of decisions made by ECOs*

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- 4.24. We were told that applications which fitted the risk profile, and accordingly required verification checks, fell to be identified by Entry Clearance Assistants (ECAs) at the post where the application was submitted. These ECAs were then responsible for conducting the checks dictated by the risk profile in appropriate cases. In respect of applications made in Kiev, the risk-based checks were conducted by Russian-speaking staff in Warsaw and by two Immigration Liaison Assistants based in Kiev.

- 4.25. We also saw examples in our file sampling of targeted verification exercises initiated by RALON. These exercises were in response to intelligence around current trends in abuse of the immigration system. ECAs were also responsible for identifying applications falling within the parameters of the exercise and conducting verification checks on these applications. RALON staff told us that they also undertake compliance exercises<sup>7</sup> to inform their risk profile, which was updated every six months.

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*It was evident from an examination of the risk profile that the risk of visa abuse was not evenly spread across the network of spokes from which the Warsaw Visa Section received applications*

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- 4.26. It was evident from an examination of the risk profile that the risk of visa abuse was not evenly spread across the network of spokes from which the Warsaw Visa Section received applications. For example, applications originating in Ukraine were considered, on the basis of intelligence, to be very risky compared with those originating in other spoke countries, some of which did not feature on the risk profile at all.

<sup>7</sup> Exercises to determine the extent to which those previously issued with visas complied with the conditions of the visa, the results of which are used to inform risk profiling.

4.27. Applications made in Kiev accounted for approximately 81% of all Other Visitor applications decided in Warsaw. We were told by RALON, entry clearance staff and managers that a higher proportion of Kiev applications, in comparison to other posts, were supported by forged or counterfeit documents. As a result, Kiev was considered a high-risk post. This explained the prominence of applications originating in Ukraine on the risk profile.

4.28. Our focus groups with ECOs disclosed a poor awareness of the RALON risk profile. Those ECOs who were aware of the relative risks of visa abuse considered the risk profile to be of limited use because it was too broadly drawn. They believed that the profile needed to be more narrowly drawn. We comment further on this issue below.

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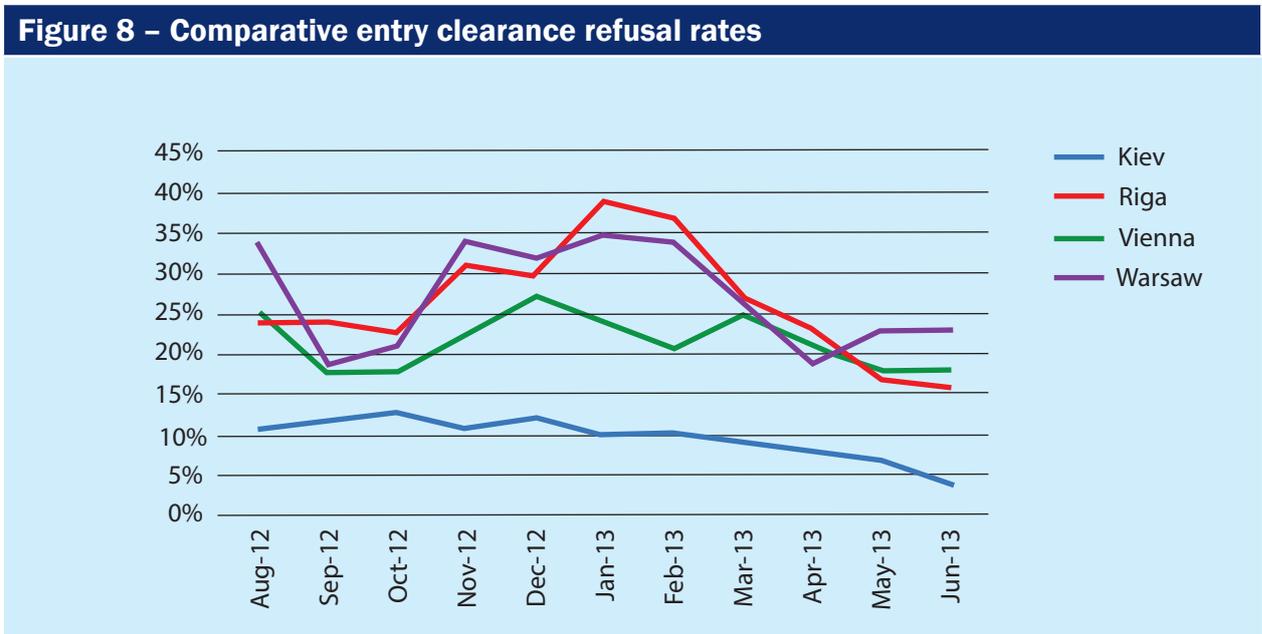
*Our focus groups with ECOs disclosed a poor awareness of the RALON risk profile*

