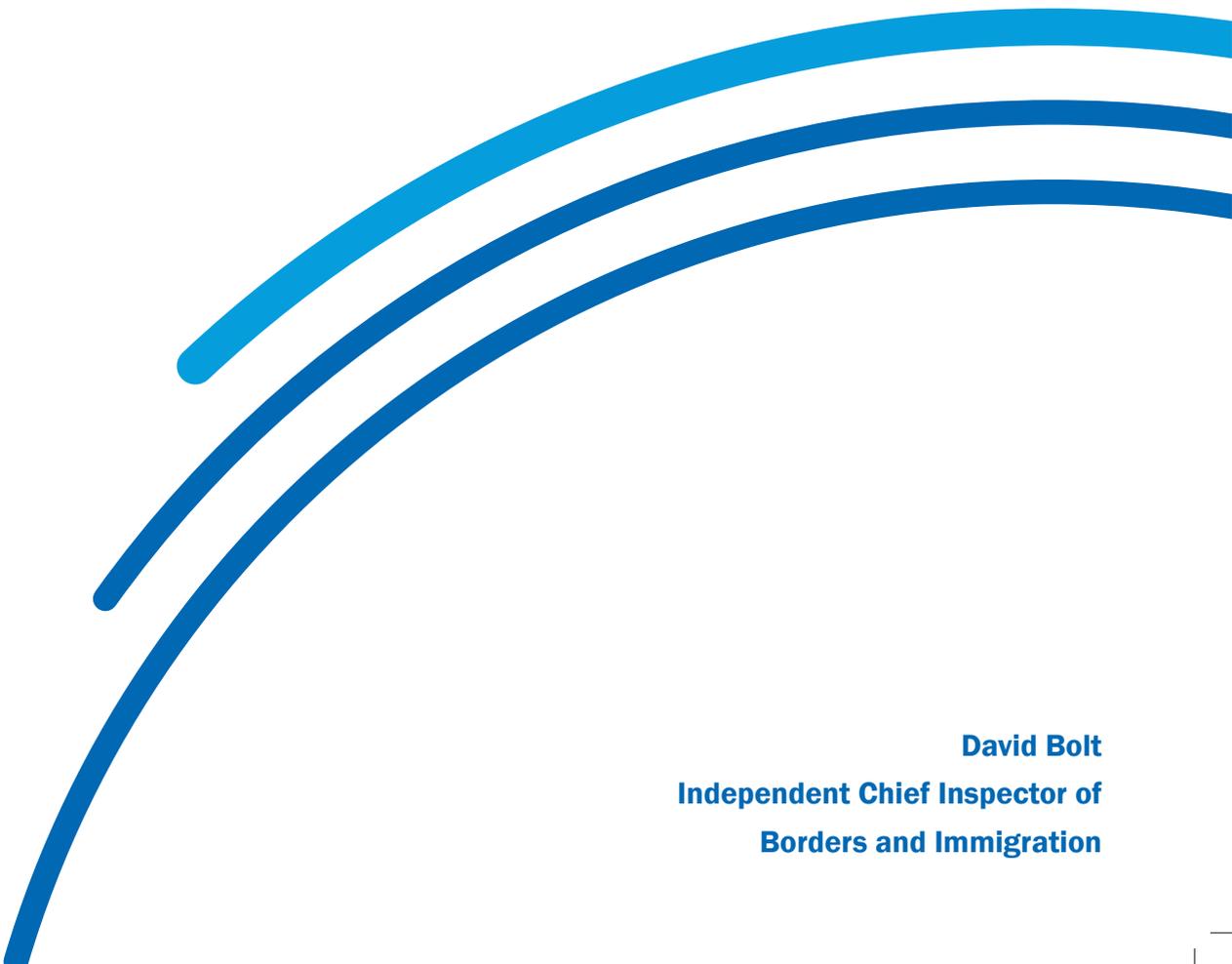




An inspection of Family Visitor visa applications

August–December 2014



David Bolt
Independent Chief Inspector of
Borders and Immigration

An inspection of Family Visitor visa applications

August–December 2014

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Our Purpose

We provide independent scrutiny of the UK's border and immigration functions, to improve their efficiency and effectiveness.

Our Vision

To drive improvement within the UK's border and immigration functions, to ensure they deliver fair, consistent and respectful services.



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Foreword

Foreign nationals wishing to visit family members in the UK can apply by making a Family Visitor visa application from overseas. Applications are made to the UK Visas and Immigration (UKVI) Directorate of the Home Office through one of its global network of visa posts and should be considered against a specific set of requirements.

With effect from 25 June 2013, the full right of appeal for applicants seeking entry to the UK as a Family Visitor was removed, by virtue of section 52 of the Crime and Courts Act 2013, bringing appeal arrangements for Family Visitor visa applicants into line with those for other categories of visitors. An appeal may still be made on human rights or race discrimination grounds.

The Home Office stated that by lifting the burden of processing 40-50,000 Family Visitor visa refusal appeals a year staff could concentrate on UKVI's core visa business. It believed that this change would result in improved customer service and decision-making, would save an estimated £107 million over 10 years, and would enable HM Courts and Tribunals Service to concentrate on appeals for more complex cases with far-reaching impacts, such as asylum, settlement and the deportation of foreign national prisoners.

As there is no longer a full right of appeal for Family Visitor applications, Family Visitor visa refusal cases fall within the Chief Inspector's statutory remit as the Independent Monitor for Entry Clearance Refusals without the Right of Appeal, which requires that applicants are safeguarded from wrongful decision-making by reviewing entry clearance decisions to ensure that they are fair and consistent.

This inspection therefore examined the impact of the removal of full appeal rights on Family Visitor applicants, by assessing the quality of decision-making in respect of applications. The inspection found the removal had not led to a higher refusal rate, or to an overall reduction in decision quality. UKVI had taken steps to train staff, to improve processes, and to balance the requirements of risk management and customer service. However, there were inconsistencies in the handling of applications across different visa posts, with some inadequate record-keeping, which created a danger of unequal and unfair treatment for some applicants.

This report makes seven recommendations, which focus primarily on clarifying expected standards and improving consistency of delivery.

This report was submitted to the Home Secretary on 5 June 2015.

David Bolt

Independent Chief Inspector of Borders and Immigration

1. Scope and Purpose

1.1 This inspection examined the efficiency and effectiveness of Home Office processes for handling Family Visitor applications, in particular:

- the quality and consistency of decision-making, and whether it was:
 - efficient, effective and fair; and
 - in line with relevant Immigration Rules and Home Office policy and guidance; and
- the use of risk profiles and the involvement of the Risk and Liaison Overseas Network (RALON) in the decision-making process.

1.2 The inspection involved:

- the selection of Abu Dhabi, Accra, Amman, Dhaka, Kingston, Manila, Nairobi, New Delhi, Croydon and Sheffield (covering all six UKVI geographical regions) for file sampling of Family Visitor visa refusal cases, based on high volumes of Family Visitor applications and high refusal rates;
- undertaking a number of activities in advance of the onsite phase of the inspection, including the:
 - examination of documentary evidence;
 - analysis of management information;
 - review of guidance and instructions to staff and applicants;
 - circulation of a survey to stakeholders, and an invitation to make submissions; and
 - sampling and analysis of 500 randomly-selected Family Visitor visa refusal decisions made between 1 May and 31 July 2014 (50 from each of the 10 locations selected).
- onsite inspection activity at four of the ten posts: Manila, New Delhi, Croydon and Sheffield between 15 November and 4 December 2014, including:
 - sampling 200 randomly-selected Family Visitor visa issue files (50 from each of the four locations visited);
 - a systems walk-through;
 - observation of practices, procedures, processes and service delivery;
 - interviews and focus groups with key stakeholders, including 144 managers and staff, a British Council representative, two Foreign & Commonwealth officials and one UK Trade & Industry official; and
 - visits to the Visa Application Centres (VAC) in Manila and New Delhi.

1.3 On 8 January 2015, the inspection team provided feedback on high-level emerging findings to UKVI.

2. Key Findings

What was working well

- 2.1 The inspection found no evidence that the removal of the full right of appeal from Family Visitor visa applicants had led to a higher refusal rate or to an overall reduction in decision quality.
- 2.2 At some visa posts, particularly those that had been criticised in previous inspections, there had been significant improvements in decision quality.
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- At some visa posts, particularly those that had been criticised in previous inspections, there had been significant improvements in decision quality.*
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- 2.3 UKVI had implemented a training programme aimed at improving the quality of decisions and of refusal notices. The training had led to clearer, more personalised refusal notices, with the reasons for refusal set out in a comprehensible way.
- 2.4 Entry clearance staff were using risk profiles to inform decision-making, and in general had a good appreciation of risk factors. Working relationships between UKVI and Risk and Liaison Overseas Network (RALON) staff were productive, with entry clearance staff making frequent use of RALON's expertise to assist with particular cases. Additional verification checks were being used effectively to support decision-making, and had added value in 90% of the cases where they had been carried out.
- 2.5 The introduction of the UKVI Operating Mandate in November 2014 was a positive development. This set out clearly what checks were mandatory and must be conducted to assure the identity and security of those seeking to enter or remain in the UK.
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- The introduction of the UKVI Operating Mandate in November 2014 was a positive development.*
-
- 2.6 Overall, the visa sections inspected were meeting their customer service standards. Entry Clearance Officers (ECOs) felt that their performance targets were attainable, if challenging at busy times, and most said that they had been consulted as part of the process of defining new regional and local benchmarks. Meanwhile, the reduction in appeals had meant that some posts had made efficiency gains, by redeploying staff from appeal-related processes to other work.

Areas for Improvement

- 2.7 Eight previous reports on entry clearance decisions have recommended that UKVI should adopt a consistent approach to the retention of sufficient evidence and provision of adequate case notes, in order to enable a full audit of decisions.¹ All these recommendations have been accepted. Nonetheless, in this inspection 65 (13%) refusal cases and 111 (56%) cases where a visa was issued contained insufficient evidence or notes to enable a full audit of the decision. Practice varied widely between posts, from those retaining sufficient evidence in almost all cases, to others where between a quarter and a half of the case records contained insufficient evidence.

¹ Inspection of Guangzhou Visa Section, 2010; Inspection of Istanbul Visa Section, 2011; Inspection of Amman Visa Section 2011; Global review of entry clearance, 2011; Inspection of New York Visa Section 2011; Comparative inspection of African visa applications; 2012; Re-inspection of Islamabad and Abu Dhabi Visa Sections, 2012; and Inspection of Dhaka Visa Section, 2013.

2.8 In 211 (42%) of the refusal notices sampled the notice was not balanced, and failed to show that consideration had been given to both positive and negative evidence. If an applicant is not given full details of where they have met and not met the requirements of the Immigration Rules, they will have difficulty completing any future application, which undermines UKVI's commitment to customer service excellence.

2.9 The inspection found that inconsistent decision-making criteria were being used across different posts in the UKVI network. Some posts were wrongly using lack of previous travel as a reason for refusal of applications, while others appeared to have developed local practices in relation to the level of supporting documentation required to evidence an applicant's intention to return home after a visit. These inconsistencies lead to unequal and potentially unfair treatment, and all applications should be decided on the same basis wherever they are submitted.

The inspection found that inconsistent decision-making criteria were being used across different posts in the UKVI network.

2.10 Quality assurance of decisions was not working as well as it should. The inspection found issues that had not been picked up in 28 (26%) of the refusal cases that had been quality assured by an Entry Clearance Manager (ECM). A new 'Review to Risk' model was in the process of being implemented at the time of the inspection, and this should ensure that quality assurance is targeted at the most sensitive decisions at each post. However, there was no mechanism in place to ensure that consistent standards were enforced across the network.

Quality assurance of decisions was not working as well as it should.

2.11 While additional verification checks were being used effectively in the posts visited, there were no standard operating procedures (SOPs) in place to ensure accuracy, consistency and integrity in Document Verification Units. Given the importance of the activities carried out in these units, there is a need to standardise and assure their work.

2.12 When the changes to the Family Visitor visa appeal rights were announced, the Home Office stated that refused applicants could re-apply, and that this process would be faster and less expensive than pursuing an appeal. However, only 14% of refused applicants reapplied in 2013/14, against the 50% forecast (meaning that the benefits may have been over-stated). Rather than re-apply, some applicants had chosen to put in an informal reconsideration request. The inspection found that visa posts were not dealing with these requests consistently, leading to some long delays and to responses that varied widely between posts. Home Office policy on reconsideration requests needs to be clarified in order to provide better customer service in this area.

2.13 Applications for visas are now routinely made online. The online application form was under review at the time of the inspection, but the planned improvements did not go far enough. The online form needs to encourage applicants to provide unambiguous and sufficient information about their circumstances to assist decision-makers to reach the correct decisions, and thereby help themselves

Overall Finding

2.14 The inspection found that removal of the full right of appeal from Family Visitor visa applicants had not led to a higher refusal rate, or to an overall reduction in decision quality. UKVI had taken steps to train staff, to improve processes, and to balance the requirements of risk management and customer service. However, the handling of applications was inconsistent across different visa posts, with some inadequate record-keeping, which created a danger of unequal and unfair treatment for some applicants. The recommendations therefore focus primarily on clarifying the standards expected and improving consistency of delivery.

3. Summary of Recommendations

The Home Office should:

1. Ensure that in visa cases relevant supporting documents are retained or notes made to enable a full audit trail of decisions.
2. Ensure that visa decisions are made consistently and fairly against the correct criteria at all posts.
3. Ensure that refusal notices show clear and balanced consideration has been given to both positive and negative evidence in reaching the decision to refuse.
4. Clarify its policy on reconsideration requests, and issue clear guidance to staff and to applicants, setting out whether such requests will be processed and, if not, what course is available to applicants whose application has been refused.
5. Prioritise the training of all staff carrying out and managing additional verification checks to ensure they understand and work to agreed standards, and produce written central guidance to support them in this work.
6. Develop and implement standard assurance mechanisms to ensure that:
 - local decision-making practices are consistent with UKVI policy and guidance; and
 - ECM reviews are being carried out in all cases where mandated.
7. Review the online form to ensure that it guides visa applicants to provide unambiguous and sufficiently detailed information about their family and financial circumstances to enable Entry Clearance staff to reach an informed decision.

