



A short-notice inspection of decision making quality in the Madrid visa section

19 – 21 June 2012



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Independent Chief Inspector of Borders and Immigration



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Foreword from John Vine CBE QPM



I am pleased to present the report of the findings of my second short-notice inspection overseas. This inspection focused on my statutory remit as the Independent Monitor for Entry Clearance Refusals without the Right for Appeal. I gave the Agency only five days notice of this inspection. I would like to thank the Agency for the positive and proactive way in which it responded to my inspection.

I chose to inspect the Madrid visa section as its refusal rate for Other Visitor visas was amongst the highest of all visa sections and because it receives applications from a large variety of different nationalities. I was also interested to observe the operation of the UK Border Agency's new IT case working system (Integrity), which is being piloted there.

I found good decision making quality, clear and complete refusal notices and proper use of Immigration Rules. I was pleased to note that the UK Border Agency had made improvements as a direct result of previous recommendations I have made. I found very good retention of documents on case files and detailed notes on the IT caseworking systems, which ensured a clear audit trail in respect of why decisions had been made.

I observed the potential benefits of using the Integrity system to process visa applications. The Agency will, however, only be able to realise these once current problems with the system are resolved as these are clearly having an impact upon customer service.

A handwritten signature in black ink that reads "John Vine .". The signature is written in a cursive, flowing style.

John Vine CBE QPM
Independent Chief Inspector of Borders and Immigration

1. Executive Summary

- 1.1 This short-notice inspection examined the efficiency and effectiveness of the Madrid visa section, with a particular focus on decision making quality for visa refusals in Other Visitor cases attracting limited rights of appeal.
- 1.2 The quality of decision making was assessed by an analysis of 50 randomly selected Other Visitor refusal cases. This involved consideration of how Entry Clearance Officers had assessed and used evidence presented by applicants to determine whether decision making was:
 - efficient, effective and fair; and
 - in line with relevant Immigration Rules and UK Border Agency policy and guidance.
- 1.3 Overall, the Madrid visa section was meeting its targets. The cases processed using the Proviso IT case working system exceeded customer service targets but the cases processed using the new Integrity system missed some of the targets.
- 1.4 The pilot of the new Integrity system in Madrid showed that it had the potential to deliver clear benefits. However, problems with operation in the pilot stage have caused delays and a reduction in customer service. This has led to an increase in complaints.
- 1.5 We were pleased to find that the quality of decision making was high with 96% of cases in our sample meeting all of our decision quality indicators - this was a good performance. We also found that refusal notices were of a high standard in Madrid. In addition we were pleased to find that the files were in good order and the retention of documents on files was excellent, in line with recommendations we have made to the UK Border Agency in previous reports. This meant that there was a clear audit trail of the decisions which had been made. The notes on the IT case working systems were also detailed and clearly explained the reason for the decision reached.
- 1.6 We found that ECM reviews were being carried out using a checklist template which complies with internal guidance issued by the Agency on 29 June 2012, following our visit. We welcomed the fact that the Agency had taken this step following our recommendation in previous reports to improve the effectiveness of ECM reviews. However, we found limited evidence of any robust system in place to enable senior managers to verify decision quality, for example by quality assuring the work of the ECM.
- 1.7 We were pleased to find no issues in relation to people being discriminated against or not treated with respect. We were also satisfied that staff in the Madrid visa section took their obligation to safeguard children seriously. In addition, we found that the visa section had good systems in place for protecting personal data.
- 1.8 The team in the Madrid visa section displayed a positive and resilient attitude and we observed good communication and processes in place in order to share learning and good practice, as well as a commitment to providing good customer service.
- 1.9 We found that there was limited awareness amongst staff of the regional risk register and how to contribute to it, despite recommendations we have made in this regard following previous inspections. Managers accepted that work needed to be done to increase awareness of the risk register and to provide more formal mechanisms for staff to feed into it.

2. Summary of Recommendations

We recommend that the UK Border Agency:

1. Raises staff awareness of the risk register, making it clear how they can contribute to it, in order to ensure that managers are alerted to potential, emerging or changing risks as early as possible.

3. The Inspection

- 3.1 The role of the Independent Chief Inspector (‘the Chief Inspector’) of the UK Border Agency was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the UK Border Agency. In 2009, the Chief Inspector’s remit was extended to include customs functions and contractors.
- 3.2 On 26 April 2009 the 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 (regarding the introduction of the points-based system from April 2008).
- 3.3 On 20 February 2012, the Home Secretary announced that Border Force would split from the Agency from 1 March 2012, to become a separate operational command within the Home Office. The Home Secretary confirmed 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 new 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.
- 3.4 The Chief Inspector is independent of the UK Border Agency and the Border Force, and reports directly to the Home Secretary.
- 3.5 The Chief Inspector’s inspection criteria¹ (set out in appendix 1) were used to assess the efficiency and effectiveness of the visa sections in Madrid under the themes of:
 - Operational Delivery;
 - Safeguarding Individuals; and
 - Continuous Improvement.
- 3.6 This inspection addressed the statutory remit of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal². This is 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, regarding the introduction of the points-based system (from April 2008).

Purpose and aim

- 3.7 The purpose of this inspection was to examine the efficiency and effectiveness of the Madrid visa section with a particular focus on decision making quality in relation to visa refusals without a full right of appeal, specifically, Other Visitor³ cases. This includes applicants intending to visit the UK as tourists, business visitors or those wishing to study on a short-term basis.