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**Refusal rates**

4.29. We expected to see some correlation between the intelligence-based risk assessment conducted by RALON and the refusal rates based on the origin of applications for entry clearance. For example, if intelligence suggested that applications for entry clearance originating in spoke country X presented a greater risk of visa abuse than applications originating in spoke country Y, then we would expect to see that the results of verification checks would either bear out the intelligence assessment or would mitigate in favour of a reappraisal of where the risk lay.

4.30. However, an application for entry clearance originating in Ukraine (a high-risk location) was much less likely to result in a refusal of entry clearance than an application originating in a location such as Austria or Latvia, both of which featured much less prominently on the RALON risk profile, if at all. Figure 8 shows the refusal rates for applications submitted in Kiev, Riga, Vienna and Warsaw between August 2012 and June 2013.



4.31. We were surprised to find that the refusal rate for Kiev was significantly lower than for other posts in the region. We would have expected a post which the risk profile indicated was a high risk, and which reportedly received a high number of applications that were not genuine, to have had a refusal rate exceeding that of spoke locations deemed to present a lower risk.

- 4.32. Posts which did not specifically feature on any of RALON's risk profiles had refusal rates comparable to Warsaw and higher than Kiev, both of which featured prominently on the RALON risk profile. Vienna and Riga are examples of such posts. We would have expected posts with high refusal rates to have their risks profiled, and for this information to be readily available to entry clearance staff to assist the quality of their decision-making. This would demonstrate that risks leading to the high refusal rates had been identified and were actively being mitigated.
- 4.33. When we spoke to managers, they informed us that although Kiev was considered a high-risk post, the vast majority of applications originating in Kiev were genuine. We were also told that this meant that within the high volume of applications received in Kiev, the proportion that were not genuine was relatively small, and this accounted for the low refusal rate.
- 4.34. In our view this was a rational explanation for Kiev's low refusal rate, but not its prominence on the risk profile. If the concept of risk is to have any value, it must relate to the likelihood that an application exhibiting certain characteristics will prove to be fraudulent. If risk is based purely on the volume of applications exhibiting such characteristics which subsequently prove to be fraudulent, then high-volume locations will always be deemed riskier than low-volume locations.
- 4.35. However, we found that there was very little understanding of the impact the risk profile had on refusal rates, and managers had difficulty reconciling high risk with low refusal rate and vice versa. As a result, we make the recommendations below:

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*If the concept of risk is to have any value, it must relate to the likelihood that an application exhibiting certain characteristics will prove to be fraudulent*

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**We recommend that the Home Office:**

- Reviews the risk profile in conjunction with refusal rates to determine whether it accurately reflects the most significant risks and amends it in the light of that review.
- Ensures decision makers use the risk profile and that the scope of this is targeted to provide a meaningful aid to decision-making.