4. The Inspection

Background

UK Visas & Immigration International

- 4.1 Visa operations are the responsibility of UK Visas and Immigration (UKVI), a Home Office directorate, under the leadership of a Director General. UKVI sets out its purpose in its delivery plan for 2014-15 'to make millions of decisions every year about who has the right to visit or stay in the country, with a firm emphasis on national security and a culture of customer satisfaction for people who come to the UK legally'.²

Hub and spoke

- 4.2 In 2007, the Home Office restructured its global network of visa sections as part of a wider programme of change, supported by the introduction of biometrics³ and commercial partners. Under this restructure, the Home Office reduced the number of locations at which visa applications were considered, through the introduction of a 'hub and spoke' business model. This business model aimed to deliver three main benefits:
- *improved quality and consistency of decision-making;*
 - *improved efficiency and productivity; and*
 - *greater resilience and flexibility.*
- 4.3 The introduction of the hub and spoke model has seen decision-making move from small visa sections to larger regional 'hubs' or processing centres. By mid-2012, there were 375 locations involved in processing visa applications and 50 decision-making hubs. At the time of the inspection, UKVI informed us that there were 366 locations involved in processing visa applications and 27 decision-making hubs. This network is a mixture of commercially outsourced facilities and UKVI-staffed operations. The overseas visa posts are split into six geographical regions: Euro-Med; Asia-Pacific; Central Asia, South Asia and Turkey; Americas; Africa; and Middle East and Pakistan.

Family Visitors

- 4.4 The primary purpose of the visa operation is to protect the UK from crime, terrorism and immigration abuse, at the same time as enabling legitimate travellers to come to the UK. Around 2.6 million UK visas are applied for worldwide each year, 77% of which come from potential visitors.⁴
- 4.5 One route by which a potential visitor can apply to enter and remain in the UK is as a Family Visitor. In order to be eligible to apply under the Family Visitor visa category, an applicant must demonstrate they meet certain requirements, which include:

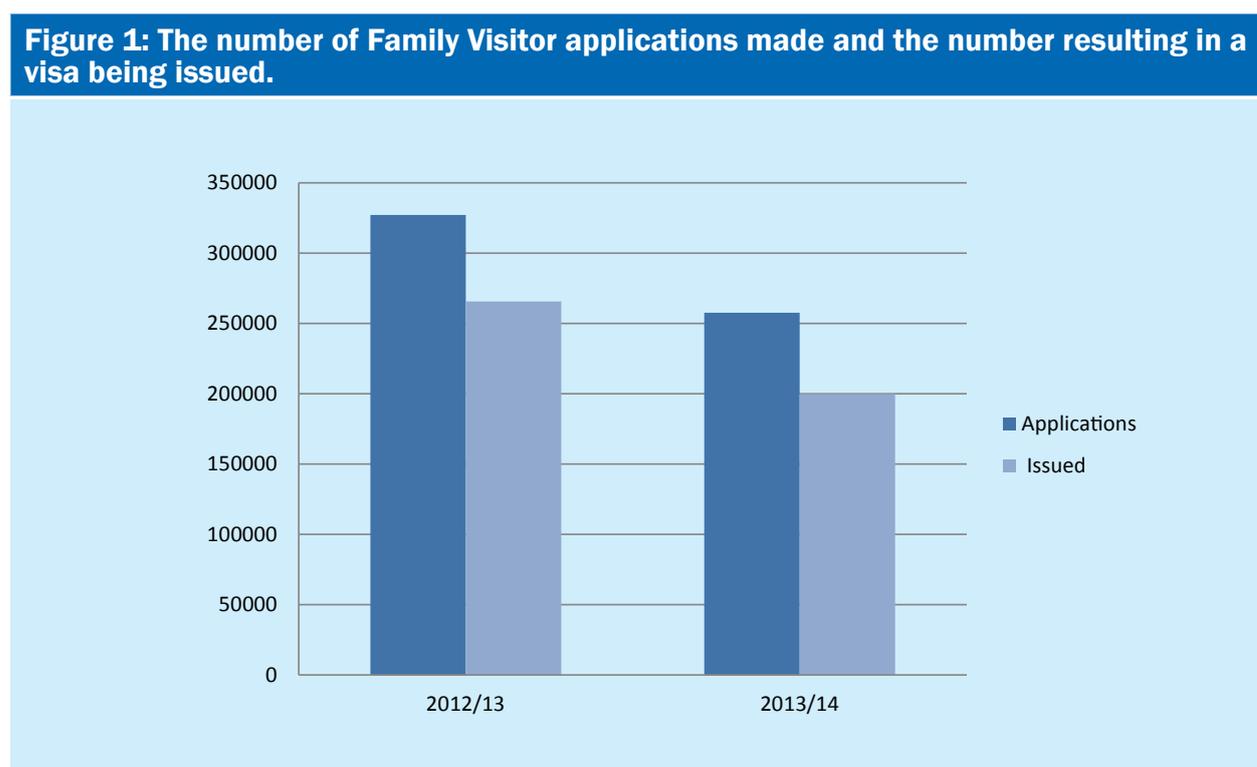
² <https://horizon.fcgs.gsi.gov.uk/file-wrapper/uk-visas-immigration-delivery-plan-2014-15>

³ 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.

⁴ <http://horizon.gws.gsi.gov.uk/portal/site/horizon-intranet/menuitem.76c28f5051cd3c145745eb10ca0b8a0c/?vgnnextoid=3de3a91944e22410VgnVCM2000003cb1a8c0RCRD>

- they are visiting a family member in the UK;
- the family member must be permanently settled or have asylum/humanitarian protection status in the UK;
- the relationship between the applicant and family member must be one of the following:
 - spouse, civil partner, father, mother, son, daughter, brother or sister;
 - grandfather, grandmother, grandson or granddaughter;
 - spouse or civil partner's father, mother, brother or sister;
 - son or daughter's spouse or civil partner;
 - stepfather, stepmother, stepson, stepdaughter, stepbrother or stepsister; or
 - unmarried partner, where the couple have been in a relationship akin to marriage or civil partnership for at least the two years before the day the application is made, and the relationship is genuine and subsisting.⁵

4.6 Figure 1 shows the number of Family Visitor applications and those issued between April and March 2012/13 and 2013/14.⁶



Right of appeal

4.7 On 25 June 2013, the full right of appeal for applicants seeking entry to the UK as a Family Visitor was removed by virtue of section 52 of the Crime and Courts Act 2013. An appeal may still be made on human rights or race discrimination grounds. The new appeal arrangement applies to anyone who applied to enter the UK as a Family Visitor on or after 25 June 2013. The removal of a full appeal right brings appeal arrangements for Family Visitors into line with those for other categories of visitors.

⁵ These definitions are set out in the UK Immigration Appeals (Family Visitor) Regulations 2012.

⁶ From data received from the Home Office on 7 October 2014

- 4.8 The Home Office stated that removing the full right of appeal meant that staff could concentrate on UKVI's core visa business, as a result of the burden of processing 40-50,000 Family Visitor appeals a year being lifted.⁷ The Home Office believed that this change would result in improved customer service and decision-making. It also estimated that £107 million would be saved over 10 years, and the change would enable HM Courts and Tribunals Service to concentrate on appeals for more complex cases that have far-reaching impacts, such as asylum, settlement and the deportation of foreign national prisoners.
- 4.9 The impact of the Home Office's decision to remove appeal rights for Family Visitor visa applications could be significant for the individuals involved, as applications that are incorrectly refused may have an adverse impact on the maintenance of family relationships.
- 4.10 As there is now no full right of appeal for Family Visit applications, Family Visit cases which are refused fall within the Chief Inspector's statutory remit as the Independent Monitor for Entry Clearance Refusals without the Right of Appeal. To fulfil this statutory remit, the Chief Inspector is required to safeguard applicants from wrongful decision-making by reviewing entry clearance decisions to ensure that they are fair and consistent.

Methodology

- 4.11 The Chief Inspector's inspection criteria (set out in Appendix 2) were used to assess the efficiency and effectiveness of the management and processing of Family Visit visa applications under the themes of:
- Operational Delivery;
 - Safeguarding Individuals; and
 - Continuous Improvement.
- 4.12 In order to ensure that the inspection considered a representative sample of cases, we selected ten visa posts⁸ across all six UKVI geographical regions from which to sample Family Visitor refusal cases. Within regions, posts were selected for sampling based on high volumes of Family Visitor applications and a high refusal rate relative to other posts in the region. We also visited four out of the ten locations as part of this inspection: Manila, New Delhi, Sheffield and Croydon.
- 4.13 In advance of the on-site phase of the inspection, we:
- examined documentary evidence;
 - analysed management information;
 - reviewed guidance and instructions for staff and applicants;
 - circulated a survey to stakeholders and invited submissions; and
 - sampled and analysed 500 randomly-selected Family Visitor visa refusal decisions made between 1 May and 31 July 2014 (50 from each of the 10 locations selected).
- 4.14 The on-site phase of the inspection took place between 15 November and 4 December 2014. On-site inspection activity used to measure performance against the criteria included:
- sampling 200 randomly selected Family Visitor visa issue files (50 from each of the four locations visited);
 - systems walk-through;
 - observation of practices, procedures and processes and service delivery;

⁷ UKBA, *Family Migration: A consultation*, July 2011.

⁸ Abu Dhabi, Accra, Amman, Dhaka, Kingston, Manila, Nairobi, New Delhi, Croydon and Sheffield.

- interviews with key stakeholders; and
- visits to the Visa Application Centres (VAC) in New Delhi and Manila.

4.15 While on-site at the four locations, we interviewed and held focus groups with 144 members of staff and managers at a range of grades. These are detailed in Figure 2.

Figure 2: Numbers of staff/managers interviewed.	
Grade (or equivalent)	Number
Head of Visa Operations (Grade 5)	1
Regional Directors (Grade 6s)	2
Regional Managers (Grade 7s)	4
Operations Managers (SEOs)	8
Entry Clearance Managers (ECMs)	19
Entry Clearance Officers (ECOs)*	33
Office Managers	4
Entry Clearance Assistants	60
RALON Staff	
Regional Manager	2
Immigration Liaison Manager (ILMs)	3
Immigration Liaison Officer (ILOs)	6
Immigration Liaison Assistant (ILAs)	4
Total	146

*Includes a Spoke Liaison Officer (SLO).

4.16 In addition to UKVI staff, we also interviewed a range of stakeholders whilst in Manila and New Delhi, including a British Council representative and two Foreign & Commonwealth and one UK Trade & Industry officials.

5. Inspection Findings – Operational Delivery

File sampling

- 5.1 We requested 500 files relating to Family Visitor visa refusal decisions made between 1 May and 31 July 2014 (50 from each of the 10 locations selected), and 200 files relating to visas that were issued (50 from each of the locations we visited). UKVI was able to provide us with all the files we requested. In the 699 files we sampled (one from Amman was out of scope), we considered both the timeliness and quality of the decisions made.

Decision quality

- 5.2 Recent inspection reports on the Dhaka and Warsaw Visa Sections, as with earlier inspections overseas, have highlighted the importance of decision quality in visa decisions where applicants have limited appeal rights.⁹ In all of the posts we visited for this inspection, we saw continuing efforts by UKVI to improve decision quality, including the delivery of training on decision-making and refusal notice quality.

In all of the posts we visited for this inspection, we saw continuing efforts by UKVI to improve decision quality.

- 5.3 Our file sampling of visa refusals contained examples of sound decision-making and good practice, but decision-quality and record-keeping were not consistent across all 10 posts we sampled. Our sampling also identified concerns that have been raised in previous inspections. In a significant proportion of cases, we found that decisions were not made in line with evidence, and refusal notices lacked clarity and/or balance.

Our sampling also identified concerns that have been raised in previous inspections. In a significant proportion of cases, we found that decisions were not made in line with evidence, and refusal notices lacked clarity and/or balance.

- 5.4 Our sampling of issued visas also identified inconsistent quality and processes. In particular, we found inconsistent practice in the level of detail provided in the issue notes. While there were examples of good practice in the quality of record-keeping on the Proviso caseworking system,¹⁰ issue notes at each of the four posts sampled were often insufficient to allow us to understand the rationale for the decision. These concerns have been raised in previous inspections.

Results of the sample of refusals of entry clearance

- 5.5 We examined refused Family Visitor cases using various quality indicators, including:
- did the Entry Clearance Officer (ECO) make their decision based upon all the available evidence?
 - was the quality of the refusal notice adequate?
 - was the applicant given the correct information about appeal rights?

⁹ <http://icinspector.independent.gov.uk/wp-content/uploads/2013/12/An-Inspection-of-the-Dhaka-Visa-Section.pdf>; <http://icinspector.independent.gov.uk/wp-content/uploads/2013/12/An-Inspection-of-Decison-Making-Quality-in-the-Warsaw-Visa-Section.pdf>

¹⁰ Proviso is 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 date of application through to the decision and any post-decision correspondence.

- 5.6 We assessed the quality of the entry clearance decisions by reviewing the application, the evidence retained on the case file, the notes on the Proviso caseworking system and the Refusal Notice. We then assessed whether the decision was reasonable, having regard to the requirements of the Immigration Rules and the guidance available to applicants.

Document retention

- 5.7 UKVI guidance to applicants suggests that they provide supporting evidence with their application that will substantiate, for example, their claimed financial or personal circumstances. Guidance to ECOs states:

*'ECOs (and ECMs) should ensure that only supporting documents directly relevant to the decision or addressed to the visa section should be retained on file. This should include copies of all relevant supporting documents and documents addressed to the visa section. Where storage restrictions or Data Protection Act concerns preclude adherence to this policy, relevant documents should be referenced in issue notes or refusal notices.'*¹¹

- 5.8 We found a range of interpretations of this instruction across our refusal sample. Half the posts we sampled, Accra, Croydon, Dhaka, Kingston, and Nairobi, retained all relevant supporting documents in all or a very high proportion of cases, enabling a full audit of the decision. We consider that this was good practice.

- 5.9 However, we judged that in 65 (13%) cases, insufficient supporting evidence had been retained to enable a full assessment of the reasonableness of the decisions. In some of the cases sampled, document checklists, notes on the Proviso caseworking system or refusal notices themselves made reference to documents which had been submitted by the applicant, but which had not been retained on file and were not described in sufficient detail to enable a full audit of the decision-maker's rationale.¹²

Insufficient supporting evidence had been retained to enable a full assessment of the reasonableness of the decisions.

