



# Inspection Report of the Visa Section in Kuala Lumpur

July – October 2009





# Acknowledgements

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# 1. Foreword

1.1 I am very pleased to present the report on my recent inspection of the Visa Section in Kuala Lumpur. This is the first formal inspection overseas, assessed using my core criteria; attached at Appendix A. This inspection was more comprehensive in scope than those undertaken at Rome and Abuja; broadening out from file sampling of a limited type of cases to taking a wider view of the work of the International Group. This included examining:

- grants of entry clearance to assess whether they had been issued correctly and were in accordance with the Immigration Rules
- points-based system cases where customers had requested an administrative review.

1.2 My statutory role is to report on the efficiency and effectiveness of the UK Border Agency. I have a particular interest in helping improve quality and consistency of decision-making and the provision of information to customers. I am also keen to ensure they are treated fairly and that their concerns are dealt with appropriately.

1.3 The work of entry clearance staff is crucial to helping the UK Border Agency address its purpose of securing the border and controlling migration for the benefit of the country. Staff overseas deal with huge numbers of applications: in 2008 the UK Border Agency dealt with 2.5 million applications of which Kuala Lumpur, with three time Entry Clearance Officers, dealt with 20,1291. Of these applications, 49% were dealt with in the months of July, August and September. Meeting the challenge of dealing with a large number of student applications during the summer months puts a great deal of pressure on staff and emphasises the importance of having effective planning and stakeholder engagement.

1.4 In line with my appointment as Independent Monitor in April of this year, I considered those cases where refusal of entry clearance carries no (or more accurately, limited) rights of appeal. I also considered cases in the same category that had been issued with entry clearance. In addition, I reviewed long-term student cases under Tier 4 of the points-based system and the conduct of administrative reviews. My findings are set out below.

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**Independent Chief Inspector**

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1. Provisional figures provided by the UK Border Agency.

## 2. Executive summary

2.1 Entry clearance staff in Kuala Lumpur were experienced and committed. There was evidence of clear and realistic performance targets which had driven improvement. There was also strong evidence of effective joint working with stakeholders and delivery partners to manage the high volume of student applications during the summer period and to manage the implementation of Tier 4 of the points-based system for considering student applications.

2.2 We were told that considerable work had been done to improve the commercial partner website. We found the guidance on the website was up-to-date and easy to navigate for customers, particularly for students. The document checklists for points-based system applications were a particular strong point; clearly setting out what documents were required and in what format they were acceptable.

2.3 The inspection at Kuala Lumpur also sampled entry clearance cases to determine whether they had been issued correctly. This followed concerns expressed by the Home Affairs Committee, that problems identified by the previous Independent Monitor, in relation to the quality of refusal decisions, might be replicated in decisions to grant entry clearance. In the cases we examined (a random sample of 50 cases) we found that:

- evidence was assessed correctly
- the judgement of Entry Clearance Officers was sound
- all entry clearances had been issued correctly and in accordance with the Immigration Rules.

2.4 Generally we found customer service to be good with prompt responses to complaints at both visa application centres and posts. However, we noted that customers had reported difficulty in contacting the visa application centres' telephone helpline. We found that the helpline was not monitored in Singapore, despite the software being available, and no service standards had been set to either measure or drive performance improvements. We also found that there was no overall analysis of complaints at post to identify trends with a view to improve customer service.

2.5 We found considerable delays in dealing with administrative reviews of points-based applications. This is particularly important in Kuala Lumpur and Singapore, where many of the customers were students who have a relatively short period of time to take up their place of study.

## 3. Summary of good practice

### High level outcomes of the business

- Clear and realistic performance targets had been put in place and were monitored effectively in Kuala Lumpur, leading to a clear improvement in the service provided to customers
- There was strong evidence of effective joint working with stakeholders and delivery partners
- Staff were committed and morale was high.

### Processes and procedures including quality of decision-making and consistency of approach

- All visas granted were issued correctly
- All Tier 4 refusals under the points-based system met the Independent Chief Inspector's core criteria for decision quality
- Refusal notices were generally well-written and gave customers a full account behind their refusal.

### Impact on people subject to UK Border Agency services

- Generally customer service was good
- The document check-lists used by visa application centres were effective in helping customers submit correct supporting documentation
- Complaints were dealt with promptly.

### Management and Leadership

- Clear evidence of planning to meet the busy summer student season
- Strong leadership provided at post to staff
- Performance was monitored effectively
- Staff understood what was expected of them.

## 4. Summary of recommendations

### **We recommend that the UK Border Agency:**

- ensures that interim casework instructions on the points-based system, issued in the United Kingdom, are circulated to overseas posts when it is relevant to do so
- standardises document checklists at all overseas posts
- implements a process to evaluate the efficiency and effectiveness of Hub and Spoke
- ensures it meets the 28-day target on conducting administrative reviews
- introduces formal procedures, targets and monitoring for the handling of telephone calls to assess service standards
- puts in place processes at post to analyse complaints to identify trends with a view to improve customer service
- reviews its global target in relation to complaints to ensure it complements the aims of its Customer Service Strategy.



## 5. Introduction

5.1 We used the Independent Chief Inspector's core inspection criteria to assess the effectiveness and efficiency of the Visa Section in Kuala Lumpur under four broad headings:

- High level outcomes of the business
- Processes and procedures including quality of decision-making and consistency of approach
- Impact on people subject to UK Border Agency services
- Management and Leadership.

5.2 In developing the Inspectorate's core criteria, it was decided that protecting the public, diversity and customer service would be key themes that all inspections would assess performance against. This inspection has therefore assessed performance, using the core criteria selected, to make assessments in these three areas.

5.3 The specific criteria under each heading that were selected for the inspection are listed in full at Appendix A. The full details of the core inspection criteria can be found on the Independent Chief Inspector's website: <http://www.ociukba.homeoffice.gov.uk/>.

5.4 This inspection also took into account the remit defined by the legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal. 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).

5.5 This inspection also paid special attention to the services provided by the UK Border Agency to its customers overseas. For example, from the point that a customer:

- accessed information to find out about entry clearance to the United Kingdom
- made a visa application for entry clearance to the United Kingdom and attended a visa application centre to provide their biometrics, application form and supporting documents
- received their decision in the form of a refusal notice or an issued visa
- submitted correspondence or complaints to the UK Border Agency, or its commercial partner in Kuala Lumpur or Singapore, in relation to their application.

5.6 This assessment was made against the customer service targets set out by the UK Border Agency and the Customer Strategy document it published in April 2009. In relation to this document we paid particular attention to the following statements it made relating to customer service:

- *For our staff and our business partners' staff, whether in the UK or overseas, to be thorough, polite and professional*
- *For the information we provide to be in plain language, accurate and meet your needs*
- *For us to process applications in line with our published delivery standards*
- *For us to provide you with a detailed response to an enquiry or complaint*
- *If we refuse your application, for us to give you a clear and detailed explanation of why we refused it and details of if and how you can appeal*
- *For us to give you the opportunity to give us feedback on our services and to complain if necessary.*

## 6. Background – Kuala Lumpur and Singapore

6.1 Kuala Lumpur is the visa issuing post for Malaysia and Singapore. Under the hub and spoke model, Singapore applications have been decided at Kuala Lumpur since March 2008. Applications are submitted at visa application centres in Kuala Lumpur and Singapore which are run by a commercial partner, VFS Global Services. Figure 1 records the categories of applications made in Kuala Lumpur in 2008/09, together with refusal rates. This shows that nearly half of all applications relate to students.

**Fig. 1: Category of applications made in the financial year 2008/2009 at Kuala Lumpur hub**

TYPE	No. of applications	% of total applications	Refusal rates
EEA Family Permits	65	0.3%	0%
Family visit	876	4.3%	24%
Other Non Settlement	1,610	7.8%	17%
Other Visitor	4,668	22.6%	15%
PBS Tier 1	657	3.2%	44%
PBS Tier 2	187	0.9%	29%
PBS Tier 5	14	0.1%	36%
Settlement	734	3.6%	24%
Student	9,717	47.1%	14%
Transit	133	0.6%	14%
Work permit	1,027	5%	6%
Working Holiday Maker	926	4.5%	41%
Total	20,614	100%	17%

Note: Information supplied by UK Border Agency - International Group

6.2 Figure 2 records the total number of visa applications issued and refused in Malaysia in the financial years 2007/2008 and 2008/2009.

**Fig. 2: Applications made in Malaysia**

Year	Applications	Issued	Refused	Refusal rate
2007/2008	13,026	11,005	1,896	14%
2008/2009	20,614	16,939	3,507	17%

Note: Information supplied by UK Border Agency - International Group

6.3 Figure 3 records the total number of visa applications issued and refused in Singapore in the financial years 2007/2008 and 2008/2009. It should be noted that in 2008/2009, Singapore continued to issue a small number of visas during the transition to the hub and spoke model. In addition, some of the issues shown related to applications made in March 2008.