**Verification checks**

- 4.36. While entry clearance staff considered that the RALON risk profile was insufficiently targeted on potentially abusive application types, RALON informed us that the risk profile in use for Warsaw and its spokes was resulting in verification checks in only 4% of all applications. RALON thought 4% was not an adequate rate, as it did not allow for effective analysis of the intelligence to enable the risk profile to be refined. RALON stated that carrying out verification checks in around 10% of applications was required to provide the level of feedback which would allow for effective assessment and refining of the risk profile. While we were on site, RALON were in the process of broadening the risk profile to increase the frequency of verification checks to 10%.
- 4.37. However, we found no evidence that managers in the Visa Section or in RALON had any assurance mechanism to determine whether the level of checking required by the current profile was actually being complied with by ECAs. While we consider that the risk profile would benefit from review, rather than broadening of its scope to capture an even greater proportion of applications, immediate steps should be taken to determine if ECAs are conducting all the required checks.

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*We were concerned that there was a real risk that visa decisions were being taken without the necessary checks being conducted*

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- 4.38. The poor knowledge of the risk profile which we found amongst ECOs meant that they were unlikely to notice all instances where an ECA had not conducted verification checks suggested by the profile. Although ECOs had discretion to request additional checks on individual applications, we were concerned that there was a real risk that visa decisions were being taken without the necessary checks being conducted. The inadequate level of ECM reviews in Warsaw meant that a further opportunity was missed to ensure that necessary checks had been carried out.
- 4.39. We were provided with RALON's own analysis, which investigated whether numbers of verification checks impacted upon refusal rates. Their analysis highlighted a steady decline in the refusal rate from a peak of 14% in October 2012 to 4% in June 2013. RALON were concerned that this decline coincided with a fall in verification checks over the same period and indicated that the following factors potentially contributed:
- Verification checks decreased as local knowledge on visa risk was lost when Kiev visa operations were transferred to Warsaw in July 2012;
  - A more pronounced decline in refusal rates between April 2013 and June 2013 coincided with temporary<sup>8</sup> ECOs being recruited; these officers may not have had knowledge or experience of local risks, so were more likely to issue without requesting further checks; and
  - The more pronounced decline between April 2013 and June 2013 also coincided with ECO daily processing targets being increased, meaning that ECOs may not have had enough time to conduct further research on applications or conduct verification checks in all required cases.

- 4.40. We believe that, for applications falling within the risk profile, risk-based verification checks are an important tool to assist decision-making, as they may help determine whether applications are genuine or not. It is therefore important that, where applications fall within the profile, entry clearance staff conduct such checks where appropriate and are not deterred from carrying them out by the risk of breaching daily productivity targets.

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*Risk-based verification checks are an important tool to assist decision-making, as they may help determine whether applications are genuine or not*

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#### **We recommend that the Home Office:**

Implements a process to provide management assurance that risk-based verification checks are conducted in all appropriate cases.

#### **Paragraph 320 of the Immigration Rules**

- 4.41. Paragraph 320 of the Immigration Rules provides general grounds for the refusal of an application for entry clearance. Reasons for refusal falling under paragraph 320 include:
- the use of forged documents or false representations in support of an application;
  - failure to disclose material facts in an application; and
  - the use of deception in a previous application within the last 10 years or, where there were other aggravating circumstances, on any previous occasion.
- 4.42. Although we did not specifically sample paragraph 320 cases as a separate category during this inspection, we did consider the application of paragraph 320 in the files we sampled. We were satisfied that it had been applied appropriately in the cases we sampled.

<sup>8</sup> Retired former ECOs employed on short fixed term contracts to cover periods of high demand.