- 5.10 The Visa Section in Sheffield had the largest number of cases where insufficient documentation was retained on file, 23 (46%) out of 50. This was also an issue in Abu Dhabi in 13 (26%) cases, and New Delhi in 11 (22%) cases.

- 5.11 We have raised concerns about ECOs' failure to retain relevant documentation, or to reference such evidence adequately in notes, in a number of previous inspection reports,¹³ and most recently in our inspection of the Visa Post at Dhaka. The problem persists, despite previous recommendations relating to this matter having been accepted.

- 5.12 In many of the posts where we raised this issue, managers accepted that staff had not followed the document retention guidance, and that this had rendered a full audit of a decision impossible. We were told by managers in Amman, New Delhi and Sheffield that action would be taken to address these concerns. Follow-up is particularly important, given that our sample identified 14 ECM review cases where insufficient evidence had been retained, but this had not been identified by the ECMs.

- 5.13 We acknowledge the positive steps being taken by some Visa Sections to try and address the concerns about document retention, including consideration of a digital solution in locations where there are storage restrictions. Whatever approach to document retention is taken, UKVI needs to ensure the

¹¹ UKVI OPI 252 'Guidance on retaining relevant supporting documents' February 2011.

¹² We identified similar problems in our sample of issued cases, which are discussed later in this chapter.

¹³ An inspection of the Dhaka Visa Section; a re-inspection of the Visa Section in Abu Dhabi and Islamabad; a comparative inspection of the Visa Sections that process applications submitted by Africa: (Nairobi, Abuja, Pretoria and the UK Visa Section); a global review; visa inspections of New York, Amman and Guangzhou and a short notice inspection of the UK Visa Section in Istanbul. See Link: <http://icinspector.independent.gov.uk/inspections/>

decision-making process can be audited effectively and there are sufficient management assurance checks undertaken to ensure compliance with the guidance. Therefore, we repeat our previous recommendation.

Recommendation: The Home Office should:

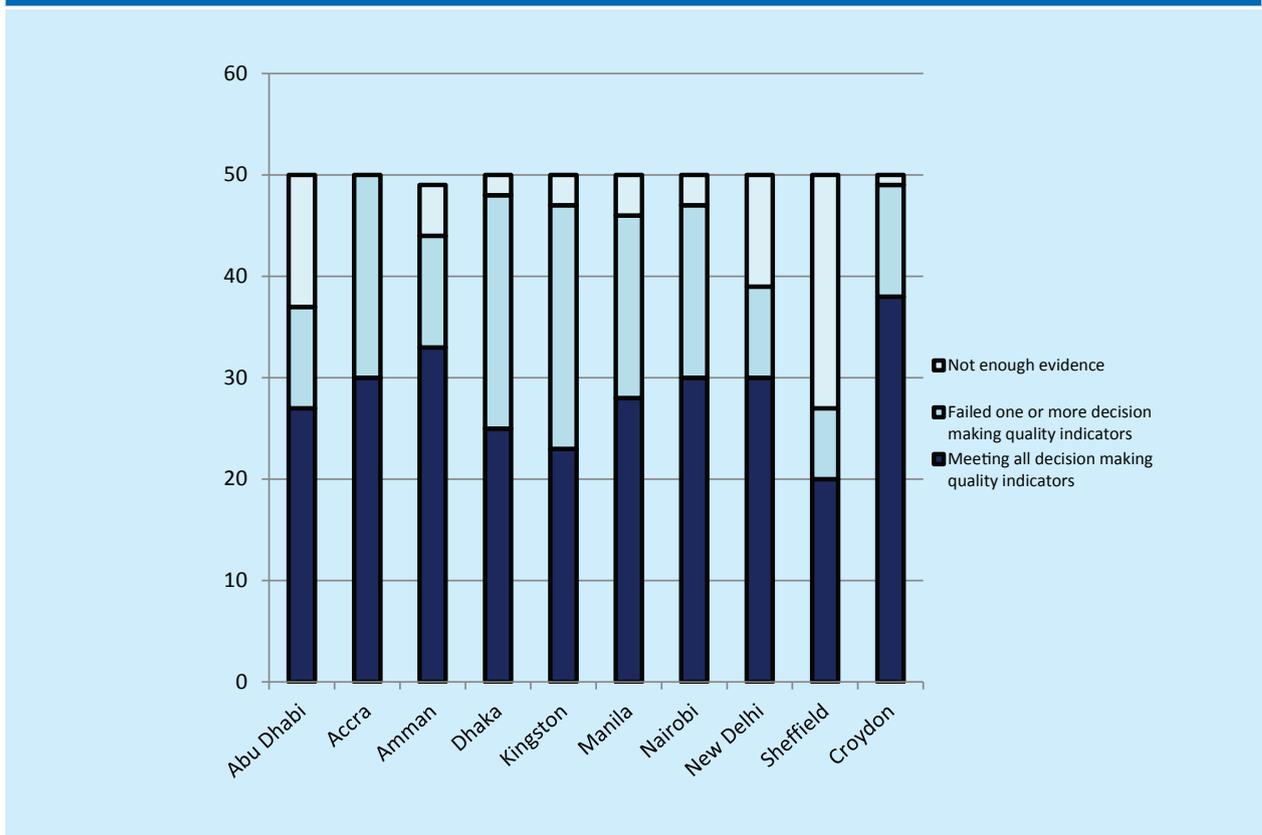
Ensure that in all visa cases relevant supporting documents are retained or notes made to enable a full audit trail of decisions.

Decisions in line with evidence

5.14 Of the 499 Family Visitor refusal cases we sampled, 150 (30% of our sample) failed one or more decision-making quality indicators. In 117 of these cases we considered that the decision to refuse was reasonable overall, but in 33 (7%) cases we found the overall decision to be unreasonable. We also found that the quality of decision-making varied widely between posts, with some posts performing markedly better than others. Our findings are illustrated in Figure 3.

But in 33 (7%) cases we found the overall decision to be unreasonable.

Figure 3: Family Visitor refusal cases assessed against indicators of decision-making quality.



5.15 One hundred and forty-nine (30%) of the refusal cases sampled failed one or more decision-making quality indicator. As with our findings in previous inspections of entry clearance decision-making in the visitor category,¹⁴ the main reasons were that ECOs had:

- failed to consider all the positive evidence submitted by the applicant in support of their application;

¹⁴ See, for example, - <http://icinspector.independent.gov.uk/wp-content/uploads/2013/12/An-Inspection-of-the-Dhaka-Visa-Section.pdf>

- misinterpreted evidence submitted to the applicant's detriment; or
- applied additional evidential requirements that that applicant would not have been aware of at the time they made their application.

Failure to consider positive evidence

5.16 In 110 (22%) refusal cases we found that ECOs had failed to consider all the positive evidence submitted by the applicant in support of their application . Figure 4 provides a detailed breakdown of the number of such cases by visa section.

We found that ECOs had failed to consider all the positive evidence submitted by the applicant in support of their application.

Figure 4: Breakdown of cases where positive evidence was not considered.

Visa Post	Number of cases*
Kingston	16 (32%)
Accra	15 (30%)
Dhaka	15 (30%)
Nairobi	14 (28%)
Manila	14 (28%)
Amman	10 (20%)
Abu Dhabi	8 (16%)
New Delhi	7 (14%)
Croydon	6 (12%)
Sheffield	5 (10%)
Total	110 (22%)

Note* Out of 50 per post, except for Amman where 49 cases were sampled

5.17 Examples of the kinds of evidence not considered:

- evidence submitted and on file that the sponsor had sufficient funds and accommodation to maintain and accommodate the applicant;
- evidence submitted of the applicant's employment and/or regular income corroborating their personal or economic circumstances;
- evidence of previous travel to the UK or other similar destinations;
- evidence of strong personal ties, such as parental responsibilities; or,
- evidence of student enrolment.

5.18 This is illustrated in the case study at Figure 5.

Figure 5: Case study – Failure to consider positive evidence – Nairobi refusal.

The applicant:

- on 10 June 2014, an Indian national residing in Kenya applied to visit her sister-in-law in the UK for one month;
- stated that she was a dependant of her husband, a Kenyan national, who had submitted a similar application at the same time;
- provided a range of supporting evidence to demonstrate financial and personal circumstances in Kenya, and a letter of invitation with supporting evidence from their UK sponsor;
- on 26 June 2014, was refused entry clearance, because of a lack of evidence of her financial circumstances and immigration status in Kenya.

Chief Inspector's comments:

- the applicant was dependent on her spouse, who was also applying for entry clearance at the same time.
- the same evidence submitted for both applications satisfied the ECO of the husband's financial circumstances, but was not considered satisfactory for the applicant.
- straightforward enquiries, either by telephone or email, could have been made to clarify the applicant's current immigration status. Such enquiries constitute good customer service that a fee-paying applicant should reasonably expect to receive.

UKVI response:

- agreed that positive financial evidence had been disregarded, and the applicant's financial circumstances should have been considered in line with her spouse;
- accepted that the ECO should have deferred the application, as set out in guidance, to give the applicant an opportunity to provide evidence establishing her immigration status;
- confirmed that the applicant had been issued with a visa on re-application, so no further action was taken.

5.19 While the case at Figure 5 was one where we considered the overall decision to have been unreasonable, in the majority of cases where positive evidence was not considered we agreed that the decision to refuse was reasonable on the balance of probabilities.

5.20 We were informed by UKVI that as a result of our file sampling findings, ECOs had received refresher training on the need to link applications from individuals who were dependants but had not applied at the same time. We found several similar cases in our sample where applications that should have been linked were considered in isolation, so that supporting documents were not taken into consideration, and leading to inconsistent and unfair decision-making. We consider UKVI should do more to ensure that the correct links are made, whether at the point of application or on the Proviso caseworking system when applications are uploaded.

Misinterpretation of evidence

5.21 We found 49 (10%) Family Visitor refusal cases across all ten visa sections where the ECO had misinterpreted evidence to the applicant's detriment. Often, this related to the availability of sufficient funds or maintenance for the visit. Examples included:

- misreading bank balances on statements; and
- misinterpreting entries on bank statements as inconsistent with the applicant's claimed income.

5.22 Figure 6 sets out the number of cases in each visa section where ECOs had misinterpreted evidence provided by the applicant.

Figure 6: Breakdown of cases where evidence was misinterpreted.	
Visa Post	Number of cases*
Accra	8 (16%)
Dhaka	7 (14%)
Kingston	7 (14%)
Amman	6 (12%)
Abu Dhabi	4 (8%)
Nairobi	4 (8%)
New Delhi	4 (8%)
Manila	3 (6%)
Sheffield	3 (6%)
Croydon	3 (6%)
Total	49 (10%)

Note* Out of 50 per post, except for Amman where 49 cases were sampled

5.23 An example is set out in Figure 7.

Figure 7: Case study – Misinterpretation of evidence – Sheffield refusal.

The applicant:

- on 15 May 2014, applied to visit her sister-in-law in the UK for three weeks, with her husband (already issued entry clearance and funding the whole trip);
- enclosed supporting evidence of their financial circumstances, including bank statements and employment details, and a letter of invitation from her UK sponsor confirming their willingness to maintain and accommodate the applicant and her spouse;
- on 6 June 2014, was refused entry clearance because:
- the ECO had concerns around the applicant's employment, income and the provenance of funds in the spouse's bank account;
- a telephone interview with the sponsor failed to confirm that the applicant was expected together with her husband;
- the applicant did not have a history of previous travel.

Chief Inspector's comments:

- the applicant had made her financial circumstances clear in the application form.
- she provided supporting financial evidence, including bank statements showing a high balance over a five month period, with regular large deposits and withdrawals similar to the deposits that concerned the ECO.
- by considering the deposits in isolation, the ECO had incorrectly interpreted this financial evidence.
- the interview transcript highlighted that the sponsor was not questioned specifically about the applicant, and so could have misunderstood the purpose of the interview and the questions asked.
- lack of previous travel does not constitute a reason for refusal under the Immigration Rules.

UKVI response:

- agreed to overturn the refusal decision, acknowledging that the ECO had misinterpreted the financial evidence and that the sponsor interview did not seek the appropriate clarification;
- accepted that lack of previous travel was not a reason for refusal;
- the applicant was contacted and a Family Visitor visa issued on 24 December 2014.

- 5.24 In the example at Figure 7 the decision reached by the ECO was unreasonable. However, as with cases where there was a failure to consider positive evidence, in the majority of cases we sampled where there was misinterpretation of evidence, we agreed that refusal was reasonable on the balance of probabilities.
- 5.25 Applicants pay a fee to apply for a visa and are entitled to a full and accurate consideration of the financial and other evidence they have submitted. Financial evidence can be complex and UKVI should look at how it can ensure ECOs are adequately trained to understand and not misinterpret the evidence submitted.
- 5.26 Our sample also contained examples of balanced decision-making, where ECOs had considered all the evidence, including financial evidence, and had provided a thorough account of both positive and

negative factors that had been taken into account. An example of such a case is set out in Figure 8.

Figure 8: Balanced consideration of evidence – Nairobi refusal.

The applicant, a Sudanese national:

- on 15 June 2014, applied to visit her daughter, a British Citizen, in the UK for three months;
- stated that she was supported by her spouse and that the personal cost to her would be £300, with the sponsor providing £1,300;
- provided a letter of invitation with supporting evidence from the UK sponsor.

UKVI:

- considered the applicant's previous issues of entry clearance (the most recent was 2008), but was not satisfied of their ties to Sudan or of the sponsor's ability to fund the visit;
- deferred the application and requested further evidence of the applicant's ties to Sudan, her spouse's finances and recent bank statements from the sponsor.
- on 22 July 2014, was refused entry clearance because:
- bank statements provided by the sponsor were two months out of date and showed insufficient funds, with the account continually incurring charges for unpaid transactions and unauthorised use of overdrafts;
- the ECO considered the estimates of costs for the visit to be low, with the estimate sufficient to cover only the return air fare;
- the ECO was not satisfied that the applicant would be adequately maintained and accommodated.