¹ All criteria of the Independent Chief Inspector of Borders and Immigration can be found at <http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Inspection-Criteria.pdf>

² Although the formal title of the Independent Monitor refers to cases without the right of appeal, all requests for entry clearance in fact carry appeal rights on the basis of humanitarian and race relations grounds.

³ Visitor cases that only attract limited appeal rights.

- 3.8 The inspection aimed to examine the quality and consistency of decision making by assessing whether or not decision making was:
- efficient, effective and fair; and
 - in line with relevant Immigration Rules and UK Border Agency policy and guidance.
- 3.9 The inspection also intended to measure the performance of UK Border Agency International Group in respect of the information on “our service and values” published on its website⁴, which set out the level of customer service people subject to Agency services can expect.

Background

- 3.10 The information in this section was provided by the UK Border Agency and sets out general background information about International Group and the work of the Visa Section in Madrid.
- 3.11 International Group is a Directorate of the UK Border Agency formed in 2008 from UK Visas and other international policy strands. The Group delivers the wider overseas remit of the UK Border Agency, including the visa issuing service and is fundamental to achieving the Agency’s strategic objectives listed below:
- To protect the border and national interests of the UK;
 - To tackle border tax fraud, smuggling and immigration crime; and
 - To implement fast and fair decisions.
- 3.12 The most recently published International Group Business Plan (2011/12) identified ten strategic objectives. The objectives most relevant to this inspection were as follows:
- Meet or exceed published customer service standards in all our services, expand our range of new and premium services and build customer and partner confidence;
 - Embed “right first time every time” decision quality in all we do, extend ‘verification plus’ across at least 20 visa sections, introduce i-search and data sharing with 5 countries; and
 - Provide high calibre leadership and management for all our staff, ensuring they have the skills they need to do their jobs and opportunities to develop and are recognised for excellence in performance. Measure progress through staff survey results on engagement.
- 3.13 International Group has approximately 2,400 staff in 130 countries around the world, working to deliver the Government’s objective of facilitating trade and travel that benefits the UK and preventing travel which does not. To manage its work overseas, International Group has structured its visa work into six regional locations:
- Africa;
 - Americas;
 - Asia Pacific;
 - Gulf, Iran and Pakistan;
 - EuroMed; and
 - South Asia.

⁴ <http://www.ukba.homeoffice.gov.uk/aboutus/service/>

- 3.14 The Madrid visa section forms part of the EuroMed region.
- 3.15 The work of entry clearance staff is crucial in helping the UK Border Agency address its purpose of securing the border and controlling migration for the benefit of the country.

Hub and Spoke

- 3.16 The redesign of the Agency's global network of visa sections began in January 2007 as part of a wider programme of change, supported by the introduction of biometrics⁵ and commercial partners.
- 3.17 This redesign allowed the Agency to think about how and where it considered applications, giving it an opportunity to make better use of its resources overseas. The redesign of the network into a Hub and Spoke business model aimed to deliver three main benefits:
- Improved quality and consistency of decision making;
 - Improved efficiency and productivity; and
 - Greater resilience and flexibility.
- 3.18 This business model has seen decision making move from small visa sections to larger regional hubs, or processing centres. In early 2007, there were over 150 posts around the world working largely independently and handling all aspects of visa processing including the receipt of applications and decision making. By late 2011 there were 374 locations involved in processing visa applications (spokes) and 55 decision making centres (hubs).

The Madrid Visa Section

- 3.19 At the time of our inspection, the Madrid visa section received and assessed all applications for entry clearance made at the:
- British Embassy in Spain; and
 - Lisbon Mobile Biometrics Clinic (MBC) in Portugal.
- 3.20 The applications received in Madrid can be made by nationals of any country currently living in mainland Spain, Portugal, the Balearic Islands, Andorra, the Canary Islands, Ceuta and Melilla, or the Azores.
- 3.21 The Madrid visa section processes applications made by people who have either temporary or permanent residency in Spain or Portugal. However people who only have temporary residency are limited in terms of the categories of UK visas they can apply for.⁶
- 3.22 The Lisbon MBC is run by a partner organisation and operates on only one day each week. Applicants make an appointment to attend the MBC in order to have their biometrics taken as part of the visa application process. They must pay an extra fee for using this service but have a choice of whether to do so or to travel to Madrid instead to provide their biometrics.

⁵ All customers are routinely required to provide biometric data (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.

⁶ Temporary residents can apply only for a visitor visa; a Tier 5 (Temporary worker - creative and sporting) visa or an EEA family permit.

3.23 Figure 1 provides a breakdown of the type and number of applications assessed in Madrid during the financial year, 2010/11.

Figure 1: Number of applications assessed in the financial year 2010/11	
Category	Madrid
EEA Family Permits	1203
Family Visit	1401
Other Non Settlement	259
Other visitor	4619
PBS Tier 1 (highly skilled individuals)	16
PBS Tier 2 (skilled workers)	104
PBS Tier 4 (students)	234
PBS Tier 5	97
Settlement	109
Student	9
Transit	87
Total	8138

3.24 The UK Border Agency confirmed that as part of its ongoing change programme it plans to close the Madrid visa post in the future and hub the applications from Spain and Portugal into the UK Visa Section in Croydon instead. Although no definite time had been confirmed for this closure, we were told it was likely to happen sometime after the end of the current financial year.