<b>Fig. 3: Applications made in Singapore</b>				
<b>Year</b>	<b>Applications</b>	<b>Issued</b>	<b>Refused</b>	<b>Refusal rate</b>
2007/2008	8,133	7,356	643	8%
2008/2009	88	117	14	10%

Note: Information supplied by UK Border Agency - International Group

### **The application process**

6.4 While customers can complete applications online via the Visa4UK website, they must print off a copy and submit it in person at one of the visa application centres operated by VFS Global Services, either in Kuala Lumpur or Singapore (handwritten application forms are also accepted).

6.5 Customers must make an appointment to submit their applications in order that their biometric details are captured. Once this has been done, applications are couriered daily by ABX (in the company of a representative of VFS Global Services) to the Visa Section at Kuala Lumpur. Those from Kuala Lumpur reach the Visa Section at 8am each morning, while those from Singapore arrive by air and reach the Visa Section by 12pm each day. In both cases applications relate to those submitted at visa application centres the previous day.

6.6 Applications processed and completed are then collected daily by the courier company ABX, either at 8am for customers in Kuala Lumpur or 4pm for customers in Singapore. Customers can arrange to collect their decisions from the visa application centres, or can choose to pay an additional fee for the documents to be couriered to their home address.

### **Staffing**

6.7 At the time of the inspection there was one Entry Clearance Manager; three locally engaged permanent Entry Clearance Officers and two short term Entry Clearance Officers, who had been seconded to assist with the seasonal increase in Tier 4 student visa applications. The remaining staff were made up of nine locally engaged Entry Clearance Assistants, of whom three were seasonally employed.

### **Inspection methodology**

6.8 At the outset 200 files were randomly selected by the Independent Chief Inspector's Office. The files were drawn from a list of decisions made in Kuala Lumpur since 1 March 2009 and were made up of the following:

- 50 refusal decisions (excluding Tier 4 applications)
- 50 Tier 4 student refusal decisions
- 50 cases where a visa was issued (excluding Tier 4 applications)
- 25 refusal decisions under the points-based system that attracted an administrative review (excluding Tier 4 applications)
- 25 Tier 4 student refusal decisions that attracted an administrative review.

6.9 These files were then examined to assess:

- the quality of decision-making, within the spirit of fairness and consistency, in cases where, as a result of legislation, there is a limited right of appeal
- whether correct procedures were used to reach balanced decisions.

6.10 The inspection team also examined the quality of the service provided by the UK Border Agency to its customers overseas. This included assessing whether:

- the information it provided was in plain language, accurate and met customer needs
- applications were processed in line with published customer service standards
- customers received detailed responses to enquiries and/or complaints that they made
- refusal notices provided a clear and detailed explanation of why the application was refused and explained how customers could appeal.

6.11 In addition to the file sampling, we spoke to the High Commissioners from Kuala Lumpur and Singapore, interviewed the Entry Clearance Manager and held focus groups with entry clearance officers and entry clearance assistants. We also interviewed the Operations Manager and Entry Clearance Manager in Bangkok (by telephone) regarding the administrative review process. We also inspected the visa application centres in Kuala Lumpur and Singapore and spoke to the manager of each centre.

## 7. High-level outcomes of the business

7.1 While we assessed the Visa Section at Kuala Lumpur and the spoke of Singapore against our core criteria, we were particularly interested in the impact on students of the introduction of Tier 4 of the points-based system. This was because nearly half of all visa applications received at Kuala Lumpur in 2008/09 were made by students (47%).

7.2 We met a representative from 'Universities UK' before our inspection visit to gather their views generally on Tier 4 of the points-based system. They told us students had a short timescale to obtain an entry clearance in order to take up a place on their course of study, and for this reason it was important that the entry clearance process was managed effectively by the UK Border Agency. They told us they were concerned that unclear guidance on websites and/or from visa application centres could result in refusals for minor technicalities. They were also concerned that there might be delays in obtaining appointments for biometrics and delays in processing times.

7.3 In relation to Kuala Lumpur and Singapore, we found their concerns regarding delays were unfounded. We also found that the website hosted by the commercial partner was clearly set out and contained the latest developments on the home page. However, we did find that a significant number of refusals had been based on minor technicalities. We comment on this further in the section on Tier 4 refusals: student applications under the points-based system.

7.4 We spoke to the High Commissioner at Singapore. He told us he had become very involved in visa concerns in 2008 because of complaints he had received about the service provided to customers. This followed the introduction of the hub and spoke operation in March 2008 and the backlogs of work created by the usual surge in student applications during the summer (2008). He told us the process had improved this year and recognised the planning work that had been done in Kuala Lumpur to achieve this.

7.5 The High Commissioner at Kuala Lumpur told us he and the Entry Clearance Manager had planned meticulously for the introduction of Tier 4 of the points-based system for students. This was done to avoid the problems experienced during the summer in 2008, when customers, typically student applicants, experienced significant delays in the service, primarily due to resourcing issues.

7.6 The High Commissioner told us he had been involved in a number of media events, including radio broadcasts, to publicise the new system. He did this to ensure customers and relevant stakeholders were made aware of the new system and encouraged to provide documents in the correct format. He also told us that the team had done a lot of work on stakeholder engagement. They had met regularly to discuss general concerns about Tier 4 with the British Council who provided positive messages to prospective students. Presentations were also given by the Entry Clearance Manager to Malaysian stakeholders, including two government organisations, who sponsor employees to undertake studies in the United Kingdom.

7.7 We met officials from the Malaysian government while we were on site. They were complimentary about the help and assistance they had received from post and confirmed this had helped their sponsored students to get their Tier 4 applications right first time. We also met with the British Council who were similarly complimentary about the way in which the Visa Section had dealt with student applications.

7.8 Presentations had also been provided to visa agents in Kuala Lumpur who assist customers in making their visa applications. The issue of the busy summer period for Tier 4 student applications had been stressed to all stakeholders who had been encouraged to get student customers to submit their applications as soon as they had the required information/documentation.

7.9 We interviewed the Entry Clearance Manager about the role of the commercial partner in helping to deliver good customer service during the busy summer period. He told us that he and the office manager had worked closely with the manager of the visa application centre in Kuala Lumpur to redesign the checklists, so they clearly set out what documents were required and in what format.

7.10 They had also worked together on the recent update of the VFS Global Services website for Kuala Lumpur. Extra accommodation and temporary staff had been hired by the commercial partner to allow the visa application centre in Kuala Lumpur to accommodate up to 200 customers per day during the summer period. Visa application centre staff also checked application forms and supporting documentation and advised customers if they did not have the correct original documents. They then provided customers with an option of proceeding with their application or returning with the correct documents at a later time/date. We consider this was good practice.

7.11 In addition to the planning and extra resources in the form of short term Entry Clearance Officers and Assistants (see the section on Management and Leadership); the Entry Clearance Manager set a local target of a three-day turnaround on student applications. He checked daily that all applications received had been dealt with and reviewed every Tier 4 refusal. We noted from our file sampling that all of the Tier 4 applications met the customer processing times published by the UK Border Agency on its website. We further noted from our interviews and focus groups a sense of committed team working and high staff morale.

7.12 We also looked at the impact of the introduction of Hub and Spoke. This was implemented by the UK Border Agency to:

- improve the quality and consistency of decision-making
- improve efficiency
- offer flexibility in moving work to staff rather than the other way around.

7.13 Prior to our inspection we asked the UK Border Agency to provide statistics to show the impact of Hub and Spoke in terms of applications/processing times/refusal rates and in terms of cost savings. They told us they had not yet conducted any exercise to review the actual costs and benefits of Hub and Spoke but did supply some approximate figures, indicating annual cost savings of £262,036. We comment on this further in the section on Management and Leadership.

7.14 We found the introduction of Hub and Spoke at Kuala Lumpur and Singapore had resulted in entry clearance staff applying consistent standards in relation to the cases we examined. We also noted that decisions were reviewed by the same Entry Clearance Manager and were subject to the same standard of Administrative Review (for points-based system cases) in the event of refusal. As a result we considered there was clear evidence of consistency in decision-making and in uniform quality standards.

7.15 While the introduction of Hub and Spoke had impacted adversely on customer service during the busy summer student season in 2008, we found that customer service standards had been met during the busy student season in 2009. To summarise, we found:

- clear and realistic performance targets had been put in place and were monitored effectively in Kuala Lumpur, leading to a clear improvement in the service provided to customers
- strong evidence of effective joint working with stakeholders and delivery partners
- staff were committed and morale was high.

7.16 However, we also found that one of the issues raised by 'Universities UK' concerning refusals for minor technicalities was evidenced by us through our file sampling. In this regard we were surprised that an interim casework instruction, issued in the United Kingdom to help address this problem, had not been issued to entry clearance staff globally. We consider this was an organisational failing which impacted negatively against customers in Kuala Lumpur and Singapore. We comment further on this aspect under *T4 refusals: student applications under the points-based system*.