Chief Inspector's comments:

- The applicant was given the opportunity to submit further evidence in support of their entry clearance application; an example of good customer service.
- There were good quality notes on the Proviso caseworking system, in which the ECO outlined the rationale for requesting further supporting evidence and the subsequent decision.
- The refusal notice:
 - was balanced, with the ECO acknowledging positive evidence of sufficient funds to meet the personal cost of the applicant's visit;
 - set out the grounds for refusal clearly, showing why the ECO was not satisfied that there were sufficient funds to pay for the visit and support the applicant for three months in the UK.

Application of additional evidence requirements

5.27 Our previous inspections of the Amman and Croydon Visa Posts identified that applicants were being refused because they had not provided additional supporting evidence beyond that required by UKVI guidance or the Immigration Rules.¹⁵ In this inspection we found one such case in the Amman

¹⁵ <http://icinspector.independent.gov.uk/wp-content/uploads/2011/02/An-inspection-of-UKBA-visa-section-in-Amman-Jordan.pdf>; <http://icinspector.independent.gov.uk/wp-content/uploads/2012/06/EMBARGOED-A-comparative-inspection-of-the-UK-Border-Agency-visa-sections-in-Africa.pdf>

sample, and none in the Croydon sample.

- 5.28 However, in the other eight visa sections sampled we found a further 40 (8%) refusal cases where ECOs had required additional evidence that was not included in published guidance, and which applicants would not have been aware would be required at the time of making their application. The breakdown by post is set out in Figure 9.

Figure 9: Additional evidential requirements – breakdown of cases failing this indicator by volume.

Visa Post	Number of cases*
Dhaka	10 (20%)
Accra	8 (16%)
Nairobi	5 (10%)
New Delhi	4 (8%)
Sheffield	4 (4%)
Abu Dhabi	3 (6%)
Kingston	3 (6%)
Manila	3 (6%)
Total	40 (8%)

Note *Out of 50 per post

- 5.29 We noted examples where reasons for refusal included the applicant's failure to provide:
- further evidence to confirm their student status, such as payment of fees, academic transcripts and attendance records;
 - detailed evidence of the UK sponsor's financial commitments beyond that provided by bank statements, savings details and letters of support;
 - evidence that they had maintained family relationships or had had consistent contact with the UK family member acting as sponsor; and
 - evidence to show why they had not previously visited the UK sponsor.
- 5.30 These are not requirements set out in the Immigration Rules. When we raised these cases with managers we were told that it was the applicant's responsibility to provide sufficient evidence to satisfy the ECO that they met the Rules. We consider that this is unfair to applicants, as it is imposing a higher requirement than indicated in the guidance.
- 5.31 We found that a number of student applicants were being refused for failing to provide additional evidence of their student status, beyond the letter from the education provider (confirming enrolment and approval of leave) specified in UKVI guidance to applicants.
- 5.32 We were told that this was as a result of cultural awareness sessions with local staff at a particular visa section, where ECOs had become aware that a student was not guaranteed enrolment for the next year unless they passed their exams. UKVI maintained that further documents, including confirmation of the payment of fees or enrolment for the next academic year, should therefore have been submitted in these cases to confirm current status.

- 5.33 While we appreciate the value of local knowledge in contributing to the decision-making process, we consider that these requirements are not ones the applicant could have reasonably foreseen. Where UKVI considers that local conditions justify requiring further evidence to establish the credibility of an application, this information should be made available to applicants, or the application should be deferred to give an opportunity for the further information to be provided.
- 5.34 Some posts, including Abu Dhabi, Nairobi, Manila and Sheffield, were using lack of previous travel as a reason to refuse applications. Applicants are required to provide a copy of their passport, and to set out their travel history over the ten years prior to their application. We acknowledge that previous travel and immigration history will form part of an ECO's assessment of whether an applicant is likely to comply with immigration rules, and that previous compliance can also add weight to an application. However, lack of previous travel cannot in itself be an appropriate reason for refusal, or no first-time travellers would be able to qualify for a visa.
- 5.35 Most managers acknowledged that the use of lack of previous travel as a ground for refusal was inappropriate, and stated that ECOs had been reminded of this as a result of our file sampling. However, UKVI had not identified that this practice was a problem in some posts as part of its quality assurance of decisions.
- 5.36 Failure to monitor and manage local standards in relation to evidence has resulted in inconsistent decision-making across the UKVI network, which is at odds with UKVI's declared focus on customer service and commitment to improvement in decision quality and refusal notices.

lack of previous travel cannot in itself be an appropriate reason for refusal, or no first-time travellers would be able to qualify for a visa.

Recommendation: The Home Office should:

Ensure that visa decisions are made consistently and fairly against the correct criteria at all posts.

Decisions considered unreasonable

- 5.37 We identified 33 (7%) cases in our sample where we considered the decision to refuse was unreasonable. We found no such cases in Manila or New Delhi, and only one each in Sheffield and Croydon, reflecting generally sound and consistent refusal decisions in these posts. The breakdown by post of the 33 cases is at Figure 10.

Figure 10: Decision to refuse considered unreasonable.

Visa Post	Number of cases*
Dhaka	7 (14%)
Kingston	7 (14%)
Accra	6 (12%)
Nairobi	5 (10%)
Amman	4 (8%)
Abu Dhabi	2 (4%)
Sheffield	1 (2%)
Croydon	1 (2%)
New Delhi	0
Manila	0

Total	33 (7%)
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Note* Out of 50 per post, except for Amman where 49 cases were sampled

5.38 We referred the 33 cases to UKVI, along with some other cases that illustrated other issues identified in the samples that we considered significant. UKVI agreed with our findings in 15 of the 33 cases. In response to these 15 cases, UKVI stated it would:

- in seven cases, contact applicants and invite them to submit a further application with no charge;
- in three cases, overturn the decision to refuse entry clearance and issue visas if the applicants still wished to travel to the UK;
- in three cases, reconsider the refusal decisions; and
- in two cases, take no action as the applicants had already been issued visas on re-application.

5.39 With regard to the two cases where visas were issued on re-application, we believe it would have been good customer service to offer refunds, as the applicants had incurred additional costs as a result of poor decision-making. One of the three cases where UKVI agreed to reconsider the decision is set out in Figure 11.

Figure 11: Case study – Abu Dhabi refusal.

The applicant:

- on 21 June 2014, applied for entry clearance to visit his sister, providing supporting evidence of employment, income, savings and financial circumstances in the UAE;
- included a letter of invitation from the sponsor and the sponsor's employment details;
- on July 2014, was refused entry clearance because the ECO:
- was not satisfied the applicant had presented an accurate reflection of his financial position;
- considered that the applicant had not demonstrated recent travel to countries with immigration procedures similar to those of the UK.

Chief Inspector's comments:

- The applicant had been in the same employment since 2007 and had provided evidence of regular deposits to his account, but the ECO had focused solely on a single large credit to the account. The ECO should have considered conducting further checks or an interview to address their concerns.
- Evidence of the sponsor's husband's earnings and financial circumstances were disregarded.
- Lack of previous travel is not grounds for a refusal under the Immigration Rules.

UKVI response:

- acknowledged that positive evidence in relation to the applicant's and sponsor's finances had not been appropriately considered;
- acknowledged that, as the only point of concern was the origin of a large deposit into the applicant's account, the ECO should have taken the opportunity to interview the applicant and seek clarification;
- accepted that it was not appropriate to use lack of travel as grounds for refusal; and
- agreed to contact the applicant and reconsider the decision.

5.40 Of the 18 remaining cases where we considered the decision had been unreasonable:

- in two cases, while maintaining that the decision was reasonable, UKVI accepted points raised in relation to positive evidence that had been disregarded, poor customer service and process;
- in two cases, UKVI informed us that the decision to refuse would be maintained pending outstanding reconsideration requests, and if the decision was overturned the applicants would be invited to re-apply at no further cost.

5.41 In the remaining 14 cases, UKVI maintained that the decision to refuse was reasonable. The common theme in all these cases was that there was no record that positive evidence had been considered. Examples included:

- evidence of the applicant's personal and financial circumstances;
- sponsor's finances or the ability to maintain and accommodate the applicant;
- compassionate circumstances for the visit; and
- previous travel and compliance with immigration regulations.

5.42 Although UKVI's training on ECO decision-making states that '*the refusal notice should explain clearly (in plain English), how the decision has been made,*' managers maintained that while positive evidence had not been explicitly noted in the refusal notices in these cases, this had no bearing on the decision to refuse.¹⁶ An example of one such case is illustrated in Figure 12.

¹⁶ Taken from UKVI training material 'Writing a Refusal Notice'.

Figure 12: Case study – Abu Dhabi refusal.

The applicant:

- on 20 May 2014, applied for entry clearance to visit his sister, enclosing evidence of employment, income, and financial circumstances in Abu Dhabi, in addition to a letter of invitation and other evidence from the sponsor, adding they had travelled ‘extensively’ to India and Turkey;
- on 3 June 2014, was refused entry clearance because the ECO:
 - doubted the applicant’s financial circumstances were as claimed;
 - was not satisfied the applicant had travelled extensively as claimed, or had travelled recently to a country with similar Immigration rules to the UK.

Chief Inspector’s comments:

- verification checks confirmed that the applicant’s bank statements and travel bookings were genuine, but this positive evidence of sufficient funds was disregarded;
- an interview should have been carried out to clarify any doubts that remained over the claimed financial circumstances;
- no weight was given to the applicant’s wife and children remaining in Abu Dhabi, despite the applicant providing a marriage and birth certificates;
- a history of travel to other countries should not be a means to undermine an applicant’s credibility.

UKVI response:

- noted that normally an interview was conducted if clarification was being sought over one document or one point, but claimed that in this case an interview would not have been appropriate as significant concerns were raised;
- accepted that positive evidence was not mentioned in the refusal notice, but stated that the ECO would have considered this at the time of the assessment and adequately weighted it;
- maintained that the ECO was correct in not accepting the applicant’s claims to have travelled ‘extensively’ as this suggested travel to a wide range of destinations; but acknowledged it was not appropriate to use lack of travel and proven compliance as a reason for refusal;
- was satisfied that the original decision to refuse was reasonable.

5.43 We consider that ECOs should record in sufficient detail their consideration of positive evidence and explain why such evidence does not, on the balance of probabilities, outweigh any concerns. Where this is not recorded, it is not possible to be confident about the consistency and quality of decisions.

Quality of refusal correspondence

5.44 Refusal notices are an important way in which UKVI can demonstrate fairness and transparency in refusal decisions. Refusal notices should also provide an unsuccessful applicant with the information they need to address reasons for refusal in any subsequent application, as stated by UKVI as part of the public announcement of the removal of the full right of appeal from family visitor cases:

'Applicants who are refused can re-apply addressing the reasons for refusal instead of appealing. This will be quicker and cost less than an appeal'.¹⁷

5.45 We consider that refusal notices should be balanced, referring clearly to where evidence submitted by applicants does and does not support claims made on the application form and the requirements under Immigration Rules. We found that a majority of the refusal notices in our sample communicated the grounds for refusal clearly, were personalised to the applicant, and did not contain stock paragraphs. This is a considerable improvement on previous performance.

We found that a majority of the refusal notices in our sample communicated the grounds for refusal clearly.

5.46 However, we found that in 211 (42%) of the cases in our sample, the refusal notice was not balanced, failing to show that consideration had been given to both positive and negative evidence. Performance varied between posts: in Croydon and New Delhi, we judged that 68% and 64% of refusal notices respectively were balanced; but we judged that 50% of the refusals sampled from Sheffield, Kingston and Nairobi were not balanced. While in many of these cases we found the decision to refuse to be reasonable, the failure to set out fully where an applicant had met or failed to meet the requirements of the Immigration Rules meant that they would find it hard to know which elements needed addressing in any subsequent application.

5.47 When we raised this issue with the posts concerned, most acknowledged the need for balance in refusal notices, and accepted our findings. However, two posts maintained that 'there is no requirement for balance.' In response to a particular case study, one post commented: *'it is not always practical to make reference to all information. Although the positive information may not have been explicitly mentioned there is nothing to indicate that this was not taken into account or to show that the inclusion of that information would have altered the outcome of the overall decision.'*

5.48 We do not agree. Having delivered training that encourages ECOs to provide a record of a balanced consideration, UKVI needs to do more to ensure that this is consistently applied. We therefore make the following recommendation.

Recommendation: The Home Office should:

Ensure that all refusal notices show clear and balanced consideration has been given to both positive and negative evidence in reaching the decision to refuse.

Correct information given on appeal rights

5.49 We found that the correct information on the limited appeal rights now available to Family Visitor visa applicants had been given in all but two cases in our sample, although in a further three cases we were unable to verify that the correct information had been given as no copy of the refusal notice had been preserved.

Results of the sample of issues of entry clearance

5.50 We examined granted Family Visitor cases using various quality indicators, including:

- did the ECO make their decision based upon all the available evidence?
- were sufficient notes or evidence retained to enable a full audit of the decision

5.51 We assessed the quality of decision-making by reviewing the application, the submitted evidence retained, and notes made by the ECO on the Proviso caseworking system.

¹⁷ Quoted in UKVI training material, 'Back to Basics—improving decision quality'

Recording of issue decisions

- 5.52 UKVI guidance states that, as with refused applications, *'copies of supporting documents that are directly relevant to the decision'* to issue should be retained, and, where this is not practical, these documents should be clearly referenced in issue notes.
- 5.53 The training given to ECOs from December 2013 gives an example of an issue note that should be used where evidence is not retained. It sets out details of the evidence seen by the ECO, including details of bank statements and employment particulars, and includes a summary of reasons for issue. In 89 (44%) of the issue cases we sampled we were able to audit the decision fully, using ECOs' issue notes and retained supporting documents. An example is set out in Figure 13.

Figure 13: Case study – Sheffield issue.

The applicant:

- applied for entry clearance to the UK for four months as a Family Visitor to visit her unmarried partner, enclosing a range of supporting documents to evidence financial and personal circumstances, including joint bank statements and employment letters, as well as evidence of the sponsor's ability to accommodate and maintain.
- had previously been refused an application for entry clearance as the ECO was not satisfied that she met the requirements of the Immigration Rules.