- 4.43. In cases where consideration was being given to a paragraph 320 (7A, 7B or 11) refusal, we were pleased to note that, in appropriate circumstances, the Visa Section was giving the applicant a chance to explain themselves before coming to a final decision.
- 4.44. In some cases, the potential reason for the paragraph 320 refusal may have been caused by genuine error on the part of the applicant as opposed to an attempt to deceive or deliberately mislead the Home Office. For example, an applicant or their representative may have stated on one part of the application form that they had never been to the UK before and then proceed on another part of the form to contradict that assertion. In those circumstances, an enquiry from the Embassy to the applicant to confirm or refute the answers given would be made before the decision to refuse under paragraph 320 was definitively made. This is good practice, as the ramifications for an applicant of such a refusal are long-lasting in that they would be unable to successfully apply for another visa for a further 10 years. Such measures are not to be taken lightly.
- 4.45. It was therefore pleasing to find that the ECMs actively encouraged this approach and that they reviewed 100% of all such proposed refusals prior to service of the decision on the applicant.

## 5. Inspection Findings – Safeguarding Individuals

All people should be treated with respect and without discrimination except where the law permits difference of treatment.

### Decision-making

- 5.1 Our file sampling disclosed no evidence that decisions were being made other than in accordance with the Immigration Rules and the law. This was reinforced by our findings from focus groups and from our observations of the decision-making process.
- 5.2 It was clear that staff treated each case on its own merits and did not discriminate on the grounds of nationality. However, we found three cases in our file sampling where the approach taken by ECOs was unfair to third-country applicants because the refusal notices implied that supporting documents relating to the applicants' personal and financial circumstances in Iran (two cases) and Nigeria (one case) could not be relied upon because it was too difficult to verify them from Warsaw. One of these cases is illustrated in Figure 4 above.
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- It was clear that staff treated each case on its own merits and did not discriminate on the grounds of nationality*
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- 5.3 This was, in our view was unfair. If applicants originating from outside the region covered by Warsaw are likely to be rejected because effective verification checks cannot be conducted, then the Home Office should amend its processes to ensure that such applications can be properly assessed. We do not accept that the Home Office, with its worldwide coverage, cannot attempt the appropriate verification checks where necessary, irrespective of the country to which the documents relate.
- 5.4 All staff confirmed that they had undertaken the Home Office mandatory training in equality and diversity and this was confirmed by managers. However, we found very little awareness amongst Entry Clearance Officers of the issue of Ministerial Authorisations.<sup>9</sup> This meant that decision-making staff were not clear which applications they could lawfully subject to closer scrutiny. This was a concern, given that we were told that the Warsaw Visa Section receives applications for entry clearance from nationals of 150 countries. It is important that all entry clearance staff are aware of the nationalities covered by Ministerial Authorisations and managers should take steps to ensure that this is the case.
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- We do not accept that the Home Office, with its worldwide coverage, cannot attempt the appropriate verification checks where necessary*
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<sup>9</sup> An authorisation under the Equality Act 2010 allowing for differentiation between nationalities in the entry clearance/visa process and allowing greater scrutiny of applications for nationals of countries covered by the authorisation.

## Customer Service

5.5 We found that applications for entry clearance were considered in a strict date order based on the date of biometric enrolment. This was fair, as transit times between spoke locations and the Warsaw Visa Section varied. The strict order of consideration was only departed from in three scenarios. These were:

- where the applicant had paid an additional fee for a priority visa service;
- where a Lithuania-based applicant had travelled to Warsaw to submit the application. In these cases the Home Office considered the applications within 48 hours to minimise inconvenience and expense to the applicant, as it was not possible to submit an application in Lithuania; and
- where applications from foreign dignitaries and government officials were facilitated by the British Embassy and where a delay in processing the application would have been prejudicial to the maintenance of good relations between the UK and the government concerned.

5.6 We consider that all three of these exceptions were appropriate. In particular, it was good customer service to seek to decide applications from those who had travelled from Lithuania quickly, given the considerable journey and cost they would have incurred by travelling to Warsaw.

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*It was good customer service to seek to decide applications from those who had travelled from Lithuania quickly, given the considerable journey and cost they would have incurred by travelling to Warsaw*

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## Personal data should be treated and stored securely in accordance with the relevant legislation and regulations.