7.17 Despite this, overall, we found that the Kuala Lumpur Visa Section was a well run unit with highly committed staff.

## 8. Processes and procedures including quality of decision-making and consistency of approach

### Refusal Decisions excluding Tier 4 student refusals

8.1 Data accuracy was good, with 49 files of the 50 refusal decisions sampled being recorded accurately on the case management system used by the UK Border Agency. The remaining file was out of scope as the customer had the right of appeal. We reviewed these cases against a five-point scale to assess whether the decision and refusal notice was lawful and reasonable (a reasonable refusal notice is one that is in accord with the Immigration Rules and is based on the evidence provided, with correct information on appeal rights). The five point scale is set out below:

- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
- Was the Entry Clearance Officer's judgement reasonable?
- Was the use of evidence applied correctly in the refusal notice?
- Was the correct information given on appeal rights?
- Did the refusal decision suffer from significant maladministration?

8.2 We found that in 39 of the cases we sampled (80% of the sample), refusal notices were lawful, reasonable and provided correct information about rights of appeal.

### Correct Immigration Rules

8.3 Forty-eight refusal notices (98% of the sample) were assessed against the correct Immigration Rules. The remaining case was a student seeking to study for five months who had been refused under paragraph 57 for long-term students (prior to the introduction of the points-based system) instead of under paragraph 56<sup>2</sup>.

### Use of evidence

8.4 We examined refusal notices under this category to assess whether an Entry Clearance Officer's decision had failed to take into account all of the evidence provided. For example, a decision that did not take into consideration material evidence obtained at interview or in supporting documents. We found 41 cases (84% of the sample) were made in accordance with the evidence. Of the eight cases (16% of the sample) where the Entry Clearance Officer had not taken into account all of the evidence, we noted the following:

### Points-based applications (one application)

- The customer was refused points for not providing payslips despite having provided payslips covering 12 months. Maintenance<sup>3</sup> was also disputed but the customer had provided evidence of salary.

### Visit refusals (four applications)

- There was doubt over the authenticity of the employer's letter but a verification check had not been done
- The customer had rightly been refused for not disclosing a previous entry clearance refusal but a subsequent issue of an entry clearance and compliance was not taken into consideration

<sup>2</sup> Paragraph 56 applies to students studying for less than 12 months while paragraph 57 applies to those studying over 12 months.

<sup>3</sup> Applicants have to demonstrate they have enough money to support themselves so that they do not face financial difficulties while studying in the United Kingdom.



- The customer had previously been refused a working holidaymaker entry clearance. They were refused for two reasons; one being the lack of evidence of leave but the leave letter was on the file
- The decision was sound but positive evidence (of the sponsor's ability to support the customer) was not included in the refusal notice.

### **Business visit (one application)**

- The customer was initially refused because the employer's letter did not confirm duration of the business visit. They obtained this evidence and resubmitted a second application which was refused on different grounds. The first refusal should have contained all the grounds for refusal.

### **Short term Students (two applications)**

- The customer was refused under paragraph 57 instead of 56 of the Immigration Rules and was also refused for having insufficient funds despite evidence of funding being supplied
- The customer was refused because they had not produced bank statements but they had provided alternative proof of funding.

8.5 The Entry Clearance Manager agreed to review the above cases. They subsequently issued revised refusal notices in five of the eight cases and acknowledged our comments on the remaining three.

8.6 We found no cases of unreasonable judgement, no cases of maladministration and only one case where incorrect information on appeal rights had been given. This case referred to a child dependent applying under the points-based system, who was subsequently issued on re-application. We were also pleased to note the case illustrated in Figure 4 where the Entry Clearance Officer used common sense resulting in good customer service.

#### **Fig. 4: Case study 1 – Good customer service**

##### **The Entry Clearance Officer noted that:**

- the customer had applied for an entry clearance as a visitor
- they were accompanied by their spouse and nine-year-old son
- they too had applied for entry clearances as visitors
- three sets of fees had been paid.

##### **However:**

- the customer was actually going on business and had applied on the wrong form
- the Entry Clearance Officer could have refused all three applications with the financial loss of the three sets of fees
- instead they deferred all three applications to allow the customer to submit the correct forms.

## Quality of refusal notices

8.7 Customers pay a fee for the application process, usually ranging from £46 to £675, although some categories are issued free of charge (appendix B shows full details of visa fees). They are non-refundable, unless payment had been made and the application was not submitted, or the applicant refused to provide biometric details with their application. In these cases the UK Border Agency will refund the fee.

8.8 Refusal notices issued to customers by the UK Border Agency should be balanced and provide clear and detailed explanations about why an application has been refused. They should be written in plain English and be free of formatting errors, unnecessary repetition and spelling mistakes.

8.9 To assist our assessment of the quality of refusal notices we used five quality pointers, which are shown below:

- Rules – does the refusal notice quote the correct rules?
- Purpose – does the refusal notice accurately quote the purpose of the visit and the length of stay?
- Evidence – does the refusal notice use evidence provided by the customer?
- Balance – does the refusal notice include positive as well as negative points?
- Quality – is the refusal notice well-presented and free from spelling or grammatical errors?

## Use of correct Immigration Rules

8.10 We found 48 refusal notices (98% of the sample) accurately quoted the correct and applicable Immigration Rules. The one case which did not is mentioned at 8.3 above.

## Purpose of visit and length of stay

8.11 We found 47 refusal notices (96% of the sample) accurately reflected the purpose of the visit and the length of stay. In the remaining two cases, we found refusal notices had not included the proposed period of stay as a visitor.

## Appropriate use of evidence

8.12 We found 46 refusal notices (94% of the sample) contained customer-specific information. Three cases did not include all the appropriate evidence.

## Balanced decisions

8.13 We judged that 45 refusal notices (92% of the sample) were well-balanced. In four cases (8% of the sample) we found that positive evidence was either not included in the refusal notice or not given sufficient weight. We are not saying the decisions taken were incorrect, but instead that the lack of balance detracted from the quality of decision-making. This could impact on customers who, if they reapply, may be refused on another point which had not been mentioned in the original refusal notice (case referred to in the section on *Use of evidence – business visit*).

## Overall quality

8.14 On overall quality, we found refusal notices were generally well-written and gave customers the full account behind their refusal. We noted that for refusals under the points-based system in particular, the refusal template was clear and detailed. The notice set out which points had been claimed by the customer, which points had been awarded by the Entry Clearance Officer and why. This allowed the customer to identify and provide the appropriate evidence for any subsequent application. The High Commissioner and the Entry Clearance Manager told us that the issue rate was 98% for subsequent Tier 4 student applications under the points-based system as opposed to 92% for first applications.

## Processing times

8.15 The UK Border Agency Visas website sets out its commitment to deliver a quality visa service that meets the needs of its customers worldwide. It acknowledged that its customers want to know how long their visa applications will take to be processed and provides information about its customer service standards, which are set out below:

- 90% of straightforward, non-settlement applications will be processed in not more than a week<sup>4</sup>, 98% in not more than 2 weeks, and 100% in not more than 12 weeks
- 90% of non-straightforward, non-settlement applications will be processed in not more than 3 weeks, 98% in not more than 6 weeks and 100% in not more than 12 weeks
- 95% of applications for settlement visas will be processed in not more than 12 weeks and 100% in not more than 24 weeks.

8.16 To assist customers in interpreting these targets, the UK Border Agency clarified the difference between straightforward and non-straightforward applications as follows:

- Straightforward applications can be decided on the basis of the application and the supporting documents submitted, without the need for further enquiries or more detailed scrutiny.
- Non-straightforward applications require more time to be decided, for example, to allow for more detailed enquiries or arrange for a personal interview.

8.17 From our sample of 49 cases we assessed 43 cases against the straightforward target and six cases against the non-straightforward target. We found that the five-day and 60-day performance targets for straightforward cases were met in all 43 cases, while the 10-day target was missed in two cases. For the non-straightforward cases we found all six cases met the 60-day target. However, the 15-day target was missed in two cases and the 30-day target was missed in one case.

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<sup>4</sup> A week is defined as 5 working days.

## Grants of Entry Clearance

8.18 We examined 50 cases where an entry clearance was issued to the customer, using the following criteria:

- Was the decision to issue entry clearance assessed against the correct Immigration Rules?
- Was the Entry Clearance Officer's judgement reasonable?
- Was the use of evidence applied correctly when considering the application?

8.19 All 50 cases (100% of the sample) met the above criteria and met UK Border Agency customer processing times. All customers were issued with a visa with the correct endorsement and for the correct duration. This included cases where the Entry Clearance Officer had decided to issue a visa for a period shorter than that applied for by the customer. An example is where a customer had applied for a five year multiple entry visa but the Entry Clearance Officer had decided to limit the validity to six months.