Chief Inspector's comments:

- the ECO provided a full audit trail to evidence the decision to issue a visa by:
 - providing a detailed account as to why this application met the Immigration Rules, and how it addressed the shortfalls in the previous application which was refused;
 - making a full record of all supporting evidence they had considered in order to reach their decision.
- this was an example of good practice: a combination of retained evidence and notes on the Proviso caseworking system enabled a confident assessment to be made of the reasonableness of the decision to issue.

- 5.54 However, in 111 (55%) of the issue cases we sampled we were not able to assess the reasonableness of the decision to issue because supporting documents had not been retained and issue notes on the Proviso caseworking system did not provide a full audit trail.
- 5.55 When we raised this with managers, we received a range of responses. In Manila, managers maintained that existing practice was in line with UKVI guidance, and that providing more detailed issue notes would be too time-consuming when balanced against the priority to meet customer service standards. In other posts, while they considered notes generally adequate, some managers acknowledged the need for further improvement and agreed to re-issue guidance to all staff and hold further training sessions.
- 5.56 In Sheffield, in order to provide an audit trail and assist decision-makers with any subsequent applications, a template for issue notes had been introduced after our file sampling took place. Staff told us it had had no adverse impact on productivity. We considered that this template had the potential to improve the consistency and transparency of decision-making.

5.57 Plans for further concentration of decision-making into fewer locations mean that the quality of issue notes will become more important in ensuring applicants receive reasonable and consistent decisions across the Family Visitor visa regime. While UKVI’s recent training on decision quality sets out a standard that, if met, would enable a full audit of all decisions, this inspection found that this standard was not being applied consistently with regard to issue cases across and at visa posts.

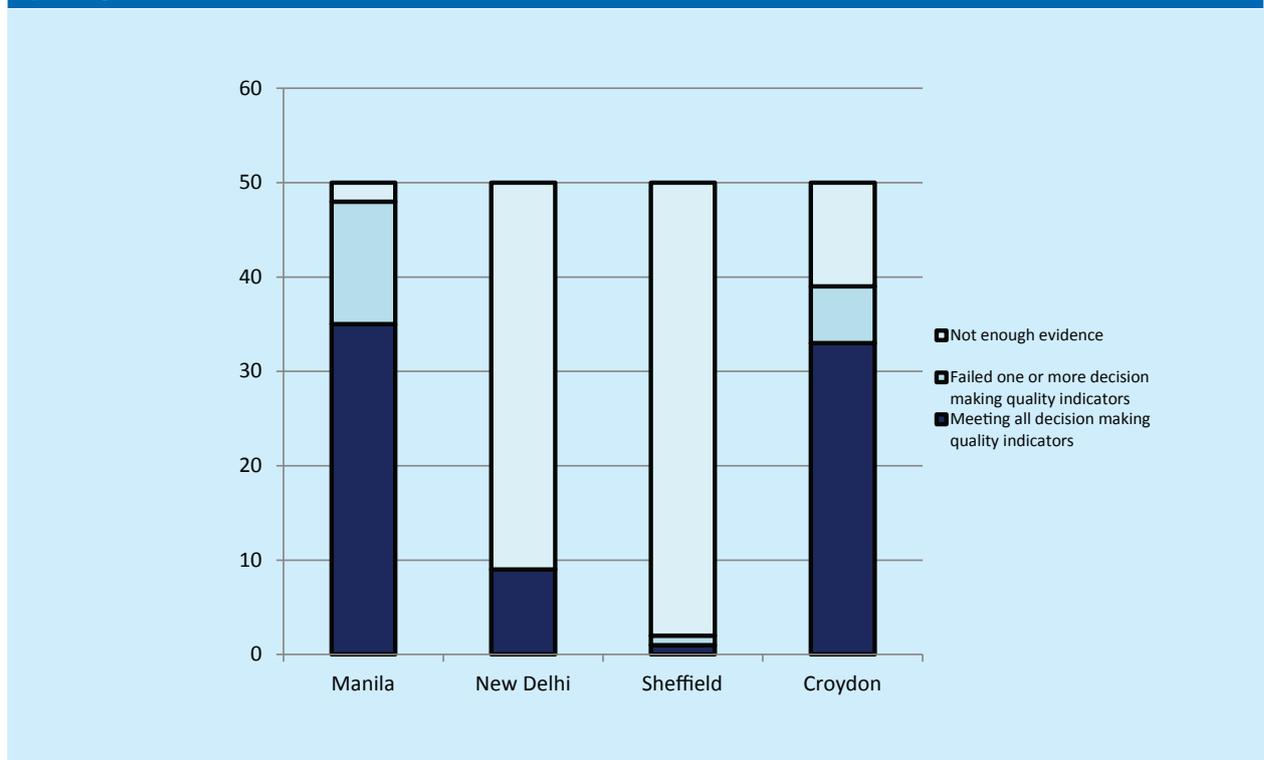
Plans for further concentration of decision-making into fewer locations mean that the quality of issue notes will become more important in ensuring applicants receive reasonable and consistent decisions across the Family Visitor visa regime.

5.58 Our earlier recommendation, that all relevant supporting documents are retained or notes made to enable a full audit trail of decisions, applies equally to issue cases as to refusals.

Decisions in line with evidence

5.59 Of the 200 issue cases we examined, we considered that 19 (10%) cases failed one or more decision-making quality indicator because the decision had not been in line with available evidence. Mainly, this was due to insufficient evidence retained or referenced in issue notes to justify entry clearance. Of these, we disagreed with the decision to issue in five (3%) cases. Figure 14 details our findings for each post.

Figure 14: Family Visitor issue cases assessed against indicators of decision-making quality.



5.60 Examples of information not submitted by an applicant, or not referred in issue notes on the Proviso caseworking system, included evidence of:

- an applicant’s circumstances, their ties to their country of application and their incentive to leave the UK at the end of their visit;
- an applicant’s employment, income or funds available for the visit; and
- the ability of sponsors to maintain and accommodate applicants.

5.61 We discussed 16 cases with UKVI:

- in three cases, UKVI agreed with our findings, including one case where we considered the issue decision was unreasonable, and two where we found that the issue decision was reasonable but the evidence of the applicant's finances had been misinterpreted and the Proviso caseworking system did not contain evidence of consideration of paragraph 320 of the Immigration Rules (see paragraph 4.63 below);
- in four cases, UKVI did not agree with our finding that the issue decision was unreasonable based on the fact that the applicants had provided little or no evidence as to their personal circumstances or finances that might have established their intention to return after a visit. While accepting that insufficient evidence had been retained, UKVI maintained that the decisions were on balance reasonable because the applicants:
 - were low-risk, had a history of previous travel to the UK and had complied with the terms of their visas in the past; and/or
 - held resident permits for EEA countries, which UKVI stated lowered the requirements for evidence of their financial and personal circumstances in their country of residence
- in nine cases, UKVI maintained that there were sufficient grounds to issue, despite our concerns about the limited evidence to show how the applicant satisfied the requirements of the Immigration Rules, and poor quality notes. We were told that in most of these cases reliance was placed on the applicant's previous travel and compliance history and the decision to issue was made on the basis of minimum supporting documents because the applicant was considered low-risk. Figure 15 is an example of one such case.

Figure 15: Case study – Croydon issue.

The applicant:

- on 7 May 2014, applied for entry clearance to visit the UK for three weeks to see his sister and her family and submitted an invitation letter and a copy of his sponsor's passport, in addition to an un-translated document referring to his finances;
- on 4 June 2014, was issued with entry clearance.

Chief Inspector's comments:

- the applicant had previously travelled to the UK in 2011, when he stated that he was employed;
- at the time of this application, he stated that he was unemployed and a student;
- issue notes indicated that the ECO had seen payslips and a bank statement, but these had not been retained;
- the ECO noted the un-translated documents, but did not detail the applicant's personal and financial circumstances or how he would fund the visit as claimed.

UKVI response:

- maintained that the decision to issue was correct;
- noted that as the applicant had previously visited the same sponsor a large amount of evidence was not required;
- considered that his circumstances had not significantly changed.

5.62 We have raised concerns in previous inspections about visas being issued despite only limited evidence being provided by the applicant, on the basis of previous travel to the UK and compliance with visa conditions.¹⁸ While the latter should be taken into account when evaluating the risk posed by a particular applicant, we do not consider that the application form alone, without any supporting evidence to establish an applicant's financial circumstances or the circumstances of their sponsor, is sufficient to show that an applicant has met the requirements of the Immigration Rules.

5.63 In order that the decision-making process is transparent and can be audited, ECOs need to provide the basis for their assessment on Proviso. This is particularly important where ECOs are issuing visas on the basis of only limited evidence, and where a low risk profile is a key factor in the decision to issue.

Abuse of the Immigration Rules

5.64 Paragraph 320 of the Immigration Rules sets out certain grounds for refusing entry clearance (and leave to enter), including where an applicant has attempted to use deception or fraudulent means to gain entry clearance. An extract from Paragraph 320 as it relates to this inspection is at Figure 16.

¹⁸ <http://icinspector.independent.gov.uk/wp-content/uploads/2013/12/An-Inspection-of-the-Dhaka-Visa-Section.pdf>

Figure 16: Paragraph 320 of the Immigration Rules.

- Paragraph 320 covers a number of grounds for the refusal of entry clearance or leave to enter, which apply in addition to the grounds set out elsewhere in the Immigration Rules.
- Paragraph 320(1) is a ground for refusal when entry is being sought for a purpose not covered by the Immigration Rules.
- Paragraph 320(7A) is one of the general grounds for refusal and is used when a forged document has been submitted or false representations made on the application, or material facts not disclosed – in these cases refusal of entry clearance will follow.
- Paragraph 320(7B) is used when there has been a previous breach of immigration law or the use of deception in an entry clearance application; depending on the circumstances, this will result in the refusal of any future entry clearance applications for a specified time, up to a maximum of 10 years.

5.65 We considered how Paragraph 320 was being applied to the cases in our sample. Overall we were satisfied that, in cases where Paragraph 320 had been applied, the decision was reasonable and had been reviewed appropriately by an ECM. There are no appeal rights under Paragraph 320, and we were told that it is mandatory that all cases where it is potentially applicable are reviewed by a manager. An example of a case where this power was correctly applied is shown at Figure 21 in Chapter 5.

Overall we were satisfied that, in cases where Paragraph 320 had been applied, the decision was reasonable and had been reviewed appropriately by an ECM.

5.66 However, in our sample of 499 refusal cases there was one case where Paragraph 320 should have been applied but was not, and two other cases where it had not been considered but might have been appropriate. Figure 17 describes a case where this power should have been applied.

Figure 17: Case study – Amman refusal where 320 should have applied.

The applicant:

- on 4 June 2014, applied for entry clearance to visit the UK for three weeks to see his brother, providing bank statements, evidence of income and employment, and a letter of invitation from his sponsor;
- on 22 June, was refused entry clearance because the ECO was not satisfied, based on the ambiguous wording of the employment letter, that the applicant's financial circumstances were as claimed, and evidence of the sponsor's ability to accommodate the applicant had not been provided.

Chief Inspector's comments:

- the applicant had been refused entry clearance to the UK in 2004 using a previous passport, but had failed to declare this on his application, claiming the current passport was his first;
- the applicant should have been refused entry clearance under paragraph 320(7A).

UKVI response:

- accepted that the ECO had failed to identify the previous refusal;
- accepted that paragraph 320(7A) applied;
- undertook to remind ECOs of the need to ensure that previous applications are thoroughly investigated; and
- agreed to review the application and possibly issue a stronger refusal notice.

- 5.67 In our sample of 200 issue cases, we found that Paragraph 320 should have been considered in three cases where an applicant had not declared previous visa refusals and the existence of a previous passport (in which these refusals would be noted) but the issue notes gave no indication that it had. Two of these cases had also undergone an ECM Review, but the reviews had failed to identify that Paragraph 320 should have been considered. UKVI agreed with our findings in all three cases.
- 5.68 Although we identified only a small number of cases where Paragraph 320 was not applied or not considered, we were concerned that the omissions we identified appeared to stem largely from the difficulty in identifying applicants' previous refusals on Proviso. This is a weakness in the IT system that we expect will be addressed in part by the provisions of the Operating Mandate, which from October 2014 required that previous applications be linked or noted on Proviso.

Conclusion

- 5.69 Our sample survey of decision quality in Family Visitor cases found many of the same problems identified in earlier inspection reports. However, the percentage of cases failing decision-making indicators was lower for the samples in this inspection than for the Family Visitor cases we sampled in Dhaka in 2013. We also noted improvements in several aspects of the structure of refusal notices, including the avoidance of stock paragraphs in nearly all of our samples.
- 5.70 UKVI's training programme for ECOs, based in part on our earlier recommendations, sought to improve decision-making and the quality of visa refusal notices. It had been delivered in all the posts we inspected, and further training was being provided regularly in many locations. The evidence from this inspection was that this training was delivering improvements, but that some decision-making issues persist including consistency between one post and another.

Training was delivering improvements, but decision-making issues persist including consistency between one post and another.

Timeliness

- 5.71 At the time of our inspection, UKVI had customer standards in place which stated that it would process:
- '90% of non-settlement applications within 3 weeks (15 days), 98% within 6 weeks (30 days) and 100% within 12 weeks (60 days) of the application date.'*
- 5.72 Figure 18 shows overall performance against these standards at the posts we sampled for the period January 2013 - June 2014 according to UKVI's own internal management information.

Figure 18: Performance against Service Standards for Family Visit applications, January 2013-June 2014.

Post	Resolved within 15 days	Resolved within 30 days	Resolved within 60 days
Abu Dhabi	87%	100%	
Accra	96%	100%	
Amman	93%	99%	100%
Dhaka	88%	99%	100%
Kingston	93%	100%	
Manila	96%	99%	100%
Nairobi	98%	100%	

New Delhi	96%	100%	
Sheffield	86%	100%	
Croydon	93%	100%	

Note: This information was internal management information provided by UKVI. It had not been quality assured to the level of published National Statistics and should be treated as provisional and therefore subject to change.