### Data retrieval

5.7 The Warsaw Visa Section was given very limited notice (three working days) of the 50 applications we wished to inspect whilst we were on-site. All the selected applications, along with the associated supporting evidence for each one, were ready for us upon our arrival in Warsaw. This was positive evidence of an organised and efficient application storage and retrieval system at post and a much better performance than we have found in many of our inspections of casework processes in the UK.

### Data loss

5.8 We were informed that any document of value submitted to the Visa Section, where the original document itself was not required with the application, would always be copied and the original returned to the applicant. The copy was marked as 'Original seen' by the ECA undertaking this task. This marking informed the ECO assessing the application that the ECA was satisfied that the original document was a genuine, valid document for evidential purposes.

5.9 During our file sampling we saw numerous examples where this approach had been taken and we did not find any instance of original documents being inappropriately retained on file. Such a common-sense approach to data copying and retention reduced the chance of the Home Office losing or inappropriately retaining applicants' valuable, personal documents.

- 5.10 Our file sampling uncovered one instance, however, where documents relating to a different, unconnected applicant were contained in a file. We immediately brought this to the attention of local managers, who acknowledged the error and undertook to reconsider the application of the other applicant in light of the evidence which we had unearthed.

### **File handling & storage**

- 5.11 Management information showed that all staff in the Visa Section had completed the mandatory 'Protecting Information' course covering procedures for the proper handling and storage of personal data. We also found that a clear desk policy was in place in the Visa Section and that all files were securely stored overnight. This was good practice.

- 5.12 We were informed by staff of all grades within the Visa Section that a 'security sweep' was conducted by the final person to leave the office. This was usually an ECO or manager, who would ensure that all classified documents had been returned to the secure room. They would also check that all computer terminals within the visa had been logged off or locked and that all lockable office doors were locked. We observed this procedure being carried out.

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*We found no cause for concern regarding the handling of personal data in the Warsaw Visa Section*

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- 5.13 In summary, we found no cause for concern regarding the handling of personal data in the Warsaw Visa Section.

## 6. Inspection Findings – Continuous Improvement

The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.

### Resource forecasting

- 6.1 The EuroMed Region had developed a forecasting tool to predict fluctuations in demand. This had assisted Warsaw in making timely bids for additional staff during the peak period in 2013 and provided managers with confidence to release staff to other posts within the region during quieter periods. We were told that consideration was being given to rolling this tool out across the region and possibly across the whole network.

### Targets and Decision Quality

- 6.2 At the time of our inspection, fully trained ECOs in Warsaw were required to complete 45 Other Visitor applications per day. These applications could have originated in any of the spoke locations covered by the Warsaw hub and involve any one of around 150 nationalities of applicant.
- 6.3 Based on a working day of 7.5 hours, this equated to 10 minutes per application. As part of the consideration of an application the ECO was required to:
- read and assimilate the detail of the application and supporting documents;
  - conduct checks against various Home Office systems;
  - consider the credibility of the application;
  - determine, on the balance of probabilities, if the applicant met the requirements of the Immigration Rules; and
  - enter notes on the caseworking system justifying the decision to issue a visa or, in the case of an unsuccessful application, write a detailed ‘reasons for refusal’ letter to the applicant.
- 6.4 Some ECOs told us that they had no difficulty in meeting the target of 45 applications per day, but others informed us that they struggled to do so. In previous inspection reports, we have recommended that the Home Office should strategically assess whether the focus on numerical targets was impacting negatively against decision quality.<sup>10</sup> This recommendation was accepted and guidance was issued to staff on the setting of ECO productivity targets.
- 6.5 This guidance stated that productivity targets should be reviewed at least every six months and should be set at a level which struck a balance between the need to meet customer service standards, the need to carry out adequate checks to ensure decision quality and the availability of resources. We are not convinced that the ECO target for Other Visitor applications in Warsaw strikes such a balance. Customer service standards were routinely met, but RALON had serious concerns about the level of

<sup>10</sup> Independent Chief Inspector of Borders and Immigration, An inspection of the Visa Section in Guangzhou. May – August 2010.

verification checks that were carried out and our file sampling found relatively high proportions of both unreasonable and poorly evidenced decisions.