The Application Process

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

Figure 2: Application process for applications made in Spain and Portugal	
1	Applicants complete an online application form, pay the relevant fee and book an appointment to have their biometrics taken.
2	Applicants attend the Embassy in Madrid to submit their biometric data and their supporting documents. If their documents are to be returned by courier at an additional charge, the return address is provided by the applicant.
3	If the application is made in Portugal, applicants attend the Mobile Biometric Clinic in Lisbon to submit their biometric data and the the form and supporting documents are sent to the Madrid visa section by the applicant.
4	The decision to issue or refuse entry clearance is made by an Entry Clearance Officer in Madrid.
5	The visa vignette or the refusal notice is printed and returned to the applicant together with the original supporting documents via courier to the address given by the applicant. The passport and decision can only be collected in person in very exceptional circumstances. A nominated person can collect the documents on the applicant's behalf but in order to do this they need to provide an authorisation letter signed by the applicant, the applicant's receipt and proof of their identity.

Staffing

3.26 Figure 3 provides a breakdown of staffing numbers at the time of our inspection.

Figure 3: Staffing numbers in the Madrid visa section	
	Madrid visa section
Regional Director (Grade 5) – based in Rome	1
Regional Manager (Grade 7) – based in Croydon	1
Regional Operations Manager (Senior Executive Officer) – based in Rome	1
Entry Clearance Manager (Higher Executive Officer)	1
Entry Clearance Officers (Executive Officer)	4
Entry Clearance Assistants ⁷	5
Immigration Liaison Manager (Higher Executive Officer)	1
Immigration Liaison Officer (Executive Officer)	1
Total	15

Note: Information provided by UK Border Agency, International Group

The Immigration Case Work (ICW) programme

- 3.27 By 2014, the UK Border Agency plans to implement a new fully integrated, end-to-end IT caseworking system called Integrity which will replace its current overseas IT caseworking system, known as Proviso. The expected benefits of the new Integrity system include simplified processes, an increased audit trail and more active case management. For example, it should enable applications and payments to be made on-line, electronic scanning and storing of documents, and automated guidance of case workers through the steps necessary to decide a visa application.
- 3.28 The Madrid visa section had been running a pilot of the Integrity system on a partial basis since 24 August 2011. The system was launched fully on a pilot basis in Madrid on 30 October 2011, but the visa section had also continued to use Proviso alongside it as and when necessary to do so. We were told that when Integrity was launched in Madrid in October 2011, it should have catered for all new visa applications. However, there were some categories of cases that could not be included on Integrity as recent rule changes had not been incorporated. There were also some difficulties encountered with the operation of the system itself. This meant that Proviso continued to be run in parallel with Integrity. We comment further on these issues later in the report.
- 3.29 As part of the pilot project, feedback is gathered from the staff using the system to help drive improvements before full roll out across the Agency of the Integrity system.

Scope

- 3.30 This was a short-notice inspection so the UK Border Agency was only given five days notification that it would take place. These inspections are an important way of ensuring that the Agency is meeting its stated objectives and standards and is doing so efficiently and effectively. The inspection focused predominantly on decision quality in refusal cases with limited rights of appeal. Assessment of both the effectiveness of decision making and also the quality of refusal notices was undertaken. This approach provided an up-to-date picture of decision making quality in Other Visitor cases, as the decisions were made in the four week period immediately preceding the on-site inspection.

⁷ This category includes support staff at various grades undertaking a range of roles in support of the visa operation.

3.31 As this was a short-notice inspection whose main focus was on decision quality, we spent only a few days on site and we did not carry out an in-depth inspection against some of the criteria. However, as part of this inspection we carried out stakeholder interviews, staff interviews, observations and focus groups which enabled us to identify key issues of concern and areas of good practice against each of the criteria in scope.

Methodology

- 3.32 The on-site phase of the inspection took place between 19 and 21 June 2012. A range of methods were used during the inspection, including:
- reviewing a sample of 50 refusal cases with limited rights of appeal which had been decided in the four weeks prior to our inspection;
 - interviewing the Regional Manager, the Regional Director, the Operations Manager, the Entry Clearance Manager and the Immigration Liaison Manager;
 - carrying out stakeholder interviews with the Deputy Head of Mission, the British Council and UK Trade and Investment;
 - holding two focus groups with Entry Clearance Officers and Entry Clearance Assistants; and
 - observing staff carry out their work.
- 3.33 On 28 June 2012, the inspection team provided feedback on high level emerging findings to the UK Border Agency.
- 3.34 The inspection identified one recommendation for improvement to operational service delivery in Madrid. This is outlined on page 4 of this report.

4. Inspection Findings – Operational Delivery

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

Decision making

- 4.1 This section provides detailed results and analysis of the files we examined during the on-site phase of our inspection in Madrid.
- 4.2 Prior to the on-site phase of the inspection, we requested a randomly selected sample of 50 Other Visitor application case files drawn from a list of decisions made in Madrid between 14 May 2012 and 8 June 2012 split between decisions made on the Integrity and Proviso IT caseworking systems. We chose 35 files from Proviso and 15 from Integrity. We chose a smaller number of files from Integrity because of IT difficulties within the Agency which made it hard to identify and access the sample from this system. Figure 4 gives a breakdown of the composition of the sample we examined.

Figure 4: Files requested and received from the UK Border Agency

Category or Endorsement	Number sampled	
	Proviso	Integrity
General Visit	30	10
Visit - Business	1	1
Visit - Entertainer	1	3
Visit - Student	3	1
SUBTOTAL	35	15
TOTAL NUMBER OF ALL FILES	50	

- 4.3 We were pleased to find that the UK Border Agency was able to retrieve all of the files requested.