5.73 Figure 19 shows performance against the customer standards in the refusal cases we sampled.

Figure 19: Performance against Service Standards for ICIBI refusal sample, May-July 2014.			
Post	Resolved within 15 days	Resolved within 30 days	Resolved within 60 days
Abu Dhabi	88.0%	98.0%	100%
Accra	94.0%	100.0%	
Amman	100.0%		
Dhaka	100.0%		
Kingston	94.0%	100.0%	
Manila	78.0%	98.0%	100%
Nairobi	96.0%	100.0%	
New Delhi	98.0%	100.0%	
Sheffield	42.0%	62.0%	100%
Croydon	73.0%	98.0%	100%

5.74 Managers told us that the failure to meet customer service standards in these cases, which suggested that performance had slipped, was due to a combination of factors. These included recent changes to biometric enrolment systems and computer upgrades, which had reduced productivity in the short term, and issues resulting from a change in service provider at Visa Application Centres (VACs). During our onsite visits, managers assured us that these issues had been dealt with promptly and that all the posts we visited were now meeting all customer service standards. However, the fluctuation illustrates the vulnerability of UKVI's customer service performance figures to changing circumstances.

5.75 Performance figures relating to our sample of Family Visitor issue cases between May and July at the four posts we visited are at Figure 20.

Figure 20: Application processing times of Family Visit issue cases against UKVI customer service standards.			
Visa Post	Resolved within 15 days	Resolved within 30 days	Resolved within 60 days
Manila	92%	96%	100%
New Delhi	100%		
Sheffield	72%	100%	
Croydon	76%	100%	

- 5.76 In Manila, we found that a local practice had been introduced to try to reduce processing times for visa applications received from geographically distant VACs as these were longer in transit to the visa post. For example, applications from Australia were prioritised on receipt. This practice ensured that all applications received in Manila were processed within published customer service standards and was an example of good customer service.
- 5.77 In Sheffield, we observed staff piloting the uploading of entry clearance applications and undertaking checks while applications were still in transit by using online applications to complete data entry tasks and checks on Proviso before the paper copies and supporting documents arrive. Subject to quality assurance, this is another good example of reducing processing times for applications from distant locations.

Complaints handling

- 5.78 We examined the processes in place for handling complaints about Family Visitor applications in the posts we visited. Customers wishing to make a complaint about a visa application could do so at a number of locations, such as their local Visa Application Centre, and by a number of routes, including telephone, letter, and in person.
- 5.79 At the time of our onsite inspection, UKVI was piloting the use of the ‘Central Point of Receipt’ (CPR) web-based system for managing receipt of out-of-country complaints. This would align processes with current in-country practice and enable the majority of complaints to be made, or recorded, online. Complaints are channelled to the relevant area for resolution within a 20-day target. In all posts, we found that most complaints were responded to within the target, although a few were subject to considerable delay.
- 5.80 The overall volume of complaints received was generally low. Family Visitor applicants formed only a small proportion of the complaints received: 22 (16%) complaints out of a total of 137 received in Sheffield between May 2013 and August 2014, and four (7%) out of 59 in Manila over a similar period. In 2013, Croydon recorded two Family Visitor visa complaints and New Delhi recorded six complaints. Overall complaints figures were not available for these posts. Analysis of complaints in Sheffield showed that the main reasons were delay or failure to return documents and errors in visa endorsements. We saw evidence that the post had taken measures to address both issues.
- 5.81 The UKVI customer satisfaction survey of Family Visitor applicants in the four posts we visited recorded levels of overall dissatisfaction of between 13% (Manila) and 22% (Croydon). While the reasons for the applicants’ dissatisfaction were not recorded, these figures suggest that the number of complaints received may not be a reliable reflection of how well the service is meeting customer needs.¹⁹

Reconsideration requests

- 5.82 UKVI distinguishes between complaints and requests from applicants that UKVI reconsider a decision where a visa application has been refused. A reconsideration request is categorised as ‘post-decision correspondence’ and is not subject to the same formal processes as complaints. We reviewed how requests for reconsideration of a decision were dealt with at all the posts where we sampled cases.
- 5.83 Customers who apply for entry clearance for a family visit, and who do not meet the post-June 2013 restricted grounds for an appeal, do not have an automatic right to have a refusal reconsidered.²⁰ UKVI expects these customers to submit a fresh application, but this is not stated explicitly on refusal

¹⁹ Taken from January-March 2014 Customer Satisfaction Survey for overseas applicants for FV visas. Source: HO evidence request, 7/10/2014. Our survey of MPs produced mixed evidence on the effect on their constituents of the removal of the right of appeal in FV cases: 47% of those who responded said that they had seen an increase in correspondence from their constituents relating to FV applications.

²⁰ Applicants for certain other types of work and study visas may apply for an Administrative Review of a refusal decision.

notices, which refer only to the limited appeal rights. Also, there is no information on the UKVI website explaining how customers should proceed if their application is refused, nor is there any reference to reconsideration requests from out-of-country applicants.

5.84 Nonetheless, reconsideration requests continue to be received. Posts from which we sampled cases were not compiling data on how many such requests they received, and could not say whether there had been an increase following the removal of the full right of appeal.²¹ Staff in most posts stated that very few such requests were received, although in Sheffield there was thought to have been an increase since appeal rights were restricted. We consider that UKVI should gather data in order to establish what proportion of refused applicants are sending in such reconsideration requests rather than making another application.

5.85 Guidance issued to staff in June 2013 on handling reconsideration requests states:

*It is not routine to undertake reviews and posts should maintain the original decisions unless the most compassionate circumstances exist, the ECO has made a patently unreasonable decision or there is an error in law within the original decision. Additional explanations and/or documentation cannot be taken into consideration at a later date. Posts should therefore inform the applicant and/or sponsor that any additional information should be submitted if they choose to re-apply, which they may do at any time.*²²

5.86 Our file sample showed inconsistent practice in the handling of reconsideration requests. Staff at the posts we visited told us that such requests were responded to within the same 20 working days target time-frame as complaints. The procedure followed in these posts varied; in some, requests were sifted by an ECO, who would decide if a decision needed to be revisited, but in others they were all reviewed by an ECM. Some posts issued a template letter in response to a request if a refusal was maintained, but others issued a personalised response, explaining why the decision had not been overturned after review.

5.87 While some posts were responding to reconsideration requests promptly, others were not doing so in good time, or at all. In several cases in our file sample, where an applicant had asked for reconsideration of a refusal decision, no acknowledgement had been sent to the customer, and no action had been taken by the post. In other examples, an acknowledgement of receipt of the request had been sent, but the case had not yet been reviewed several months after the original decision.

While some posts were responding to reconsideration requests promptly, others were not doing so in good time, or at all.

5.88 Lack of information about the procedure and inconsistent responses to reconsideration requests are confusing for customers. Those receiving no response may wait believing one to be on its way when they would be better re-submitting an application. This is poor customer service.

Recommendation: The Home Office should:

Clarify its policy on reconsideration requests, and issue clear guidance to staff and to applicants, setting out whether such requests will be processed and, if not, what course is available to applicants whose application has been refused.

²¹ Exceptionally, Accra had begun compiling data on numbers of reconsideration requests in February 2014, and had received a total of 46 such requests between February and July 2014

²² OPI 429 VISIT: Changes to Family Visit Appeals, June 2013.

6. Inspection Findings – Management of Risk

- 6.1 This chapter examines how UKVI identifies and manages the risks associated with entry clearance applications. We assessed the processes used to assist decision-making in the visa sections that contributed file samples for this inspection, including intelligence products, workflow systems and use of verification checks.

Background

- 6.2 The role of the Home Office Risk and Liaison Overseas Network (RALON) includes identifying threats to the UK border and supporting decision making by providing information and intelligence on known risks. Visa decisions involve the assessment and mitigation of the risk of issuing a visa to an individual who then goes on to commit an immigration or criminal offence.
- 6.3 RALON provides the overseas visa network with a set of Risk Profiles. These are used to rank visa applications as High, Medium or Low risk.²³ The risk assessments are drawn from a quantitative analysis of the known threats posed to the UK border by visa nationals. This consists of reported adverse activities in the UK such as applicants failing to comply with one or more conditions of their visa, for example restrictions on employment or permitted duration of stay, or being convicted of a criminal offence in the UK.
- 6.4 The core data is produced by UK-based analyst teams and developed by RALON officers overseas. Using local knowledge and intelligence, RALON produces new or updated risk profiles for use in the visa sections. These are generally grouped by nationality and contain risk indicators in relation to personal, domestic and employment circumstances, supporting documents and previous travel and immigration history.
- 6.5 Depending on the risk rating given to an application, verification checks may be required to enable the ECOs to make a fully informed decision. Generally, applications marked as high risk attract more verification checks.²⁴ Verification checks are used for some applications to confirm the authenticity of passports and/or supporting documents and/or corroborate statements made by the applicant or UK-based sponsor.

Risk Profiles

- 6.6 We reviewed examples of Risk Profiles provided by all 10 visa posts included in this inspection. We saw various formats which contained different levels of detail. All were based around nationality but some were more complex than others. The differences we found included:
- some incorporated hyperlinks to ‘newsflash’ alerts on new trends;
 - the length of time between updates ranged from two to six months; and
 - cross-cutting risk factors such as drug smuggling and trafficking were included in some Risk Profiles but not others.

²³ Also known as Red, Amber, and Green in some locations.

²⁴ Also known as Enrichment or Additional Checks in some locations.

- 6.7 Managers told us that RALON and UKVI were in the process of implementing a new visa risk model, the aim of which was to ‘identify the threat associated with visa applications by post, nationality and application route’, using, for example, data from non-compliance and adverse visa outcomes.²⁵ In the new model, all applications will be subject to a risk evaluation, not just those identified as high-risk. This recognised that applications had sometimes been placed in a lower risk category by default due to a lack of data. At the time of our inspection, the new risk model was still in the process of being rolled out across the overseas network, so we were unable to evaluate its impact on decision-making.
- 6.8 Previous inspection reports²⁶ highlighted some concerns around the value and effectiveness of risk assessment processes, finding evidence of poor awareness of RALON Risk Profiles and no link to refusal rates. Staff interviewed during this inspection demonstrated a good understanding of the processes and the role of profiling in their credibility assessments, which they had gained from working with RALON. Staff and managers said that working relationships with RALON were generally good. Co-location of RALON offices in some operational UKVI areas facilitated regular informal engagement, and staff described this arrangement as productive and beneficial.
- 6.9 Overall, we considered that RALON and UKVI had made good progress in raising awareness and understanding of the Risk Profiles. We found a range of material setting out clear definitions of risk profiling and streaming processes with explanations of why these were important.

Overall, we considered that RALON and UKVI had made good progress in raising awareness and understanding of the Risk Profiles.

Streaming

- 6.10 We were given details of the streaming systems in place at all 10 visa posts and observed these in operation during the on-site inspections at four locations. These varied in complexity and style. In Manila, we saw detailed streaming maps which categorised applications into high / medium / low risk according to a number of indicators. For example, in some Family Visit applications these included type and length of employment. Accra took a less complex approach, with all visit applications checked against four basic criteria. Those matching one or all of the indicators were categorised as ‘non-straightforward’ and all others automatically classed as ‘straightforward’.
- 6.11 These differences were, to some extent, explained by the differences in application profiles and intake points. In many locations, the streaming process started in advance of the application paperwork arriving at the visa section. For example, in New Delhi, applications were categorised at the Visa Application Centres in line with simplified criteria provided by RALON.
- 6.12 We considered it reasonable that the individual characteristics of the systems in use at the locations we visited should be based on local conditions, reflecting their identified threats and the characteristics of their intake. There must be sufficient flexibility built into the global model to take account of local differences in terms of risk, application volumes and seasonal fluctuations. However, more structure around sharing lessons learned locally would help develop best practice.

Additional verification checks

- 6.13 All applications are subject to a number of mandatory checks which are set out in UKVI guidance. Some applications also trigger additional verification checks in line with indicators or attributes set out in the Risk Profiles. These additional checks are designed to identify non-genuine or altered documents, or discrepancies in the application details. The results of the checks may be used to mitigate known risks if issuing the visa or to strengthen a decision to refuse.

²⁵ Manila ECO Training – RALON Overview & Risk Products 2014.

²⁶ <http://icinspector.independent.gov.uk/wp-content/uploads/2013/12/An-Inspection-of-the-Dhaka-Visa-Section.pdf> and <http://icinspector.independent.gov.uk/wp-content/uploads/2013/12/An-Inspection-of-Decison-Making-Quality-in-the-Warsaw-Visa-Section.pdf> - published Dec 2013.

- 6.14 Of the 499 refusal files sampled, additional checks were carried out in 80 (16%) cases. The file sampling indicated that 72 (90%) added value to the consideration of the application. We found 49 (12%) further refusal cases where additional checks were not carried out but where we concluded that they would have added value. Of the 200 issued files sampled, we identified that additional checks could have added value in eight cases (4%).
- 6.15 Where there was sufficient evidence retained on file to support an assessment, we found that verification was generally used appropriately. Figure 21 provides details of a case where additional verification checks were used effectively.

Figure 21: Abu Dhabi case study – Example of effective use of additional verification checks.

The applicant:

- in 2014, submitted various supporting documents including payslips as evidence of her employment;
- had applied for and been issued a UK visit visa in 2012, which was valid for two years;
- triggered additional verification checks because RALON intelligence linked her UK sponsor to the use of non-genuine documents in other applications and because there were discrepancies in the details provided by her in the previous and current applications;
- was refused as a result of additional verification checks, which established the payslips submitted with the current application were not genuine.

Chief Inspector's comments:

- the application was correctly refused and a ban was applied on her entry to the UK for 10 years under Paragraph 320 of the Immigration Rules.
- RALON intelligence and additional verification checks were used effectively in the consideration process of an applicant who, as a previous UK visa holder, might otherwise have been considered low-risk.

- 6.16 We found some differences between visa posts in their approach to additional checks. For example, in terms of when the checking process was triggered, Sheffield used an 'in-flight' model, which meant that some additional checks were carried out while the application was still in transit, thereby reducing the risk of delays due to time lost in the application paperwork reaching the visa hub. This approach was still bedding in at the time of the inspection, but was a good example of using existing technology to support customer service.
- 6.17 The types of cases receiving additional verification checks also varied between posts. In Manila, for example, all high-risk applications were routinely subject to additional checks, whereas in Croydon, applications classed as high-risk were passed directly to ECOs for processing, who told us that they were able to refer high-risk cases for further checks at the consideration stage where this was appropriate.
- 6.18 The additional verification checks conducted at the four visa posts we visited reflected the specific threats at each and were streamed according to the risks and complexity of each particular intake. For example, in Croydon, where a new verification team had been set up in June 2014, we noted that additional verification was focused on targeted interviews and sponsor checks, rather than on verifying document authenticity which was the focus in other locations. Staff explained that there was a relatively low likelihood of forged documents being used, as most applicants were already settled in Europe. However, they also raised a concern about the lack of overseas contacts who could assist with document verification.