- 6.6 In addition, the Home Office guidance states that, when setting and reviewing targets, managers should have regard to current productivity levels and to decision quality. Managers were required to monitor progress against new targets, taking particular account of the impact on decision quality. The guidance suggested that the number of ECM overturns should be used as a proxy to monitor the impact on decision quality.

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*Managers were required to monitor progress against new targets, taking particular account of the impact on decision quality*

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- 6.7 However, given our findings concerning poor decision quality in Warsaw and the lack of attention paid to quality assurance by ECMs, we do not consider that the Home Office has complied with its own guidance in setting the current productivity target for Other Visitor applications in Warsaw. Given that the volume of applications decided in Warsaw is scheduled to increase by a further 55% during the course of 2014, the targets should be reviewed as a matter of urgency to ensure that a better balance is struck between productivity and quality. We therefore make the following recommendation:

**We recommend that the Home Office:**

- Reviews and revises the ECO target for Other Visitor applications in Warsaw in order to improve the quality of decisions.

# Annex A: Role & Remit of the Chief Inspector

The role of the Independent Chief Inspector ('the Chief Inspector') of the UK Border Agency ('the Agency') was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the Agency. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and contractors.

On 26 April 2009, the Independent Chief Inspector was also appointed to the statutory role of independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006.

On 20 February 2012, the Home Secretary announced that Border Force would be taken out of the Agency to become a separate operational command within the Home Office. The Home Secretary confirmed that this change would not affect the Chief Inspector's statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the Border Force.

On 22 March 2012, the Chief Inspector of the UK Border Agency's title changed to become the Independent Chief Inspector of Borders and Immigration. His statutory responsibilities remain the same. The Chief Inspector is independent of the UK Border Agency and the Border Force, and reports directly to the Home Secretary.

On 26 March 2013, the Home Secretary announced that the UK Border Agency was to be broken up and brought back into the Home Office, reporting directly to Ministers, under a new package of reforms. The Independent Chief Inspector will continue to inspect the UK's border and immigration functions, as well as contractors employed by the Home Office to deliver any of these functions. Under the new arrangements, the department of UK Visas and Immigrations (UKVI) was introduced under the direction of a Director General.

# Appendix 1: Inspection Framework and Core Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Criteria, revised in February 2013. They are shown below.

## Inspection Criteria used when inspecting the Warsaw Visa Section

### **Operational Delivery**

Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration.

Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.

### **Safeguarding Individuals**

All people should be treated with respect and without discrimination except where the law permits difference of treatment.

Personal data should be treated and stored securely in accordance with the relevant legislation and regulation.

### **Continuous Improvement**

The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.

## Appendix 2: Glossary

Term	Description
<b>B</b>	
Biometrics	All customers are now routinely required to provide ten digit finger scans and a digital photograph when applying for a United Kingdom visa. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five.
Border Force	Following the separation of Border Force and the UK Border Agency on 1 March 2012, Border Force became a Home Office operational command responsible for immigration and customs, including UK passport controls in France and Belgium.
<b>C</b>	
Casework	The Home Office term for the decision-making process used to resolve applications (for example, applications for asylum or British citizenship).
Customer	An individual using the services of UK Visas & Immigration.
<b>D</b>	
Data Protection Act 1998	The Data Protection Act requires anyone who handles personal information to comply with a number of important principles. It also gives individuals rights over their personal information.
Director	A senior Home Office manager, typically responsible for a directorate, region or operational business area.
<b>E</b>	
e-Learning	Computer-based training courses.
Entry Clearance	<p>A person requires Leave to Enter the United Kingdom if they are neither a British nor Commonwealth citizen with the right of abode, nor a person who is entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 European Economic Area Regulations. Entry Clearance takes the form of a visa (for visa nationals) or an entry certificate (for non-visa nationals).</p> <p>These documents are taken as evidence of the holder's eligibility for entry into the United Kingdom and, accordingly, accepted as 'entry clearances' within the meaning of the Immigration Act 1971. The United Kingdom Government decides which countries' citizens are, or are not, visa nationals. Non-visa nationals also require Entry Clearance if they seek to enter the United Kingdom for purposes other than to visit and/or for longer than six months.</p>