Timeliness

- 4.4 At the time of our inspection, the UK Border Agency measured its performance against the following customer service standards: to complete 90% of non-settlement visa applications in not more than 15 working days, 98% in 30 working days, and 100% in 60 working days.
- 4.5 UK Border Agency management information showed that cases processed using the Proviso IT caseworking system were meeting its customer service standards. The Agency told us that their current published information only included data on the Proviso cases and that it was currently not possible to get this information for cases processed using the Integrity system. It will be important for the Agency to remedy this problem so it can measure its performance against customer service standards for all cases.

4.6 Figure 5 shows the results of our file sample against the customer service standards. As mentioned previously, Madrid was piloting the Integrity system but, because of problems with the new system, they continued to use the Proviso system alongside it when necessary. As well as showing the overall results of our sample, Figure 5 also provides a breakdown of the results comparing the performance of Integrity and Proviso cases.

Figure 5: Performance against customer services targets in Other Visitor refusals cases

Targets: To complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days

Number of cases sampled	Proviso (35)			Integrity (15)			Total (50)		
	15 working days or under	30 working days or under	60 working days or under	15 working days or under	30 working days or under	60 working days or under	15 working days or under	30 working days or under	60 working days or under
Timescales									
Percentage of cases processed by timescale	100%	100%	100%	67%	100%	100%	90%	100%	100%
Number of cases processed by timescale	35	35	35	10	15	15	45	50	50
Number of cases by which target was missed (-), met (0) or exceeded (+)	+3	+1	0	-4	0	0	0	0	0
Average processing time (working days)	5.4			15			8.3		

NB. All percentage figures in this table have been rounded up to the nearest 1%

- 4.7 The results of our file sampling showed that the Madrid visa section met its customer service standard targets overall. However, for cases processed using the Integrity system we found that only the 30 day and 60 day targets were met. Only 67% of cases (10 cases) were processed within 15 days against a target of 90% so this target was missed. Meanwhile for cases processed using the Proviso system we found that all three targets were met and the 15 and 30 day targets were exceeded.
- 4.8 Our sample also indicated that there was a significant difference in the average case processing time between the two systems, with Integrity cases taking almost three times as long to process. While these results were based on a small sample of cases they did reflect the feedback we received from staff and managers, as well as what we observed ourselves while we were on site.
- 4.9 We noted that there were significant difficulties with processing cases using the Integrity system because of its slow speed and problems caused when cases frequently got 'stuck' in the system resulting in delays. Staff explained that sometimes cases were not progressed on the system with no obvious reason or explanation for this. When problems occurred they were logged as incidents so that they could be looked into and resolved by the relevant IT service provider.

- 4.10 Examples of problems encountered included database matches not appearing and applicants' biometric data disappearing from the system. In the case of missing biometric details, this could cause inconvenience to applicants who would need to have their biometric details retaken, and to make a special journey, possibly of some distance and at their own cost, to do so.
- 4.11 The UK Border Agency had been unable to accurately estimate how long it should take to process applications using the Integrity system due to the problems with the system. Managers and staff estimated it was likely to take twice as long if the system was operating as it should, although current system problems meant some cases were delayed significantly. However in the event of a case being delayed for some time, staff could refer the case to a senior manager to obtain authorisation to transfer the case from Integrity to Proviso so it could be concluded quickly. We noted this was a controlled process and all cases handled in this way were logged so the level of the problem could be monitored.
- 4.12 While all cases in Madrid should be processed using the Integrity system, we noted that when system issues had led to backlogs of visa applications, managers had liaised with the ICW project team to obtain authority to process them on the Proviso system instead in order not to delay them further. Staff and managers told us that they found the problems with the Integrity system frustrating and felt that, as a result, they were delivering a 'mediocre' level of service compared to what they used to be able to provide.
- 4.13 We found that complaints from applicants had increased as a result of the delays experienced in processing their applications. Additionally, the number of general enquiries about the progress of applications had gone up. This had also led to an increase in administrative work for staff. Figure 6 shows the number of complaints received by the post each month and the number which were Integrity related.

Figure 6: Breakdown of number of complaints August 2011 to May 2012

MONTH	TOTAL NUMBER OF COMPLAINTS	NUMBER OF INTEGRITY RELATED COMPLAINTS
August 2011	2	0
September 2011	2	0
October 2011	1	0
November 2011	1	0
December 2011	1	0
January 2012	7	3
February 2012	0	0
March 2012	2	2
April 2012	3	2
May 2012	5	3
Total	24	10