- 6.19 In terms of the efficiency and effectiveness of managing applications, it is reasonable that there are some differences in the additional verification checks used at particular visa posts, and when and how they are used, since each post is dealing with a different customer base and has different challenges and opportunities. However, we found that there was little sharing of experience and best practice between posts. With regard to high-risk cases in particular, we believe the use of additional verification checks is important in avoiding refusal becoming the default decision, and UKVI should consider whether when and how such checks are used should be more uniform across the visa network.

Verification teams

- 6.20 In the Manila and New Delhi visa posts, we observed additional verification checks being done by discrete teams of Entry Clearance Assistants (ECAs), working alongside UKVI entry clearance staff and RALON colleagues.²⁷ Staff and managers in these teams were almost all locally-engaged foreign nationals. Unlike most visa section staff, team members had direct contact with applicants, sponsors and external agencies. The sensitive nature of this activity and the significant implications of a non-genuine check, including potentially a 10-year entry ban on entry to the UK under Paragraph 320 of the Immigration Rules, mean that adequate training and effective assurance are key requirements.
- 6.21 We found different versions of guidance regarding additional verification checking in use at each location. These ranged from detailed Standard Operating Procedures to a single sheet of six bullet points. Some material contained out-of-date UK Border Agency branding, and it was not clear when this had last been reviewed or updated. One set of Desk Instructions said ‘there is no set procedure for running the Verification Unit desk’ and another guidance document for interviews stated only ‘Go through the application to get an idea what questions need to be asked.’ We considered this to be inadequate.
- 6.22 We found standard templates in use for Document Verification Reports (DVRs).²⁸ Staff in some locations told us that training in how to complete the forms had been delivered by RALON, but we saw no formal training material in relation to the correct completion of DVRs.
- 6.23 We have previously recommended that the Home Office ‘...ensure[s] all staff are [also] trained in verification techniques including how to identify forged documents’.²⁹ This recommendation was accepted in part. The Home Office undertook ‘to ensure all relevant staff are trained in verification techniques’. Based on this inspection, we consider that greater priority needs to be given to ensuring that those staff involved in carrying out and managing additional verification checks receive adequate and timely training, covering global standards, permitted local variations and examples of best practice. This should be supported by a revised set of central guidance notes. We therefore make the following recommendation.

Recommendation: The Home Office should:

Prioritise the training of all staff carrying out and managing additional verification checks to ensure they understand and work to agreed standards, and produce written central guidance to support them in this work.

Local verification processes

- 6.24 As UKVI operations move towards a more centralised decision-making model (‘hubs’), fewer visa application locations (‘spokes’) are staffed by UKVI. We raised the possible impact on decision-

²⁷ Known as Document Verification Units (DVUs), Document Verification Teams (DVTs), Enrichment Teams or Profiling Teams in different locations. Both UK-based visa posts (Sheffield and Croydon) use UK staff, and do not have specialised teams. ECAs in these locations rotate through a range of roles, including verification work..

²⁸ ‘Word’ documents used to record non-genuine and inconclusive check results on applications and supporting documents

²⁹ <http://icinspector.independent.gov.uk/wp-content/uploads/2014/10/Paris-Report-Final-Web.pdf> – published 2012

making of this loss of local knowledge in our inspection report on the Paris Visa section.³⁰

- 6.25 We found mixed evidence of how this change had been managed. For example, the Manila hub made effective use of a Spoke Liaison Officer (SLO) based in Tokyo. As well as assisting with local verification checks, the SLO was also able to share specialised country knowledge with the Manila-based ECOs during his periodic visits to the hub, which improved decision quality
- 6.26 At Croydon we sampled applications from 19 spoke locations in 17 countries. We were told that there was only one remaining overseas contact available to assist with verification checks. Staff said that, as a result, they were not able to pursue verification of some documents, although managers assured us that this issue was being addressed by building up expertise in the Croydon hub. While some support was available from RALON, we considered that this meant it was more likely that decision-makers would have insufficient information on which to base an informed decision. We consider that UKVI needs to look further at how to minimise this risk.

³⁰ <http://icinspector.independent.gov.uk/wp-content/uploads/2014/10/Paris-Report-Final-Web.pdf>

7. Inspection Findings – Safeguarding Individuals

Equality and diversity

- 7.1 We found that all staff at the posts we visited had completed mandatory equality and diversity training. As part of their initial induction, staff also received training designed to improve their understanding of local culture and to enable them to process applications with due regard to cultural differences.

Safeguarding duties

- 7.2 Section 55 of the Borders, Citizenship and Immigration Act 2009 sets out the requirement for the Secretary of State to make arrangements to ensure that immigration, asylum, nationality and customs functions are exercised having regard to the need to safeguard and promote the welfare of children in the United Kingdom.
- 7.3 The staff we interviewed were aware of their duty under Section 55, and showed detailed knowledge of the measures that they could take to safeguard the welfare of children who were part of an entry clearance application in the Family Visitor category. This included the power to interview alleged family members if they had any reason to doubt the genuineness of the relationship claimed. Staff told us that, in a location where there was no UKVI presence, they would liaise with RALON and local contacts to ensure that, where appropriate, interviews were carried out.

8. Inspection Findings – Continuous Improvement

Operating Mandate

- 8.1 In October 2014, UKVI introduced an Operating Mandate that formalised the routine procedures to be completed in relation to every visa application. For Family Visitor applicants, Entry Clearance Assistants (ECAs) should check the database for previous applications and either link them electronically to a current application, or manually note the details on the overseas caseworking system (Proviso). The aim was to ensure that decision-makers are fully aware of any previous applications, which is particularly important where an applicant has previously been refused due to deception of some kind.
- 8.2 Our file sampling was completed before the Operating Mandate was in place, and we found a number of cases in our sample where previous applications had not been noted on Proviso or linked electronically, leading to decisions being made without full consideration of an applicant's history. The introduction of the Mandate, which staff and managers told us had led to much greater consistency at the initial stages of application processing, should lead to more accurate decision-making and is a positive development.
- 8.3 Because of the limitations of the IT platform, some manual data entry will be required where previous applications have been made in different locations. We consider that this presents a continued risk that an applicant's immigration history might be missed.

Resource Planning

- 8.4 At the time of our on-site inspections, UKVI had begun baseline reviews of resourcing requirements, aimed at aligning staffing levels and productivity benchmarks to risk assessments and application volumes. Managers told us that this exercise would provide a more accurate, evidence-based set of productivity targets for ECOs and ECAs, which were in the process of being introduced.
- 8.5 Most of the tasks set out in the Operating Mandate were current best practice and should have been carried out already. However, making them mandatory has created additional responsibilities for ECAs. At some posts, they now perform a number of different roles, including:
 - uploading and checking applications against databases;
 - dealing with correspondence;
 - initial streaming of applications according to risk profiles; and
 - verification checks.
- 8.6 At some of the posts we visited, ECAs told us that tasks that were now mandatory under the Operating Mandate had considerably increased time spent uploading applications. In Manila, ECAs estimated that processing times had increased from one minute per application to three or four minutes at times of peak demand.

- 8.7 Our onsite visits took place approximately one month after the Operating Mandate had been issued. We found that ECA productivity targets had not yet been adjusted to allow for the Operating Mandate's additional procedures. ECAs in both Croydon and Sheffield considered that the targets were difficult to meet. Some stated that the targets risked compromising the accuracy of application processing because of pressure to complete the initial stages of uploading applications within challenging service standards.
- ECA productivity targets had not yet been adjusted to allow for the Operating Mandate's additional procedures.*
- 8.8 In some posts, ECAs also told us that they had not received sufficient formal training to prepare them adequately for the range of new tasks that they were expected to perform under the Operating Mandate. In Croydon and Sheffield, staff were rotated into different duties at short intervals, and reported that the speed of rotation did not give them sufficient time to learn a set of tasks before moving on and that there was no handover factored into the process. In these posts, the verification team formed part of the ECA rotation, which exacerbated this issue.
- 8.9 In light of the changes to the ECA role brought about by the introduction of the Operating Mandate, we consider that UKVI should review ECA training and deployment practices and ensure that staff are fully competent in the duties they are required to perform.

ECM Reviews

- 8.10 Since refusal of entry clearance as a Family Visitor no longer attracts a full right of appeal, the main assurance against poor decision-making is the Entry Clearance Manager (ECM) Review. As part of our inspection, we considered how effectively ECM Reviews identified problems with decision-making and the quality of refusal notices.
- 8.11 In our refusal sample we found 109 (22%) cases where ECM reviews had been conducted. Of these, we found issues with the decision-making process in 28 cases (26% of those reviewed), which the ECM review had not identified. Of these, we concluded that in four cases the decision to refuse entry clearance had been unreasonable. Common problems were failure by the ECM to identify that an ECO had misinterpreted evidence to the applicant's detriment, particularly financial evidence, and that positive evidence had been disregarded. By comparison, in our 2013 inspection of Dhaka Visa Section we found 41% of cases in our sample where issues were missed by the ECM Review.³¹
- 8.12 Of the 200 issue cases we sampled, 33 (17%) had an ECM Review. Of these, there were five cases (15% of the cases reviewed) where we found issues with the decision-making process which the ECM review process had not identified. This included three cases where we concluded that the decision to issue was unreasonable. UKVI agreed with our findings in two of these cases, one of which is detailed in Figure 22.

³¹ <http://icinspector.independent.gov.uk/wp-content/uploads/2013/12/An-Inspection-of-the-Dhaka-Visa-Section.pdf>

Figure 22: Case study – Ineffective ECM Review – Croydon.

The applicant:

- on 22 April 2014, applied for entry clearance, with five dependants, to visit her cousin in the UK for five weeks, providing evidence including a bank statement, resident permit and an invitation letter from the UK sponsor;
- provided no evidence of the sponsor's ability to maintain and accommodate the applicant and her five dependants;
- was issued entry clearance on 16 May 2014.

Chief Inspector's comments:

- the applicant was previously refused entry clearance in 2010 on the basis of the sponsor's inability to accommodate the applicant at that time and a lack of evidence as to the applicant's personal and financial circumstances;
- no financial or other supporting documents were submitted to establish the sponsor's circumstances;
- the only documents retained on the current application were the invitation letter and the applicant's residence permit, although the notes indicated that the ECO had seen evidence of the applicant's bank statement;
- the issue notes did not set out how the previous reasons for refusal had been addressed in this application;
- as the sponsor was a cousin, the relationship did not fall within the family visitor category, and the visa endorsement was therefore incorrect.³²

UKVI response:

- agreed that although the ECO had noted the previous refusal, there was insufficient detail in the notes and documentation retained on file to establish how the applicant had addressed the problems identified in the previous refusal;
- accepted that the endorsement was incorrect;
- advised that this case study would be used in ongoing decision quality training as an example of poor issue notes and document retention practice;
- accepted that the ECM Review had not identified these issues, but maintained that the decision to issue was justified as the applicant would have been subject to checks before being issued with her European residence permit.

ECM Reviews—assurance

- 8.13 Prior to summer 2014, ECMs were tasked with reviewing a percentage of all decisions (20% of visit visa refusals and 10% of visit visa issues), which at times of peak demand placed a heavy burden on them, particularly in high-volume posts.
- 8.14 In the posts we visited, UKVI had recently replaced numerical targets with a 'Review to Risk' model for ECM reviews. This was scheduled to be phased in across the whole UKVI network. Managers told us that Review to Risk allowed for a more targeted approach, which would be more time-efficient and would ensure that the most sensitive decisions were properly monitored. Under this system, for example, issues to applicants streamed as high risk would be subject to mandatory ECM review. We

³² An endorsement indicates under which category a visa has been issued. An application for a family visit visa that does not qualify for this kind of visa because the family member sponsoring the applicant is not a relative under the Regulations may still be issued with a general visit visa, if the ECO is satisfied that the Immigration Rules have been met.

consider that this model has the potential to deliver a more consistent review process.

8.15 We assessed how the new Review to Risk process was being assured. The evidence we received showed that each post had developed a different method for ensuring that cases that should be subject to mandatory reviews were in fact being picked up. These included:

- having ECAs identify high-risk cases that required a mandatory ECM review at the data entry stage;
- Regional Managers conducting spot checks to ensure that the required reviews were being carried out; and
- analysis based on reports run using the Decision Quality framework.

8.16 We consider that these inconsistent approaches did not provide the necessary assurance that the new model was being followed in all posts, and that mandatory reviews were being carried out.

8.17 In addition, we were concerned that patterns of inconsistent decision-making between posts, which we identified in our file sampling, were not being picked up by either the previous method of identifying cases for ECM review or the Review to Risk model. As discussed in Chapter 4, local practices had developed in some posts. We therefore make the following recommendation.

Patterns of inconsistent decision-making between posts, which we identified in our file sampling, were not being picked up by either the previous method of identifying cases for ECM review or the Review to Risk model.

Recommendation: The Home Office should:

Develop and implement standardised assurance mechanisms to ensure that:

- local decision-making practices are consistent with UKVI policy and guidance; and
- ECM reviews are being carried out in all cases where mandated.

Impact of changes to appeal rights

8.18 The removal of appeal rights was expected to produce significant efficiency gains for both the Ministry of Justice and the Home Office. Savings for the Home Office were estimated at £38 million over a ten-year period, due to a reduction in appeal processing costs offset against the increased expenditure required to process additional applications from refused applicants who, without recourse to an appeal route, were expected to re-apply.³³ All the posts we visited confirmed that, as a result of appeal volumes having dramatically reduced, an element of the expected efficiency gains had been realised by redeploying staff from appeal-related processes to other workstreams.

8.19 We were not able to assess fully the impact of the removal of the full appeal right or the extent to which cashable savings had so far been realised, as no cost-benefit analysis had been done since the changes had come into force. However, we note that the original analysis was based on assumptions, of overall numbers of Family Visitor applicants, and of the percentage of refused applicants who would re-apply, which have not been borne out in reality. Therefore, it is unlikely that the cost-benefits will be as great as predicted.