	<p>More detailed information about Entry Clearance can be found on the UK Border Agency website: <a href="http://ukba.homeoffice.gov.uk/">http://ukba.homeoffice.gov.uk/</a></p> <p>The Immigration Rules state that a customer making an application for an entry clearance as a visitor must be outside the United Kingdom and Islands at the time of their application and must apply to a Visa Section designated by the Secretary of State to accept applications for Entry Clearance for that purpose and from that category of applicant.</p>
Entry Clearance Assistant	Supports the visa application process.
Entry Clearance Manager	Manages the visa application process within a visa section.
Entry Clearance Officer	Processes visa applications and makes the decision whether to grant or refuse Entry Clearance.
<b>H</b>	
Home Office	The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police.
Hub and spoke	<p>Prior to 2007, virtually all British diplomatic missions had a visa section. Each worked largely independently; handling all aspects of visa processing including taking decisions on site.</p> <p>The ‘hub and spoke’ system was introduced to move away from the traditional model which was based on the physical presence of a visa section. The consideration of an application does not need to happen in the same place as it is collected.</p> <p>Applications can be moved from the collection point (the spoke) to the processing point (the hub). This separation between the collection network and the decision-making network aims to improve quality and consistency of decision-making; efficiency and flexibility. Work can be moved to staff rather than the other way round.</p>
Human Rights Act	Legislation that took effect on 2 October 2000, which meant that the UK’s domestic courts could consider the European Convention of Human Rights.
<b>I</b>	
Independent Monitor and legislation	<p>The legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal was set out in section 23 of the Immigration and Asylum Act 1999 and amended by paragraph 27 of schedule 7 of the Nationality, Immigration &amp; Asylum Act 2002 and Statutory Instrument 2008/310 regarding the points-based system (from April 2008).</p> <p>Section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, stipulates:</p>

	<ul style="list-style-type: none"> <li>• The Secretary of State must appoint a person to monitor, in such a manner as the Secretary of State may determine, refusals of entry clearance in cases where, as a result of section 88A of the Nationality, Immigration &amp; Asylum Act 2002 (c.41) (entry clearance: non-family visitors and students), an appeal under section 82(1) of that Act may be brought only on the grounds referred to in section 84(1)(b) and (c) of that Act (racial discrimination and human rights).</li> <li>• The Secretary of State may not appoint a member of his staff.</li> <li>• The Secretary of State must lay a copy of any report made to him under subsection (3) before each House of Parliament.</li> </ul> <p>Although the legislation and the Independent Monitor’s formal title refer to ‘no right of appeal’, all customers have limited rights of appeal on human rights and race relations grounds. Parliament decides which categories of visa customers should not have full rights of appeal; the Home Office’s role is to implement the laws set by Parliament and as interpreted by Government policies.</p> <p>John Vine, the Independent Chief Inspector of Borders and Immigration, was appointed to this role by the Home Secretary on 26 April 2009, effectively bringing this work within his remit.</p>
<b>L</b>	
Locally Engaged Staff	Staff recruited directly by the British Embassy or High Commission in the country where they are employed.
<b>M</b>	
Maladministration	Includes cases where the visa decision would or might have been different if there had not been an administrative failing. For example, an applicant applies for entry clearance to attend a fixed-date conference in the UK. The applicant would have been otherwise issued with a visa, but is refused because a delay in processing the application means the conference has already finished.
Ministerial Authorisation	An authorisation, approved by ministers, which allows Immigration Officers to give greater scrutiny to certain nationalities. A new Ministerial Authorisation for nationality-based differentiation – covering entry clearance, border control and removals – came into force on 10 February 2011 under the Equality Act 2010. The new authorisation allows International Group to differentiate on the basis of nationality in the entry clearance visa process.
<b>O</b>	
Other Visitor	Visitor cases that only attract limited appeal rights.