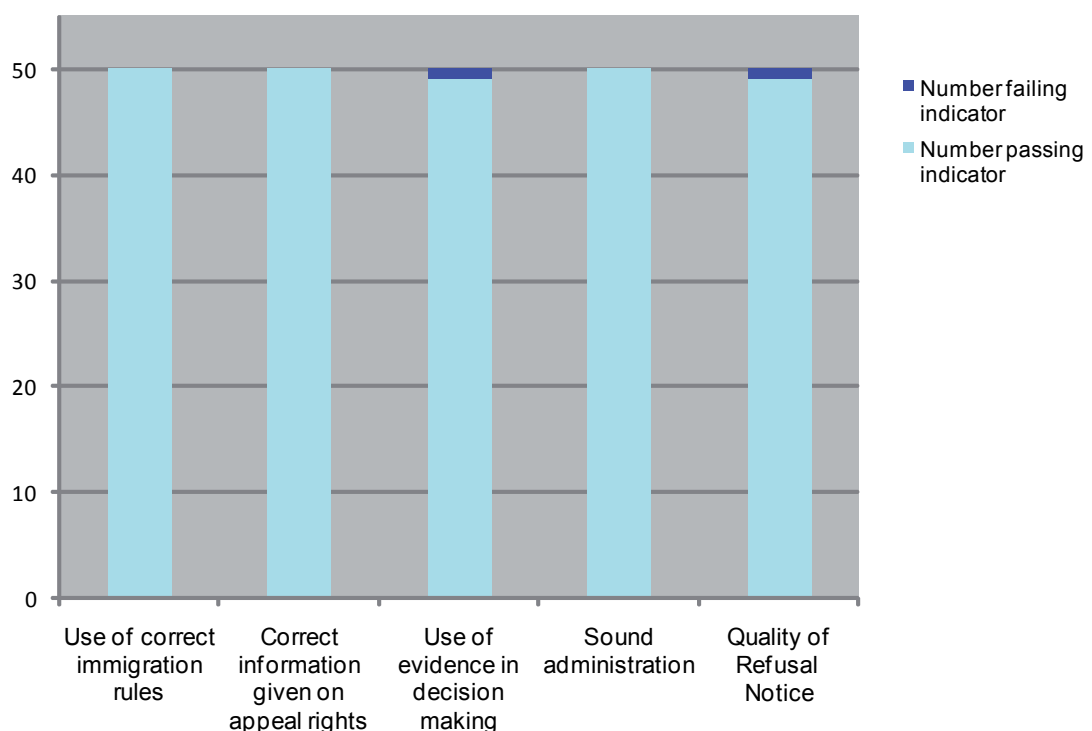
- 4.14 While we were on site the Integrity implementation was still in a pilot stage with testing in operation in the visa sections in Madrid, Rabat and Rio de Janeiro. We were informed the results of the pilot would be evaluated and used to inform the programme of future roll out of the system further across the Agency.
- 4.15 In response to the identification of problems encountered with the Integrity system, we noted that the Agency planned a roll out of software releases in July and October 2012 which were intended to fix known issues, as well as to facilitate some streamlining of processes using a risk-based approach.

- 4.16 Managers confirmed that Integrity provided more transparent decision making as well as a much clearer audit trail. We also observed that the system simplified the decision making process by carrying out checks automatically against all UK Border Agency databases. Furthermore, the structure ensured that all necessary tasks were completed which ensured greater accuracy and consistency. It is also planned that all documents will be scanned onto the system and will be accessible electronically. The Agency told us that as well as being more user friendly, the new system would also reduce the requirement for storage of paper documents.
- 4.17 In summary we could see the potential benefits of using the Integrity system. However, the Agency will only be able to realise these once the current problems are resolved.

Results of the sample of Other Visitor refusals of entry clearance in Madrid

- 4.18 We examined refused Other Visitor entry clearance cases using various quality indicators, including:
- was the decision to refuse entry clearance assessed against the correct Immigration Rules?
 - did the Entry Clearance Officer make their decision based upon all the available evidence?
 - was the correct information on appeal rights provided to the applicant?
 - was the administration of the case sound?
 - was the quality of the refusal notice adequate?
- 4.19 Of the 50 refused Other Visitor cases examined, we found only two cases (4%) failed one decision making quality indicator. One of the cases failed because positive evidence had been disregarded and the other case failed because the refusal notice was unclear. Figure 7 gives a breakdown of the results of our file sampling exercise.

Figure 7: Other visitor refusal cases assessed against indicators of decision making quality



Immigration Rules

- 4.20 We noted that the decision to refuse entry clearance was assessed against the correct Immigration Rules in all Other Visitor refusal cases.
- 4.21 We found four cases (8%) in our sample where applicants had applied for the wrong category of visitor visa. The post had generally adopted a pragmatic approach of considering the application under the category which it should have been made. Staff told us they considered this was good customer service and only did this when the applicant had paid the correct fee and the UK Border Agency was not being disadvantaged in any way.
- 4.22 Staff confirmed that once an application had been made and paid for online through the Integrity system, they were unable to change the category of visa applied for on the system. Previously, they could advise applicants of their error and give them advice on which category to apply for before they made the payment but this was no longer an option with the Integrity system. They explained that this was the reason for their approach to applications made under the wrong category and that they were doing so in the best interests of the applicants.
- 4.23 While this may not have been strictly correct technically, we could understand why staff took this course of action to provide good customer service. However, we found that the Agency's approach to this situation was not consistent. Figure 8 outlines two case studies which illustrate this.

Figure 8: Case studies – Other Visit applications

Case study 1

- The applicant:
 - applied for entry clearance as an entertainer visitor;
 - consistently stated that the purpose of their visit was for a holiday;
 - did not satisfactorily answer any of the questions pertaining to the entertainer visa category.
- It was clear that the applicant had applied for the wrong type of visitor visa.
- The Agency considered this as a general visitor application rather than as an entertainer visitor application.
- The application was refused on the basis that the applicant had failed to supply sufficient evidence of the funds she had available for her trip.
- We agreed with the reasons for refusing this application.

Case study 2

- The applicant:
 - applied for entry clearance as a general visitor;
 - stated that the purpose of their visit was to attend a 10 day writing course at an academic institution.
- The Agency's case notes indicate that this application was considered under the student visitor category and that they did not consider the applicant had provided sufficient evidence of the course they were going to study or of the funds they had available.
- Whilst explaining the above, the refusal notice also states 'I am not satisfied that you do not intend to take a course of study whilst seeking entry as a visitor'. This is a ground for refusal under the general visitor category.
- We considered this wording was confusing given that the applicant clearly did intend to take a course of study.
- We agreed with the reasons for refusing this application.
- The Agency accepted our comments and said that this should have been refused as a student visitor visa. They agreed to re-issue the refusal notice.