8.20 The removal of the full right of appeal will clearly have had an impact on applicants who can no longer challenge a refusal through the First Tier (Asylum & Immigration) Tribunal. In 2012/13, 33,960 appeals against refusals of Family Visit visas were received. In the same year, of the 22,525

³³ Including the costs and benefits expected to accrue to the MoJ as a result of this change, the total net benefit was estimated at £107m at 2013 prices.

appeals determined, 9,686 (43%) were allowed.³⁴ In assessing the likely impact of the removal of appeal rights from Family Visitor applicants, the Home Office predicted that appeals would fall to about 10% of their former volume, while overall application numbers would remain static, and that 50% of refused applicants would choose to re-apply.

8.21 At the time of our inspection, the number of appeals had fallen to the level predicted. However, the predictions for numbers of applications and re-applications had not proved to be correct. Family Visitor applications fell from 452,200 in 2011 (the year used as a baseline for cost-benefit analysis) to 257,544 in 2013/14, a decrease of 43%. In addition, the re-application rate for refusals was 14% for the period June 2013-May 2014, well below the predicted 50%. Senior managers told us that there had been no analysis to date of the factors influencing the drop in the overall numbers of Family Visitor applications since the changes to appeal rights, nor was data available in relation to why re-application rates were lower than had been predicted.

8.22 We were concerned that no data was available on the impact of the change. However, we found no evidence in our file sampling to suggest that the removal of the full right of appeal had resulted in less careful attention to decision-making on the part of ECOs, or that refusal rates had risen significantly with the change.

We found no evidence in our file sampling to suggest that the removal of the full right of appeal had resulted in less careful attention to decision-making on the part of ECOs.

8.23 Our inspection found no evidence that the removal of appeal rights had had a detrimental impact on applicants. However, we consider that in the interests of providing a good customer service, and in order to establish that some applicants have not been disadvantaged, there should be further analysis done of the factors that have led to large falls in both application and re-application rates.

Online application form

8.24 Customers applying for a Family Visitor visa must now, with very few exceptions, use an online form, accessed via the UKVI website. Guidance on how to fill out the form is also available online. Managers told us that, according to customer feedback, applicants found the form convenient and easy to use. While ease of use is important from a customer service perspective, our file sampling showed that certain sections of the form were often not filled out correctly, and applicants did not always provide sufficient information to enable ECOs to make a fully informed decision on their application.

8.25 For example, the section of the form where applicants are required to give details of how their proposed visit is to be funded contains the question, 'Is someone other than you paying for all or a part of your trip?' The choice of answers is limited to 'Yes/No.' Many ECOs we spoke to commented that it would enable them to make swifter, more accurate decisions if the form prompted applicants to specify who intended paying, and for which elements of the visit.

8.26 We also found that the parts of the form where applicants were required to detail their family relationships often did not enable clear understanding of which family members were travelling together, and who was remaining at home. This can be important in establishing that an applicant has significant ties in their home country. In Manila, we were told that in order to address this issue an additional 'Family Form' had been developed for applicants to fill in at Visa Application Centres, giving full details of family members at home and overseas.

8.27 We consider that the online form should give the applicant the opportunity to satisfy the relevant provisions of the Immigration Rules concerning their personal and financial circumstances with as little room for ambiguity as possible. We were told that the online form was in the process of being

³⁴ <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-and-annual-jan-mar-2013-2012-13>. Because an appeal will not necessarily be heard in the same year that it is received, the figures for the percentage of appeals allowed will not align with the total.

updated at the time of our inspection. However, the changes we were told about did not go as far as we believe is necessary. Therefore, we make the following recommendation.

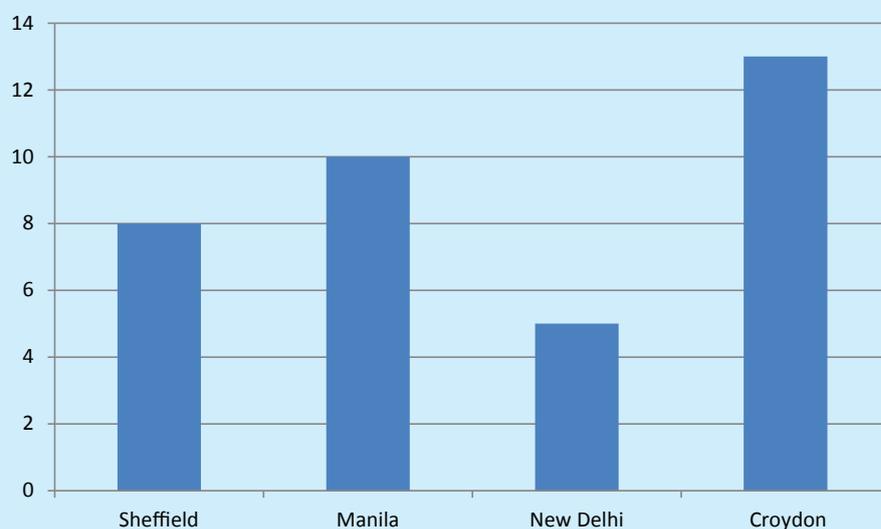
Recommendation: The Home Office should:

Review the online form to ensure that it guides visa applicants to provide unambiguous and sufficiently detailed information about their family and financial circumstances to enable Entry Clearance staff to reach an informed decision.

Family Visitor visa endorsements

- 8.28 UKVI reports on overall numbers of Family Visitor applications, and on the percentage of these applications that are issued and refused. Collection of this data is essential, not only for resource planning but also for effective monitoring of the effects of the removal of full appeal rights for this category. However, our file sample of issued visas included 36 (18%) cases which had been miscategorised, because either the family member being visited did not qualify as ‘family’ according to the current guidance, or was not a permanent resident for sponsorship purposes. Applications that do not qualify under the Family Visitor guidance should be recorded and considered as applications for General Visitor visas, which do not require that the applicant has a sponsor in the UK.
- 8.29 The table at Figure 23 sets out the number of incorrectly endorsed visas found in each of the posts we sampled. This level of misreporting renders UKVI’s statistics unreliable, and, unless addressed, will compromise attempts to monitor trends in Family Visitor Visa applications.

Figure 23: Incorrect endorsements per 50 issues.



- 8.30 The immigration status of the sponsor, and that their relationship to the applicant falls within Family Visitor parameters, should be checked by ECAs and ECOs at every stage of the application and decision process. While we saw some cases where applications made under the Family Visitor provisions had been correctly re-categorised by staff at either data entry or decision-making, the error rate revealed in our file sample indicates that these checks are not being carried out consistently, and suggests that significant numbers of applicants may be applying for Family Visitor visas when they do not fall within that category.

8.31 Proposals for radical reduction of the number of visa categories, announced by the Home Office in February 2015, should address this issue. Pending this change, we suggest that the Home Office considers clarifying guidance to customers and staff to ensure that applications are recorded, and visas issued, under the correct endorsements.

Risk registers

- 8.32 UKVI provided us with 22 risk registers³⁵ detailing risks UKVI had identified to its visa-issuing operations. These included an international risk register and regional risk registers, as well as those maintained locally at posts in the UK and overseas.
- 8.33 The international risk registers included risks to operational delivery across UKVI's global network. These risks were generic, varied in nature and applied regardless of the region or country where the post was located. Examples of generic risks on this register included:
- failure to protect children;³⁶
 - disruption due to IT outages, natural disaster or political unrest;
 - incidents of corruption; and
 - loss or theft of personal or sensitive data from posts, or whilst in transit.
- 8.34 Information regarding each risk, as well as the proposed mitigating actions if the risk were realised, were recorded clearly. We also found that these risks were being reviewed and the register updated regularly. We considered this to be good practice.
- 8.35 However, we found that the practice of reviewing and updating the risk registers was not universal. For example, several of the registers we saw appeared not to have been updated regularly, and one had been last updated in 2012.
- 8.36 We had expected to find that risks articulated within local registers would align with the UKVI international risk register and reflect the wider risks within that register, but this was not the case. Examples of this were local or regional risk registers not containing risks relating to loss of personal or sensitive data, or failing to protect children, despite UKVI's legal requirement regarding the latter. This meant that we could not be certain how these risks would be managed at a local level.
- 8.37 We could not determine from the registers we saw how certain other risks were managed. For example, during the inspection we were informed that decision-making functions at the Dhaka³⁷ and Nairobi³⁸ visa sections were in the process of being moved to other locations. There are risks inherent with the transfer of a post's decision-making function to another post. We would therefore have expected risk registers to detail these risks. We found that Dhaka's strategic regional³⁹ risk register did so. However, we could find no evidence that the same consideration had been given to risks arising from the closure of the post in Nairobi.
- 8.38 Though we found a good awareness of risk registers amongst managers at the sites we visited, the discrepancies between risk registers, and the omission of certain risks meant we could not be certain that there was an effective and coherent risk management process in place. We consider that UKVI should take steps to review risk registers as a matter of priority to assure itself that the risk management process for visa-issuing sections is robust.

³⁵ A risk register record identified risks, their severity, and the actions / steps to be taken to mitigate against those risks.

³⁶ UKVI have an obligation to safeguard and protect children under S.55 of the Borders, Citizenship & Immigration Act.

³⁷ We were informed by UKVI whilst on site at New Delhi that decision-making for Dhaka applications had been moved to New Delhi in September 2014.

³⁸ We were informed by UKVI via an email in December 2014 that Nairobi's decision-making function was being transferred to another location.

³⁹ Central Asia, South Asia & Turkey(CASAT).

Appendix 1 - Role and 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 UK Visas and Immigrations (UKVI) was introduced under the direction of a Director General.

Appendix 2 - Inspection Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Inspection Criteria. Figure 24 refers.

Figure 24: Inspection Criteria used when inspecting UKVIs handling of family visit visa applications

Operational Delivery

1. Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration.
2. Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.
3. Resources should be allocated to support operational delivery and achieve value for money.
4. Complaints procedures should operate in accordance with the recognised principles of complaint handling.

Safeguarding Individuals

5. All individuals should be treated with dignity and respect and without discrimination in accordance with the law.
6. All border and immigration functions should be carried out with regard to the need to safeguard and promote the welfare of children.
7. Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations.

Continuous Improvement

8. The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.
9. Risks to operational delivery should be identified, monitored and mitigated.

Appendix 3 - Glossary

Term	Description
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.
British citizen	A person who holds British citizenship, has the right to apply for a British passport, to live in the UK permanently and to leave and re-enter the UK at any time.
C	
Complaint	Dissatisfaction about the services provided by or for Home Office / UKVI staff, and/or about the professional conduct of Home Office / UKVI staff including contractors’.
Customer	Anyone who uses the services of UKVI.
D	
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.
E	
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 Visas and Immigration website:</p> <p>https://www.gov.uk/government/organisations/uk-visas-and-immigration</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 (ECA)	Supports the visa application process.
Entry Clearance Manager (ECM)	Manages the visa application process within a visa section.
Entry Clearance Officer (ECO)	Processes visa applications, making the decision whether to grant or refuse entry clearance.
European Convention of Human Rights 1950	A convention to protect human rights and fundamental freedoms.
F	
5CC	Five Country Conference: an agreement to share data between United States, Canada, Australia, New Zealand and UK.
G	
Grade 7	Senior manager, subordinate to Grade 6, superior to a Senior Executive
Grade 6	Senior manager, subordinate to the Senior Civil Servant, superior to Grade 7.
H	

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’ model was introduced to move away from the traditional model based on the physical presence of the 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. A database of names is available to UKVI staff of those with a previous history of immigration offences and those of interest to detection staff, police or other government agencies. The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police. Senior manager, subordinate to the Senior Civil Servant, superior to Grade 7.</p>
Human Rights Act	Legislation, which took effect on 2 October 2000, which meant that the UK’s domestic courts could consider the European Convention of Human Rights.
Humanitarian Protection (HP)	A form of immigration status afforded to a person who does not qualify as a refugee but can show that there are substantial grounds for believing that if they were returned to their country of origin, they would face a real risk of suffering serious harm. Serious harm means either: the death penalty; torture or inhuman or degrading treatment or punishment; or a serious and individual threat to a person’s life or safety in situations of armed conflict.
I	
Immigration Liaison Assistant (ILA)	Performs a range of tasks within RALON, e.g. helping with the identification of forged documents or the creation of risk profiles
Immigration Liaison Manager (ILM)	Oversees the work of RALON within a visa section.
Immigration Liaison Officer(ILO)	Supports the Immigration Manager in progressing RALON objectives.
Independent Chief Inspector of Borders and Immigration	The role of the Independent Chief Inspector of Borders and Immigration was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency and more recently, Border Force. The Chief Inspector is independent of UKVI and reports directly to the Home Secretary.

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 & 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"> • 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 & 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). • The Secretary of State may not appoint a member of his staff. • The Secretary of State must lay a copy of any report made to him under subsection (3) before each House of Parliament. <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 UK Border Agency’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 at the time, was appointed to this role by the Home Secretary on 26 April 2009, effectively bringing this work within his remit.</p>
Interim Operational Instructions	A UKVI operational guidance document which is circulated to staff, informing them of a change to their working practices.
J	
Judicial Review (JR)	The means through which a person or people can ask a High Court Judge to review the lawfulness of public bodies’ decisions.
L	
Locally Engaged Staff	Staff recruited directly by the British Embassy or High Commission in the country where they are employed.
M	
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 UKVI to differentiate on the basis of nationality in the entry clearance visa process.

P	
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.
R	
Refusal notice	A letter sent by the UK Visas and Immigration to those refused Entry Clearance, explaining the reasoning behind the decision.
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 UKVI, 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.
S	
Schengen zone	Zone in the European Union which has ‘no internal borders’ allowing for free movement between member states.
U	
United Kingdom Border Agency (UKBA)	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 broken up by the Home Secretary on 26 March 2013 and its functions returned to the direct control of the Home Office.
United Kingdom Visas and Immigration (UKVI)	One of the operational commands set up under the direct control of the Home Office in place of the UK Border Agency, which was broken up on 26 March 2013. From 1 April 2013 this department handles all overseas and UK immigration and visa applications.

V

Visa section

UK Visas and Immigration office that manages UK visa operation services. UKVI visa sections are located in a variety of locations around the world, including the UK.

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