8.20 We noted that customers pay a higher fee for visit visa applications with a longer duration than six months, as set out below:

- single, double and multiple visit, valid up to 6 months – £67
- longer term multiple entry (1 to 2 years) – £215
- longer term multiple entry (5 years) – £400
- longer term multiple entry (10 years) – £500.

8.21 We found that when Entry Clearance Officers decide to grant an entry clearance for a shorter period than customers have applied for, the difference in the fee is not refunded. For example, two customers in our sample of issued cases had their visit visas granted for shorter periods than they had applied for. The first case saw a six month visit visa being issued (fee £67) when the customer had applied for a five year visit visa (fee £400). The second case saw a one year visit visa being issued (fee £215) when the customer had in fact applied for a ten year visit visa (fee £500).

8.22 We therefore reviewed the guidance available on the commercial partner's website. We did this to ascertain what information was provided to customers to allow them to make informed decisions about the type and duration of visit visas they should apply for. We found there was no guidance provided to customers on this issue.

8.23 We also examined the UK Border Agency website to establish what information it provided to customers about the type of criteria they should meet when applying for entry clearance for durations longer than six months. We found the UK Border Agency published very limited information on this issue, simply stating in its visitors information leaflet (INF2) that "longer term visas are generally issued to frequent travellers". We noted there were no links to this information when customers were completing visit visa application forms, simply a tick box for the length of entry clearance they required.

8.24 We consider more work should be done to inform customers about the types of criteria they need to meet when making applications for entry clearance for periods longer than six months. This would help customers make the right decision at the outset of their application and avoid them paying a higher fee, which would not be refunded if the application was reduced in length or refused.

8.25 We examined two UK Border Agency databases in the United Kingdom. These databases were previously used to record information on work permit and highly-skilled migrant applications. We found no adverse history on these systems in relation to these customers.

#### **Tier 4 refusals: student applications under the points-based system**

8.26 We looked at 50 refusal decisions of student applications made under Tier 4 of the points-based system. We chose a random selection from the most recent applications at the end of the busy summer period which runs from July to September. Data accuracy was good, with all 50 cases being recorded accurately on the case management system used by the UK Border Agency. We assessed the cases against similar criteria as for general refusals and grants:

- Was the decision assessed against the correct Immigration Rules?
- Were the points awarded in line with guidance?
- Were the required documents submitted and if so, were they correctly assessed against the guidance?
- Was the customer advised of their right to an administrative review?
- Was there any significant maladministration which materially affected the quality of the decision?

8.27 Forty-seven of the cases (94% of the sample) met the above criteria. In three cases the refusal notice did not include the customer's rights to an administrative review. All of the cases met customer processing times.

8.28 One of the Tier 4 cases was refused under paragraph 320 (7A) of the Immigration Rules, because the customer had failed to disclose a previous visa refusal. Paragraph 320 (7A) refers to visa applications where:

- false representations are made
- false documents or false information is submitted (whether or not to the applicant's knowledge and whether or not material to the application)
- material facts are not disclosed in the application.

8.29 Rule 320 (7A) is a general ground for refusal which means that cases involving deception have to be established to a higher balance of probabilities than refusals under the category specific Immigration Rule. Entry Clearance Officers are therefore responsible for assessing whether a) there is positive evidence of deception and b) is it demonstrated to the higher standard. If they consider both tests are met, refusal is then mandatory.

8.30 The case study at Figure 5 sets out the details of a customer who failed to disclose a previous visa refusal.

### Figure 5: Case study 2 – Tier 4 student application

#### The customer:

- was a student who applied under Tier 4 on the 3/8/2009
- was refused on the 11/8/2009 because they had not provided evidence of funds to pay tuition fees
- reapplied on 17/8/09 supplying evidence of funds but was refused on the 20/8/2009 because they had not disclosed the refusal made on the 11/8/2009 (by non disclosure; the customer had answered “no” in response to one of 59 questions on the application form asking if they had ever been refused a visa to the United Kingdom)
- sought an administrative review which upheld the refusal.

#### Chief Inspector’s comments:

- the decision to refuse using 320 (7A) powers was made on the basis of a tick in one out of 59 question boxes
- we consider it could not be ascertained from the application form alone that the customer had actively sought to use deception rather than making a simple error
- no account was taken of previous good travel history – the customer had been issued and had complied with a five-year student entry clearance, valid from 1/9/2004 to 31/10/2009, with five entries to the United Kingdom within this period
- the customer had reapplied to the same post within six calendar days, supplying their passport containing the visa refusal stamp and producing evidence of funds to support payment of tuition fees
- the customer had indicated in their request for an administrative review that they had overlooked the question relating to previous visa refusals
- consideration had not been given to calling the customer in for an interview to establish whether there was positive evidence of deception demonstrated to a high standard, in accordance with guidance issued
- no consideration appeared to have been given by the Entry Clearance Officer, the Entry Clearance Manager who reviewed the decision or the Administrative Reviewer as to whether this was a simple error or active deception.

8.31 The Entry Clearance Manager agreed with our finding that deception was not proven to the higher degree required and has offered the customer a gratis application in the same category. It is important that when entry clearance staff use these powers, they do so carefully, as the impact on customers can be harsh.

8.32 Although all 50 of the refusals considered under Tier 4 met the criteria for decision quality, we noted that in 21 of the cases (42% of the sample) the refusals were based on minor errors or omissions that might have been resolved with a telephone call to the customer or sponsor. We noted that an interim casework instruction, relating to Tiers 1, 2, 4 and 5 of the points-based system, had been circulated to staff in the United Kingdom on 10 August 2009 stating:

*“Where there are minor errors or omissions in an application and there is sufficient evidence to show that without them, the application would likely be granted, case workers may contact the migrant or the sponsor, normally by telephone, to seek clarification or request missing documentation and information”.*

8.33 The Entry Clearance Manager told us he was not aware of this interim casework instruction. We consider this instruction should have been circulated to entry clearance staff overseas and that this was an organisational failing which impacted negatively against customers in Kuala Lumpur and Singapore.

### **Administrative Reviews**

8.34 Administrative review is the mechanism for reviewing refusal decisions made under the points-based system where the customer believes an error has been made in the decision. An Entry Clearance Manager will conduct the administrative review but it must be a different Entry Clearance Manager from the one who gave advice on or reviewed the original decision. In posts where no such Entry Clearance Manager is available, an Entry Clearance Manager from another post will conduct the review. In the case of Kuala Lumpur, administrative reviews are conducted at Bangkok.

8.35 We looked at 50 points-based system decisions made in Kuala Lumpur that attracted an Administrative Review, covering the period 20 July 2009 to 20 September 2009. 25 of these cases related to student Tier 4 refusals. We assessed these cases against the following criteria:

- Were the points correctly awarded by the Administrative Reviewer?
- Were the documents correctly assessed by the Administrative Reviewer?

8.36 Of the 50 administrative reviews sampled, 25 cases (50% of the sample) were still ongoing. Of the 25 completed cases, we noted that 17 of these (68% of completed cases) had been upheld and six (24% of completed cases) had been overturned in favour of the customer. We also noted that two reviews had resulted in revised refusal notices being issued. These were cases where the Entry Clearance Officer had not awarded the points correctly or not correctly assessed the documents but the decision was still upheld. There were minor quality issues in the notification letters in four of the cases (16% of completed cases).

8.37 We found that 18 of the completed reviews had not been finalised within the published 28-day timescale (72% of completed cases). Of the 25 administrative reviews completed, eight related to students under Tier 4 of the points-based system. Figure 6 shows the number of days between the date of receipt of the administrative review and the date on the notification letter sent out to customers by the Administrative Reviewer with their decision.

**Figure 6: Time taken to complete administrative reviews for 25 completed cases**

Correspondence interval (calendar days)	Number of cases	Percentage of cases
14 or under	1	4%
Between 15 and 28	6	24%
Failed target cases: over 28	18	72%
Total cases	25	100%

8.38 Of the 25 administrative reviews that were still ongoing, one case missed the deadline for applying for an administrative review and three were withdrawn by the customers. Of the remaining 21 cases, 14 had already exceeded the 28-day target for completion of the administrative review. These delays would impact against the customer, particularly students, who have a relatively short time window between obtaining their academic results and securing the required entry clearance to allow them to take up their course in the United Kingdom.

8.39 We interviewed the Entry Clearance Manager and the Operations Manager in Bangkok by telephone regarding the backlog in administrative reviews. They told us that they were aware that a high proportion of administrative reviews were conducted beyond the 28-day target and that letters of apology had not been sent out to customers in accordance with UK Border Agency guidance.

8.40 They said these problems had arisen due to a shortfall in Entry Clearance Manager cover which had now been addressed. They told us the backlog had now been cleared and that new procedures were in place to ensure that administrative reviews were carried out on time in the future.