- 4.24 Of the four cases where the applicant had applied for entry clearance under the wrong visa category, we found that three of these cases had been refused under the category in which the applicant should have applied. However, one case had been refused under the incorrect category which the applicant had used in error, and was confusing as outlined in Figure 8, case study 2.
- 4.25 The UK Border Agency accepted our comments and acknowledged that their approach was inconsistent. The Agency agreed to address this and to ensure that all entry clearance staff in Madrid were adopting the same approach to such cases. This will be particularly important on an Agency-wide basis when Integrity is rolled out further.

Correct information given on appeal rights

- 4.26 We found that the correct information on appeal rights had been given in all Other Visitor refusal cases in our file sample.

Use of evidence in decision making

- 4.27 We were pleased to find only one case in our sample (2%) where the decision had not been made in line with all of the available evidence. Although we found that one piece of positive evidence had not been adequately considered, we did agree that the overall decision reached was the correct one. Further details of this case are presented in Figure 9 below. We have also included details of another case which was a good example of evidence being considered thoroughly with appropriate checks being made, leading to a positive result identifying deception.

Figure 9: Case studies – Use of evidence

Case study 1

- The applicant:
 - applied for a general visit visa for 10 days to visit a friend;
 - intended to stay with the friend’s grandparent, who was also the sponsor.
- The sponsor sent a letter of support, their driving licence and a recent council tax bill.
- The application was appropriately refused on the basis that the applicant had not supplied adequate evidence of their funds or employment.
- The refusal notice also stated that there was “....no evidence regarding the nature of the accommodation available to you or regarding how many other people are already resident there has been provided.” The sponsor’s council tax bill clearly states a single occupancy discount is given and the property is Band D.
- We considered that, on the basis of this evidence, it would have been reasonable for the applicant to have stayed there. However, we agreed that the application would have been refused in any event due to the inadequate evidence of funds and employment.
- The Agency accepted our comments and explained the Entry Clearance Officer was unfamiliar with Council Tax and that this was a training issue.
- They agreed to re-issue the refusal notice.

Case study 2

- The applicant applied for entry clearance as a general visitor.
- Extra checks were performed as there was evidence on file that the applicant’s name had been changed.
- Employment history was checked and it was found that the applicant was unemployed and not working as claimed. There was no record of them ever having worked for the named employer.
- The application was correctly refused under paragraph 320 7(A) as the applicant had given false information on the application.
- This case was appropriately reviewed by the Entry Clearance Manager whose note was detailed and had clearly been made using a comprehensive template.
- The refusal notice explained the decision in detail and was clear and of good quality.
- We considered that this case was an example of good practice.

Maladministration

- 4.28 We did not identify any instances of maladministration in this inspection.

General findings for the overall file sample

- 4.29 We were pleased to find that the quality of decision making was good with 96% of cases (48 cases) in our sample meeting all of our decision quality indicators. We also found that refusal notices were of a high standard in Madrid. In addition, we were pleased to find that the files were in good order and the retention of documents on files was excellent, in line with recommendations we have made to the UK Border Agency in previous reports. This meant that there was a clear audit trail of the decisions which had been made. The notes on the IT caseworking systems were also detailed and clearly explained the reason for the decision reached.

ECM reviews

- 4.30 We found that ECM reviews were being carried out using a checklist template which complied with internal guidance issued by the Agency on 29 June 2012, after our visit. We welcomed the fact that the Agency had done this following our recommendation in previous reports that they take steps to improve the effectiveness of ECM reviews. Staff and managers confirmed ECM reviews were carried out in line with the Agency's targets. The files to be reviewed were automatically selected by the Integrity system but had to be manually selected for Proviso. We found limited evidence however of any robust system in place to enable senior managers to verify decision quality, for example by quality assuring the work carried out by the ECM.

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

Risk and Liaison Overseas Network (RALON)

- 4.31 RALON is an intelligence operation delivering objectives across the fields of Air, Risk and Criminality.
- 4.32 We received positive comments from staff and managers in both RALON and the visa section about the good relationship between them. Entry clearance staff were able to refer cases and issues to RALON if they had any concerns. We noted that a risk profile was produced centrally and highlighted types of applicants for whom further checks needed to be carried out. This was supplemented by RALON's local knowledge delivered through staff briefings.
- 4.33 Both RALON and the visa section told us that RALON had a limited amount of time and resource to devote to the activities of the visa section as they were primarily engaged in airport work. We were told that the Agency was currently recruiting additional RALON resource, some of which would be available to assist the Madrid visa section.

Paragraph 320 of the Immigration Rules

- 4.34 Figure 10 provides an explanation of Paragraph 320 and its sub paragraphs which were relevant to this inspection.

Figure 10: 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.

4.35 Although we did not specifically sample paragraph 320 cases as a separate category during this inspection, we did consider the application of paragraph 320 in the files we sampled. We identified two cases that had been refused under paragraph 320. We were satisfied that it had been applied appropriately in these cases and that 320 cases were reviewed by the Entry Clearance Manager as necessary. We did not identify any cases where we believed paragraph 320 was not applied when it should have been.

Complaints procedures should be in accordance with the recognised principles of complaints handling.