<b>P</b>	
Paragraph 320 (7a) – deception rules	From 29 February 2008, under Paragraph 320 (7A) of the immigration rules, an applicant must be refused Entry Clearance if false representations or documents are used, or material facts not disclosed, whether or not the false representations or documents are material to the application, and whether or not the deception is with the applicant’s knowledge.
Post	See ‘visa section’.
Proviso	The database used by overseas visa sections as the audit trail of entry clearance applications. It records all details of an entry clearance application from the date of application through to the decision and any post-decision correspondence.
<b>R</b>	
Regional Director	Senior manager responsible for one of the six Immigration
Group regions.	
Risk and Liaison Overseas Network (RALON)	An amalgamation of the former Airline Liaison Officer Network and Overseas Risk Assessment Unit Network. RALON has responsibility for identifying threats to the UK border, preventing inadequately documented passengers from reaching UK shores, providing risk assessment to the Home Office visa issuing regime and supporting criminal investigations against individuals and organisations which cause harm to the UK.
Risk profile	An outline that determines the relative potential harm to the UK of a visa applicant / travelling passenger, based on characteristics of an individual when compared to existing evidence of adverse activity either in the UK or overseas.
<b>T</b>	
Third-country national	A person who is neither a British citizen nor a Commonwealth citizen with the right of abode, nor a person who is entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 European Economic Area Regulations. Third-country nationals therefore require Leave to Enter the United Kingdom.
<b>U</b>	
United Kingdom and Islands	The United Kingdom is made up of England, Scotland, Wales and Northern Ireland. The Channel Islands and the Isle of Man are not part of the United Kingdom. The geographical term ‘British Isles’ covers the United Kingdom, all of Ireland, the Channel Islands and the Isle of Man.
United Kingdom Border Agency (UKBA)	<p>The agency of the Home Office which, following the separation of Border Force on 1 March 2012, was responsible for immigration casework, in-country enforcement and removals activity, the immigration detention estate and overseas immigration operations. The UK Border Agency was a full executive agency of the Home Office from April 2009.</p> <p>The UK Border Agency was broken up by the Home Secretary on 26 March 2013 and its functions returned under the direct control of the Home Office. Since 1 April 2013 the UK Border Agency ceased to exist.</p>

## V

Visa nationals	<p>Visa nationals are those who require a visa for every entry to the United Kingdom. A visa national is a national of a country listed on the UK Border Agency website (Appendix 1 of the Immigration Rules). Some visa nationals may pass through the United Kingdom on the way to another country without a visa, but in some circumstances they will require a Direct Airside visa or Visitor in Transit visa. Visa nationals must obtain Entry Clearance before travelling to the United Kingdom, unless they are:</p> <ul style="list-style-type: none"><li>• returning residents;</li><li>• those who have been given permission to stay in the United Kingdom and, after temporarily leaving the United Kingdom, return within the duration of that permission to stay; or</li><li>• school children resident in a European Union member state who are on an organised school trip from a general education school and accompanied by a teacher.</li></ul>
Visa section	Home Office office that manages UK visa operation services. Home Office visa sections are located in a variety of locations around the world.

# Acknowledgements

We are grateful to the Home Office for its help and co-operation throughout the inspection and for the assistance provided in helping to arrange and schedule inspection activity within the Warsaw visa section.

In particular, we are grateful for the assistance in arranging interviews and focus groups with staff at short notice.

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