8.41 When an administrative review is carried out at a different Visa Section from the one making the original decision, the documents are sent by fax. We asked about the issue of carrying out an effective administrative review in the absence of the original documents. We were told that the Administrative Reviewer would contact the originating Visa Section to check if the documents submitted were originals and this was confirmed by the Entry Clearance Manager in Kuala Lumpur.

#### **We recommend that the UK Border Agency:**

- ensures that interim casework instructions on the points-based system, issued in the United Kingdom, are circulated to overseas posts when it is relevant to do so
- standardises document checklists at all overseas posts
- ensures it meets the 28-day target on conducting administrative reviews.



## **Risk & Liaison Overseas network**

8.42 We interviewed the Immigration Liaison Manager who told us that their remit was to reduce inadequately documented arrivals to the United Kingdom by:

- training airline, immigration and Visa Section staff in forgery detection
- building and maintaining relationships with stakeholders
- identifying and providing intelligence on relevant issues
- assisting genuine passengers travelling to the United Kingdom.

8.43 Risk assessment work for the Visa Section was covered by one of the Entry Clearance Assistants who, at the time of our inspection, was managed by one of the Entry Clearance Officers. However, an Immigration Liaison Officer had just taken up post in Kuala Lumpur and half of their role (50%) will be devoted to managing risk associated with entry clearance procedures more effectively.

8.44 We interviewed the Entry Clearance Assistant with responsibility for risk assessment work. They told us they had received training in risk assessment and forgery detection. To assess how information on risk was fed into the decision-making process at the Visa Section, we asked the Entry Clearance Assistant what their work involved. They told us they:

- processed denunciations (detrimental information provided to the UK Border Agency about an individual or organisation)
- conducted verification checks on documents suspected of being false
- shared information with the Entry Clearance Officers by placing a local alert on Proviso, the database used by the Visa Section
- circulated information on those already in the United Kingdom by feeding intelligence through to the regional Risk Assessment Unit at Manila
- developed a risk profile for the Visa Section at Kuala Lumpur.

8.45 We believe the appointment of a dedicated Immigration Liaison Officer will further improve the risk assessment work that already takes place in Kuala Lumpur.

## 9. Impact on people subject to UK Border Agency services

### Visa Application Centres

9.1 To assess the impact on people subject to UK Border Agency services, we visited the visa application centres at Kuala Lumpur and Singapore and:

- checked processing times
- examined complaint handling processes
- assessed the results of the Customer survey Database
- reviewed the commercial partner's website – VFS Global Services.

9.2 We found that both visa application centres were situated in large skyscraper buildings. This made it initially difficult to locate the offices but once on the correct floor the centres were clearly signposted. The waiting area at Kuala Lumpur was bright and clean with a montage of pictures of the United Kingdom on the wall. There was adequate seating, chilled water and added value services were provided at extra cost, including:

- photocopying
- text messaging updates on visa applications
- the provision of a courier service for the return of documents to customers' home addresses.

9.3 In comparison the waiting area at the visa application centre in Singapore was compact. We considered this would impact on customers during the summer period when long waiting times, caused by the high number of Tier 4 student applications, were frequent. In addition to the value added services above, Singapore also offered the facility to buy Oyster cards, a form of electronic ticketing used on public transport services within the Greater London area of the United Kingdom.

9.4 Both locations provided hard copies of UK Border Agency visa information leaflets and notice boards contained relevant and up-to-date information for customers.

9.5 We noted that respect and privacy for customers was shown at Kuala Lumpur, with males and females being security checked on arrival in separate areas, by a member of staff of the same gender. Similar privacy was accorded those giving biometric details – fingerprints and photographs – which was done in separate secure rooms. During our visit we observed the biometric details of a male customer being taken by a female member of staff. We were told that if a customer requests an officer of the same gender, the request would be accommodated and that a female member of staff would photograph a veiled female.

9.6 The manager of the visa application centre at Kuala Lumpur told us that they had a 45 minute benchmark for processing a customer's application from start to finish. Each customer was given a time card showing how long each part of the process had taken and which member of staff had dealt with them. This was used to monitor processing times and individual staff performance.

9.7 The average processing time in June was 19 minutes and in August, the busiest month, the average time taken was 58 minutes. To put this in perspective, in August 2009, 2,592 applications were processed as opposed to 500/600 a month outside the busy summer student season. We found that processing times at Singapore took much longer during the busy summer student period, with typical waiting times of up to three hours.

9.8 We were told feedback cards were given to every customer but completion was optional. We were told the response rate was around 12%. For the first week in every month a UK Border Agency designed customer survey was also given out in place of the feedback form. The results were collated with each post being given a marking out of five. For August 2009 the visa application centre at Kuala Lumpur scored the highest in the South East Asia region with a score of 3.91 while Singapore scored the lowest at 2.7.

### Complaints at visa application centres

9.9 We looked at how complaints were handled at the visa application centres. Notices were clearly displayed on the wall at both visa application centres giving details of how to complain: by post, email and telephone. Customer feedback forms were also provided and books were also at both sites in the public areas for customers to record complaints and compliments about the service they received. We examined these books and noted they were comprehensively completed with the response provided and any action taken. Weekly reports on customer service were also sent to the Visa Section and to the regional manager of the commercial partner.

### Customer survey

9.10 The UK Border Agency International Group regularly conducts Customer Information Service surveys, from which we analysed the results for Malaysia and Singapore over September and October 2008. We looked in particular at the sources of information available for customers, the satisfaction of the respondents with the sources and their comments on the guidance available to them. Figure 7 shows the website is the most commonly used source of information.

**Figure 7: Sources of UK Border Agency information used by customers in Malaysia & Singapore**

	Malaysia	Singapore	Combined
Website	100%	99%	99%
Email	62%	36%	48%
Telephone	35%	26%	30%
Printed Leaflets	14%	13%	13%
Other Source	24%	24%	24%

9.11 We looked at the online guidance and noted there were four different websites that customers could access. They were the:

- UK Border Agency visa service website, providing information for visa customers
- UK Border Agency website, for access to the Immigration Rules
- Visa4UK website to access the online application form
- commercial partner website, VFS Global Services, for information about how to make a visa application in Malaysia/Singapore.

9.12 We referred in our previous inspection reports on Rome and Abuja about the issues we found in relation to the websites hosted by the UK Border Agency. This included the need to improve the design of these websites and ensure information provided to customers about supporting documentation is clear. These recommendations were accepted by the UK Border Agency, so for this inspection, we looked in particular at the information provided by the commercial partner websites about how to make a visa application in Malaysia and Singapore. We found the websites were clearly set out and contained latest developments on the home page that may be pertinent to customers. This included details of any recent changes to the rules.

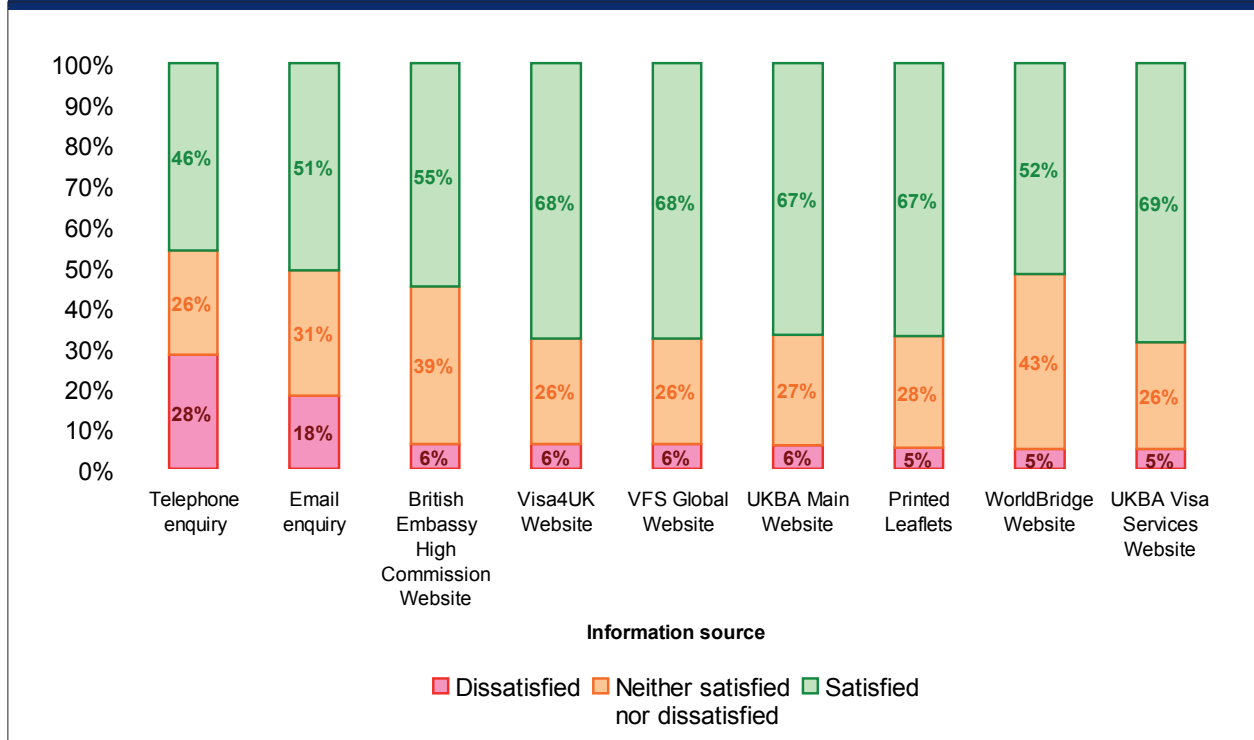
9.13 The websites provided clear links to different areas, including giving information on how to apply, processing times, online tracking of applications, customer service and document checklists.