- 4.36 We found that complaints were being handled within appropriate timescales but that the number of complaints received had increased since the introduction of the Integrity pilot (see figure 6). The additional complaints received were primarily about the length of time taken to process applications.
- 4.37 All complaints were passed to the ECM to investigate and respond to and a log of complaints was kept. Any feedback from complaints was shared with individual members of staff or during team meetings as appropriate. A review of the complaint logs for the past five months showed that complaints were being responded to within the appropriate timescale.

5. Inspection Findings – Safeguarding Individuals

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

Decision making

- 5.1 Our file sampling found no evidence that decisions were being made other than in accordance with the Immigration Rules and the law. This was reinforced by our findings from the focus groups where staff made it clear they made decisions based entirely on the Immigration Rules. We were told that staff are encouraged to base their decisions on common indicators such as employment or funds rather than on the nationality of the applicant. It was clear that staff treated each case on its own merits and did not discriminate on the grounds of nationality.
- 5.2 All staff confirmed they had undertaken the Agency’s mandatory training in equality and diversity and this was confirmed by managers.

Functions should be carried out having regard to the need to safeguard and promote the welfare of children.

- 5.3 We were satisfied that the Madrid visa section took their obligations to consider the need to safeguard and promote the welfare of children seriously. No evidence was found to show it was not complying with the UK Border Agency’s duty to protect the welfare of children and, although we did not encounter many child cases in our file sampling exercise, we did not identify any concerns in this regard during our file sampling exercise. Staff confirmed that they were very clear that extra checks needed to be carried out on applications made for children and we were satisfied staff were aware of their obligations with regards to safeguarding children as part of the visa application process.
- 5.4 All staff and managers confirmed that they had undertaken the Agency’s mandatory e-learning on “Keeping Children Safe”.

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

- 5.5 All of the files which we requested for sampling were retrieved swiftly and apparently easily and file storage and retrieval in Madrid did not raise any concerns for us.
- 5.6 We found there was a clear desk policy in place and this was monitored by the ECM at the end of each day and occasionally through spot checks by the Consulate Security Manager. We found no evidence of any issues around breaches or data protection concerns in Madrid.
- 5.7 We noted that all original documents submitted by applicants were kept in a separate folder on the file so that they could easily be retrieved and returned to the applicants once they had been considered. This was an example of good practice.
- 5.8 All staff and managers confirmed that they had undertaken the Agency’s mandatory training in respect of information assurance.

6. Inspection Findings - Continuous Improvement

The implementation of policies should be continuously monitored and evaluated to assess the impact on service users and associated costs.

- 6.1 We found that staff had engaged positively with the Integrity pilot and were willing to make it work despite their frustrations. They were proactive in providing feedback on problems they encountered and areas for improvement. We also found that staff appeared to have a positive and resilient attitude towards the anticipated closure of the Madrid visa section and were keen to maintain good customer service.
- 6.2 Staff told us that they had regular opportunities to comment on processes and to make suggestions during team meetings, and felt as though they were being listened to when they did so. We also found that learning was shared during team meetings with feedback in relation to complaints and ECM reviews. We were pleased to observe that concerns we had raised during the inspection were immediately discussed and addressed by the team, and two refusal notices were re-issued as a result of this while we were on site.
- 6.3 A customer satisfaction survey was sent to all applicants to be completed online and the results were regularly fed back to the post and discussed by the team in order to identify any learning opportunities or changes which could be made for improvement.

Risks to the efficiency and effectiveness of the Agency should be identified, monitored and mitigated.

Risk register

- 6.4 We found very limited awareness amongst staff of the regional risk register and how they could contribute to it. Staff did not contribute to it because they had not been asked to. However, most staff said they would speak to a manager if they identified a risk or wanted to raise anything of concern. Managers accepted there was scope to formalise this process to ensure all staff were aware of how to feed into the risk register. A similar finding was identified at the time of our inspection of the New York visa section and our re-inspection of the Abu Dhabi and Islamabad visa sections. We therefore make the same recommendation here.

We recommend that the UK Border Agency:

- Raises staff awareness of the risk register, making it clear how they can contribute to it, in order to ensure that managers are alerted to potential, emerging or changing risks as early as possible.

Appendix 1

Inspection Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Inspection Criteria, revised in March 2011. They are shown below.

Inspection Criteria used when inspecting the Madrid Visa Section

Operational Delivery

1. Decisions on the entry, stay and removal of people 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. Complaints procedures should be in accordance with the recognised principles of complaint handling.

Safeguarding Individuals

4. All people should be treated with respect and without discrimination except where the law permits difference of treatment.
5. Functions should be carried out having regard to the need to safeguard and promote the welfare of children.
6. Personal data should be treated and stored securely in accordance with the relevant legislation and regulations.

Continuous Improvement

7. The implementation of policies should be continuously monitored and evaluated to assess the impact on service users and associated costs.
8. Risks to the efficiency and effectiveness of the Agency should be identified, monitored and mitigated.