9.14 We were particularly interested in the document checklists as a further finding from our analysis of the Customer Information Service survey showed that 26% of respondents were unclear exactly which documents should be included with their application. The checklists had been designed to clearly set out what documents were required for different applications and in what format they were acceptable. They were designed to be printed off so the customer and VFS Global Services official could sign to show what documents had been submitted.

9.15 We were told this was a local initiative between staff at the Visa Section and the local commercial partner. We found the checklists to be clear and easy to follow, and staff told us they had helped customers submit the correct documents with their visa application. We found this to be an example of best practice and recommend that standardised document checklists are put in place at all overseas posts.

9.16 The Customer Information Service survey also showed that respondents found it difficult to use the telephone helpline provided by VFS Global Services. Figure 8 shows the level of satisfaction with the sources of information used; with the highest proportion of respondents being dissatisfied with telephone enquiries.

**Figure 8: Levels of customer satisfaction with information sources in Malaysia and Singapore**



Note: Information supplied by UK Border Agency - International Group

9.17 We spoke to the manager of the visa application centre in Singapore about the telephone helpline. They told us they had the software to produce management reports on call waiting times (the time taken to answer a call) and the number of abandoned calls but that the software was not used. This was a weakness, particularly during the busy summer student season. In relation to the visa application centre in Kuala Lumpur, we were told they did not have this software.

9.18 It is important that the service provided to customers using the telephone helpline is monitored and has service standards set. Management information is then available which allows analysis to be carried out to determine if good levels of customer service are being provided and if not, what improvements to the service need to be made.

### Complaints at the Visa Section

9.19 The office manager at Kuala Lumpur was responsible for handling of complaints at the Visa Section. She told us that complaints usually came in by email to the public inbox, but were also accepted by telephone or post. Responses to complaints were generally sent out by email as it was quicker but, if appropriate, could be answered by letter or telephone. All complaints are routed to the office manager who logged details on a spreadsheet which was stored electronically. Depending on the nature of the complaint, the Office manager would either:

- deal with the complaint
- pass it to the manager of the commercial partner
- escalate directly to the Entry Clearance Manager.

9.20 The office manager told us that all responses are cleared by the Entry Clearance Manager and response times have never gone beyond the published 20-day target. However, they told us a new procedure was introduced on 1 September 2009 that saw all complaints being sent to the Regional Operations Manager in Bangkok.

9.21 When asked about any identification of trends in complaints, the office manager told us that there was no analysis of complaints to identify trends. They added that new guidance on handling complaints was expected from UK Border Agency from the end of September, but at the date of the inspection this guidance had not been received.

9.22 Analysis of complaints can be a useful tool. It can identify substantial weaknesses in processes and inform training needs. It can also provide information on the current level of performance.

9.23 During our pre-inspection analysis, we noted the UK Border Agency had a global target in which complaints as a percentage of applications should not exceed 0.05%. To put this in perspective in terms of actual numbers, in 2008 Kuala Lumpur received 20,129<sup>5</sup> applications, meaning they should not have received more than 10 complaints over that year.

9.24 In quarter four the number of applications received was 2,532, meaning the complaint target of 0.05% equated to approximately one case. However, Kuala Lumpur actually received four complaints in that period. The Entry Clearance Manager was aware of this target but told us that it was not given much priority.

9.25 The UK Border Agency needs to be clear about the purpose of this target. As it stands we believe it does not complement the aims of its Customer Service Strategy, nor does it encourage complaints being viewed as a potential source of feedback to improve the service.

9.26 The issue of targets for complaints in the UK Border Agency will be considered in greater depth in the ongoing thematic inspection on customer service.

#### **We recommend that the UK Border Agency:**

- standardises document checklists at all overseas posts
- introduces formal procedures, targets and monitoring for the handling of telephone calls to assess service standards
- puts in place processes at post to analyse complaints to identify trends with a view to improve customer service
- reviews its global target in relation to complaints to ensure it complements the aims of its Customer Service Strategy.

<sup>5</sup> Provisional figures provided by the UK Border Agency.

# 10. Management and Leadership

## Kuala Lumpur

10.1 We interviewed the Entry Clearance Manager at Kuala Lumpur, two members of staff at Singapore and held focus groups with Entry Clearance Officers and Entry Clearance Assistants at Kuala Lumpur. The Entry Clearance Manager told us he joined the post in late March 2009. Joint planning with the High Commissioner began almost immediately to tackle the expected high volume of student Tier 4 applications during the summer months of July, August and September. They held monthly planning meetings and involved key stakeholders including the British Council. They also delivered presentations to Malaysian stakeholders and government organisations that sponsor employees to undertake studies in the United Kingdom.

10.2 The Entry Clearance Manager told us that he was aware of UK Border Agency customer service targets and wanted to avoid the significant problems experienced the previous year at post during the busy summer student season. He set a three working day turnaround target for the vast majority of applications which included visits and points-based applications, particularly Tier 4. He maintained a high profile presence in the office throughout the busy summer student period and ensured the team met this local target by checking each afternoon that the number of cases cleared equalled those received that day. He also requested that staff took no annual leave during the summer period and led by example. Staff committed to this for most of the summer season, although an allowance was made for staff wishing to celebrate Ramadan.

10.3 The Entry Clearance Manager checked that the quality of the decisions had not suffered in meeting the three-day local target by checking all Tier 4 refusals. He also continued to check 10% of issues and 25% of other refusals.

10.4 Working together with the regional management team and the High Commissioner, additional staff were either seconded (two short term Entry Clearance Officers) or employed locally (two short term locally engaged Entry Clearance Assistants), to cover the busy summer student season. The High Commissioner also funded a further Entry Clearance Assistant post for the same period. We were told these actions were taken to ensure there was no repeat of the problems encountered in 2008, when the post had a substantial backlog of enquiries and complaints about the progress of student applications.

10.5 The Entry Clearance Manager told us that he considered the provision of training to be generally good, although he felt that training on the points-based system could be improved. He noted that the only training available for short term Entry Clearance Officers on Tier 4 was an e-learning package and he considered this was insufficient. For this reason he supplemented the e learning training by arranging for the short term Entry Clearance Officers to be mentored on arrival by an experienced member of staff. He also said he checked all refusals made by the short term Entry Clearance Officers for a short period after their arrival to make sure their decisions were consistent with those of experienced staff.

10.6 Generic training courses such as drafting skills were offered by the Regional Training Centre. The Entry Clearance Manager told us he put each of his staff forward for three days' training on generic courses this year. He considered that online guidance was satisfactory and confirmed that information disseminated by the centre was circulated either through a global to all staff, or through the line management chain. He had told staff to read the last four reports written by the Independent Monitor and the recent inspection reports on posts overseas conducted by the Independent Chief Inspector's Office, together with the formal responses made by the UK Border Agency. Staff confirmed they had complied with this instruction.

10.7 The Entry Clearance Manager told us he usually held team meetings every Monday morning, but that these had been stopped during the summer period because of the high volume of Tier 4 student applications. However, two formal meetings had been held in advance of the inspection and he confirmed he worked with his team all the time and was therefore always very visible. This aspect was confirmed by Entry Clearance Officers and Assistants.

10.8 The Entry Clearance Manager said a Performance Development Review had not been opened for him this year but his new line manager, who was based in Bangkok, was supportive and was always available at the end of a telephone line. His staff confirmed that they had had their Performance Development Reviews opened and had received mid-year reviews.

10.9 The Entry Clearance Manager also told us that staff absence through sickness was not an issue for either Kuala Lumpur or Singapore, but that it was monitored using a spreadsheet that had recently been developed. With regard to equality and diversity he said staff in the office were made up of different ethnicities and different religions. In taking decisions about operational effectiveness the above considerations were taken into account, with leave being allowed for staff to have time off with their families to celebrate religious festivals.