Appendix 2

List of Stakeholders

During the inspection, we contacted and consulted with the following stakeholders:

- Deputy Head of Mission, Madrid
- UK Trade and Investment, Madrid
- British Council, Madrid

Appendix 3

Glossary

Term	Description
A	
Agency	Refers to the UK Border Agency.
Audit trail	Chronological list of events.
B	
Biometrics	All customers are now routinely required to provide ten digit finger scans and a digital photograph when applying for a United Kingdom visa. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five.
Border Force	A law enforcement command within the Home Office responsible for entry controls and customs functions at the border, including immigration and security checks, prevention of people trafficking, anti-smuggling of banned and restricted goods and protection of border revenue.
C	
Complaint	Defined by the UK Border Agency as ‘any expression of dissatisfaction about the services provided by or for the UK Border Agency and/or about the professional conduct of UK Border Agency staff including contractors’.
Customer	Defined by the UK Border Agency as anyone who uses the services of the Agency, including people seeking to enter the United Kingdom, people in detention and MPs.
D	
Data Protection Act 1998 (DPA)	The Data Protection Act requires anyone who handles personal information to comply with a number of important principles. It also gives individuals rights over their personal information.
Director	Senior UK Border Agency manager, typically responsible for a directorate, region or operational business area.
E	
e-Learning	Computer based training course.
Entry Clearance	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>These documents are taken as evidence of the holder's eligibility for entry into the United Kingdom and, accordingly, accepted as "entry clearances" within the meaning of the Immigration Act 1971. The United Kingdom Government decides which countries' citizens are, or are not, visa nationals. Non-visa nationals also require entry clearance if they seek to enter the United Kingdom for purposes other than to visit and/or for longer than six months.</p> <p>More detailed information about Entry Clearance can be found on the UK Border Agency website: http://ukba.homeoffice.gov.uk/</p> <p>The Immigration Rules say that a customer making an application for an entry clearance as a visitor must be outside the United Kingdom and Islands at the time of their application and must apply to a Visa Section designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant.</p>
Entry Clearance Assistant	Supports the visa application process.
Entry Clearance Manager	Manages the visa application process.
Entry Clearance Officer	Decides visa applications.
H	
Home Office	The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police.
Hub and Spoke	<p>Prior to 2007, virtually all British diplomatic missions had a Visa Section. Each worked largely independently; handling all aspects of visa processing including taking decisions on site.</p> <p>Hub and Spoke was introduced to move away from the traditional model which was 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.</p>
I	
Immigration case work programme (ICW)	A programme to develop and deploy the new case working system – Integrity, see Glossary entry below.
Immigration Liaison Assistant (ILA)	UK Border Agency job title.
Immigration Liaison Manager (ILM)	UK Border Agency job title which encompasses posts previously known as Airline Liaison Officers (ALOs) and Risk Assessment Managers (RAM).

Immigration Liaison Officer (ILO)	UK Border Agency job title.
Independent Chief Inspector of Borders and Immigration	The role of the Independent Chief Inspector was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Chief Inspector is independent of the UK Border Agency 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 Chief Inspector of the UK Border Agency was appointed to this role by the Home Secretary on 26 April 2009, effectively bringing this work within his remit.</p>
Integrity	A new case working system that will enable end-to-end decision making and that forms part of the integrated case work programme (ICW). It comprises several strategic components: an application tool (i-Apply), a casework decision tool (i-Decide), a search tool (i-Search) and a document centre which supports paperless case working. International Group are currently trialling the decision case working component in Madrid and i-Search is used at a number of posts.
International Group	The overseas arm of the UK Border Agency, responsible for running visa operations in 135 countries. Formerly known as UK Visas.
L	
Locally engaged staff	Staff recruited directly by the British Embassy or High Commission in the country where they are employed.

O	
Other Visitor	Visitor cases that only attract limited appeal rights. They can appeal on the basis that the decision is unlawful by virtue of section 19B of the Race Relations Act 1976 (discrimination by public authorities), and/or that the decision is unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention) as being incompatible with the appellant's Convention rights.
P	
Paragraph 320 (7a) – deception rules	From 29 February 2008, under Paragraph 320 (7A) of the immigration rules, a customer 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 customer's knowledge.
Points-based system (PBS)	<p>On 29 February 2008, a new immigration system was launched to ensure that only those with the right skills or the right contribution can come to the United Kingdom to work or study. The points-based system was designed to enable the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers. The system:</p> <ul style="list-style-type: none"> • Combines more than 80 previous work and study routes to the United Kingdom into five tiers; and • Awards points according to workers' skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector. <p>Employers and education providers play a crucial part in making sure that the points-based system is not abused. They must apply for a licence to sponsor migrants and bring them into the United Kingdom; and meet a number of duties while they are sponsoring migrants.</p>
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	
Regional Director	Senior manager responsible for one of the six Immigration Group regions.
Risk and Liaison Overseas Network (RALON)	An amalgamation of the former Airline Liaison Officer Network and Overseas Risk Assessment Unit Network. RALON has responsibility for identifying threats to the UK border, preventing inadequately documented passengers from reaching UK shores, providing risk assessment to the UK Border Agency 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	
Settlement	Application to come to the UK on a permanent basis, most commonly as the spouse or other dependent of a British Citizen or a UK resident.

U	
United Kingdom and Islands	The United Kingdom is made up of England, Scotland, Wales and Northern Ireland. The Channel Islands and the Isle of Man are not part of the United Kingdom. The geographical term 'British Isles' covers the United Kingdom, all of Ireland, the Channel Islands and the Isle of Man.
United Kingdom Border Agency (UKBA)	A law enforcement agency responsible for immigration casework, visa applications, in-country enforcement activity, the immigration detention estate and overseas immigration operations.
V	
Verification Checks	Checks to assess the authenticity or validity of documents submitted by applicants or their sponsor's when making an application for entry clearance.
Visa Section	UK Border Agency office which manages UK visa operation services. UK Border Agency visa sections are located in a variety of locations around the world.

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