## Singapore

10.10 We spoke to the General Secretary, Political at Singapore about the introduction of the hub and spoke operation which started on the 30 March 2008. They said there was an initial period of adjustment for customers in Singapore who had been used to getting a same day service. However, customers had now started to accept the additional time taken which was still within UK Border Agency published customer service targets. They considered hub and spoke was a sensible approach and thought financial savings would have been made due to the staff reductions made in Singapore.

10.11 The UK Border Agency (Business Assurance Team) told us work had not yet started to calculate the actual cost savings and other benefits associated with the hub and spoke business model. However, estimated cost savings were provided and these indicated that while the additional costs incurred at Kuala Lumpur totalled £270,028 (additional staff and courier costs covering a 12 month period), staff savings made in Singapore totalled £532,064, resulting in a net annual saving to the business of £262,036.

10.12 We interviewed the office manager in Singapore who told us that their key objective was to act as the Liaison Officer between the Singapore visa application centre and the hub in Kuala Lumpur. They:

- ensured correct information was provided to customers at the visa application centre
- informed the visa application centre of any changes to Immigration Rules, policy and/or processes
- assessed how the visa application centre dealt with customers.

10.13 This last point was achieved by observing the service provided to customers during fortnightly visits. These visits were increased to every other day during the busy summer student period; some of which were unannounced. The Entry Clearance Manager told us similar unannounced visits were made to the visa application centre in Kuala Lumpur.



10.14 The office manager at Singapore considered that the business relationship with the manager of the visa application centre was good and that they had worked closely together to improve the way in which student applications were handled. They told us that one successful initiative was to batch student applications for major educational institutions to help Entry Clearance Officers assess applications more quickly. Dealing with applications from the same university or college helped to speed up the process, because information on visa letters was set out in the same way.

### **Staff focus groups**

10.15 We held focus groups with the Entry Clearance Officers and Entry Clearance Assistants at Kuala Lumpur. Entry Clearance Officers told us they felt supported and valued. Their hard work in dealing with the high volume of Tier 4 student applications during the summer period had been recognised, not only by the Entry Clearance Manager, but also by the regional management team and the High Commissioner. They were aware of the aims and values of the Home Office and praised the open door policy at post which encouraged them to raise issues.

10.16 Entry Clearance Officers told us that the forgery and generic training they had received was useful, but that the training on the points-based system could be improved. They said that the three-week Entry Clearance Officer training course only included a short talk on the points-based system. For those already at post the training consisted of two sessions delivered locally which staff said left questions unanswered.

10.17 They also had concerns about the points-based guidance. They said they found it difficult to find the information they needed and to find amended guidance issued in the form of addendums. We asked if they were aware of the revised interim casework instruction on evidential flexibility issued in August 2009 and they told us they were not. However, they said they were aware they could make enquiries of customers to resolve minor concerns with an application under the points-based system, but thought that this was outside the busy summer student period.

10.18 Entry Clearance Officers told us they were concerned about Information Technology systems. They told us there had been delays with the introduction of biometrics, but acknowledged that these teething problems had been resolved. However, they would like to have access to CID, the casework information database used in the United Kingdom, together with regional access to the intelligence system, Mycroft. This was because of the considerable time delays they suffered in requesting checks on these databases from the United Kingdom.

10.19 Entry Clearance Assistants told us that they felt very happy in their roles. They said they often received positive feedback from colleagues, the Entry Clearance Officers and other members of management. They said they felt able to raise any concerns, were respected at work and worked well together as a team.

10.20 They were a little unsure of the aims and values of the Home Office, but were aware of the need to ensure good customer service. The newer members of staff told us they would have liked to have had a formal Entry Clearance Assistant course, which the Entry Clearance Manager told us was no longer available. However, Entry Clearance Assistants told us they had received training at the regional training centre in Singapore. This included translation skills, assertiveness training, presentation skills and change management. They told us that the training they had received had helped them do their jobs more effectively.

# 11. Conclusions

11.1 We found the Visa Section at Kuala Lumpur was well-managed. There was strong evidence of visible leadership and high staff morale. Clear realistic performance targets had been set and effective joint working with stakeholders and delivery partners had driven improvements in performance, particularly in relation to implementing Tier 4 of the points-based system and managing the high volume of student applications during the busy summer period.

11.2 We consider the UK Border Agency needs to ensure that administrative reviews are conducted within the published timescales and that updated guidance issued in the United Kingdom is circulated to entry clearance staff overseas.

## 12. Glossary of terms

### Independent Monitor and legislation

12.1 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).

12.2 Section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, stipulates:

- 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 monitor must make an annual report on the discharge of his functions to the Secretary of State.
- The Secretary of State must lay a copy of any report made to him under subsection (3) before each House of Parliament.

12.3 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.

12.4 John Vine, the Chief Inspector of the UK Border Agency, was appointed to this role by the Home Secretary on the 26 April 2009, effectively bringing this work within his remit.

### What is entry clearance?

12.5 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).

12.6 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 may 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.

12.7 More detailed information about Entry Clearance can be found on the UK Border Agency website: <http://ukba.homeoffice.gov.uk/>

## Where to apply for entry clearance?

12.8 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 post designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant.

## Visa nationals

12.9 Visa nationals are those who require a visa for every entry to the United Kingdom. A visa national is a national of a country listed on the UK Border Agency website (Appendix 1 of the Immigration Rules). Some visa nationals may pass through the United Kingdom on the way to another country without a visa, but in some circumstances they will require a direct airside transit visa or visitor in transit visa. Visa nationals must obtain entry clearance before travelling to the United Kingdom unless they are:

- returning residents
- those who have been given permission to stay in the United Kingdom and, after temporarily leaving the United Kingdom, return within the duration of that permission to stay
- school children resident in a European Union member state who are on an organised school trip from a general education school and accompanied by a teacher.

## Non visa nationals

12.10 A non-visa national is a national or citizen of any country that is not listed on the UK Border Agency website (Appendix 1 of the Immigration Rules). A non-visa national does not need a visa to come to the United Kingdom for less than six months, unless it is a requirement of the immigration category under which they are entering. A non-visa national coming to the United Kingdom for more than six months will need a visa.

## Points-based system

12.11 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 enables the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers. The system has three key elements:

- It combines more than 80 previous work and study routes to the United Kingdom into five tiers
- Points are awarded according to workers' skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector. This allows the United Kingdom to respond flexibly to changes in the labour market
- It is a fair, transparent and objective system which enables potential migrants to assess their likelihood of making a successful application - this means that it should help to reduce the number of failed applications.

12.12 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.

## **United Kingdom and Islands**

12.13 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.

## **Biometrics**

12.14 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.

## **Hub and spoke**

12.15 Prior to the introduction of hub and spoke, nearly all British diplomatic missions had a Visa Section. Each worked largely independently; handling all aspects of visa processing including taking decisions on-site. Hub and spoke was introduced to move away from this traditional model. The UK Border Agency decided the consideration of an application did not need to be made in the same location as it was made. Applications can therefore be moved from the location where they are made – 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.

## **Paragraph 320 (7A) – deception rules**

12.16 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.

## **Proviso**

12.17 Proviso is the database used by overseas posts 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.

## **Casework Information Database (CID)**

12.18 Casework Information Database is the computer system used by the UK Border Agency.

## **Mycroft**

12.19 Mycroft is the IT system used by UK Border Agency to collate and manage intelligence.

# Appendix A

The criteria applicable to the inspection, extracted from the core criteria of the Independent Chief Inspector of the UK Border Agency, are listed below.

The efficiency and effectiveness of the Visa Section at Kuala Lumpur and the spoke of Singapore were assessed against these criteria.

## Section 1 – High level outcomes of the business

1.1 General Criterion: The borders are secured and immigration is controlled for the benefit of the country. The specific criteria are shown below:

1.1(a) - There are clear and realistic performance targets to drive improvement

1.1(b) - Operational policies, priorities and activity is driven by clear analysis of environment, risks, threats, capabilities and impact

1.1(c) - There is effective joint working with delivery partners and stakeholders

1.1(d) - There are clear procedures for handling data, including identity management, in accordance with national security and data protection requirements

1.1(e) - There are effective arrangements to manage demand so as to reduce existing backlogs and minimise future backlog

1.1(g) - Technology is utilised effectively to increase security and customer service

1.2 General Criterion: UKBA is compliant with equalities legislation and specific duties in relation to race and diversity. The specific criterion is shown below:

1.2(e) - UKBA demonstrates its commitment to equality, fairness and respect for all customers, stakeholders and staff

1.3 General Criterion: Reviewing and evaluating information so that improvement can be made. The specific criteria are shown below:

1.3(a) - Comprehensive customer feedback is sought about the services they receive

1.3(e) - UKBA evaluates information from complaints so that they can provide early warning of problems and areas of risk

1.3(f) - UKBA evaluates its processes on handling customer complaints to improve effectiveness and public confidence in the agency

1.4 General Criterion: Corporate Health - UKBA is a high-performing, customer-focused workforce delivering its strategic objectives. The specific criterion is shown below:

1.4(f) - People are proud to work for the agency and staff morale is high

## **Section 2 – Processes and procedures including quality of decision-making and consistency of approach**

2.1 General Criterion: UKBA is compliant with equalities legislation and specific duties in relation to race and diversity. The specific criterion is shown below:

2.1(c) - Objective criteria based on evidence are applied consistently and transparently, without unjustified/unauthorised adverse impact on any nationality/ethnic group

2.2 General Criterion: UKBA staff make lawful and reasonable decisions. The specific criteria are shown below:

2.2(d) - Decisions are made clearly based on all of the evidence and in accordance with current statutory requirements, published policy, guidance and procedures.

2.2(e) - Training and written guidance enables staff to make the right decisions

2.3 General Criterion: Decisions are timely, particularly in relation to children and families. The specific criterion is shown below:

2.3(a) - Decisions are taken within the timescales set out by UKBA

2.4 General Criterion: Decisions made are fair and consistent. The specific criteria are shown below:

2.4(a) - Training and written guidance enables staff to make the right decisions

2.4(b) - Objective information used to make decisions is factually accurate and appropriate

2.4(c) - Risks, including protecting the public, are assessed and inform decision-making

2.4(d) - Decisions are consistent, appropriate and proportionate

2.4(e) - Decisions are relevant to the individual's circumstances and based on the evidence provided

2.4(f) - Decisions are clearly explained in plain language

2.4(g) - Managers regularly review the quality of decisions and consistency across the agency

### Section 3 – Impact on people subject to UK Border Agency services

3.1 General Criterion: UKBA staff and staff of commercial partners are welcoming and engage positively with customers and other users. The specific criteria are shown below:

3.1(a) - Customer queuing and waiting times are as short as possible and adhere to UKBA guidelines/ Service Level Agreements

3.1(b) - UKBA staff are professional, courteous, and respectful when dealing with customers irrespective of their status

3.2 General Criterion: Facilities and services meet the needs of customers and are conducive to ensuring 'business' is progressed. The specific criteria are shown below:

3.2(a) - Accommodation, whether interview rooms, waiting rooms etc. are welcoming and clean

3.2(b) - The facilities afford customers privacy

3.2(g) - Provision of information via hard copy and websites is accessible, clear, easy to use, in plain language and accurate including self serve where available

3.2(h) - Customers are clear what UKBA expects from them in relation to documentation, use of latest application forms and provision of information when requested

3.3 General Criterion: UKBA staff are responsive to Customer complaints/grievances. The specific criteria are shown below:

3.3(a) - Complaint/grievance procedures are simple, transparent and accessible and used by UKBA staff

3.3(c) - UKBA provides prompt, detailed responses to complaints etc.

3.4 General Criterion: UKBA staff ensure customers are clear about progress and outcomes of any application. The specific criteria are shown below:

3.4(a) - Customers are kept informed about progress

3.4(c) - Customers receive a clear and detailed explanation if their application is refused, with details of any appeal rights

3.4(d) - Customers know whom to contact in UKBA about their applications and can do so easily



## Section 4 – Management and leadership

4.1 General Criterion: Effective and motivating leadership. The specific criteria are shown below:

4.1(c) - There is evidence that the agency is flexible and responsive to changing circumstances

4.1(d) - Change management is effective and leads to improvements in the quality of service

4.1(f) - Managers are confident and visible; they are engaged, motivated, clear about their responsibilities and committed to delivery

4.1(g) - There is close working with partners in other key agencies/government departments/international bodies which identifies priorities and joint working

4.1(i) - IT systems support the agency working in a joined-up way

4.2 General Criterion: UKBA has a robust and comprehensive internal performance management framework which leads to improvements. The specific criteria are shown below:

4.2(a) - Key performance measurement and monitoring is focused on the priorities set out in the business plan

4.2(c) - Data to show progress against targets is relevant and reliable but not over-burdensome

4.5 General Criterion: There is clarity about an individual's role and purpose. The specific criteria are shown in Figure 19.

4.5(a) - Staff receive appropriate, good quality training, including diversity and equality training, when it is needed, in order to equip them with the necessary knowledge and skills to enable them to deliver services fairly to customers

4.5(b) - Opportunities are provided for staff to grow and develop their skills and careers through training and development programmes

4.5(c) - Performance of all staff is reviewed regularly and improvement plans are in place for those identified as less effective

4.5(d) - Staff feel empowered, valued and respected for their contributions

4.5(e) - Staff sickness absences do not adversely affect effective running of the agency

4.5(f) - UKBA staff are held accountable to the Vision and Values of the Agency

4.6 General Criterion: UKBA is compliant with equalities legislation. The specific criteria are shown in Figure 20.

4.6(a) - All staff are treated with respect and value each other's diversity

4.6(b) - Managers at all levels demonstrate effective leadership on equality and diversity and the agency's commitment to it

4.6(c) - Managers ensure that staff employed by contractors also meet statutory requirements and UKBA's own policy on equality and diversity

4.7 General Criterion: Communication. The specific criteria are shown in Figure 21.

4.7(b) - Up-to-date working guidance and manuals are accessible and communicated to staff

4.7(c) - Staff understand key objectives and values of the organisation

4.7(d) - Manuals and guidance are reviewed regularly to ensure they reflect latest UKBA cultural values including focus on the concept of the 'customer'

4.7(e) - UKBA regularly survey staff to test how they feel valued, supported, their views on leadership and to give them an opportunity to highlight concerns. Move to outcomes?

4.7(f) - UKBA identifies disseminates and applies best practice across the agency

# Appendix B

## Visa fees

All the fees below are quoted in pounds sterling, but are usually payable in local currency. Guidance notes and fees for visa extensions, nationality and right of abode **applications, for applicants who are already in the UK**, are available on the UK Border Agency website: <http://ukba.homeoffice.gov.uk/>

Dependants are charged the same fee as the main applicant. All dependants who are travelling must pay the fee whether or not they are included in the main applicant's passport.

Fees are subject to periodic review.

Visa fees are non-refundable, but if a payment has been made and the application is not submitted, or if the applicant refuses to provide biometrics details with their application, then we will refund the fee.

Fees have been listed by categories, which are: visit, study, employment, settlement, points-based system, exempt and others.

These fees are effective for all visa applications made from **9 April 2009**.

Category - Visit	Fee (£)
Approved Destination Status (ADS) Agreement with China, up to 30 days only	67
Single, double and multiple visit, valid up to 6 months	67
Longer term multiple entry (1 to 2 years)	215
Longer term multiple entry (5 years)	400
Longer term multiple entry (10 years)	500
Entertainer visitor	67
Family visitor	67
Business visitor - general	67
Business visitor - academic visitor (up to 12 months)	67
Business visitor - visiting professor	67
Business visitor - religious worker	67
Business visitor - film crew	67
Business visitor - clinical attachments/dental observations (up to 6 weeks)	215
Business visitor - PLAB test	215
Special visitor - marriage/civil partnership	67
Special visitor - medical treatment	67
Special visitor - visitor in transit	46

Special visitor - student visitor, up to 6 months	67
Special visitor - child visitor	67
Special visitor - prospective student	67
Special visitor - parent of a child at school (up to 12 months)	215
Sports visitor	67

<b>Category: Study (non points-based system)</b>	<b>Fee (£)</b>
Dependant of prospective student applicant	67
Dependant of student applicant	145

<b>Category: Employment (non points-based system)</b>	<b>Fee (£)</b>
Work permit holder	215
Work permit/HSMP dependant	215
Off Shore Workers	215
Overseas domestic worker - private household	215
EC Business Association Agreement	215
Sole representative	215
UK Ancestry	215
Seasonal agricultural worker	215
Dependants of any of the above	215
Vander Elst	Free of charge
Swiss Posted Worker	Free of charge

<b>Category: Settlement</b>	<b>Fee (£)</b>
Spouse/civil partner of a settled person	585
Unmarried/same sex partner of a settled person	585
Fiancé(e)/proposed civil partner of a settled person	585
Child or dependent relative of a settled person	585
Adopted child of settled person	585
Family reunion	Free of charge
Former UK Armed Forces	585

<b>Category: Points-based system (PBS)</b>	<b>Fee (£)</b>
Tier 1 general applicant	675
Dependant of tier 1 general applicant	675
Tier 1 general applicant with HSMP approval letter (transitional arrangement)	250
Dependant of tier 1 general applicant with HSMP approval letter (transitional arrangement)	250
Tier 1 investor or entrepreneur	675
Dependant of tier 1 investor or entrepreneur	675
Tier 1 post study applicant	265
Dependant of tier 1 post study applicant	265
Tier 1 general applicant - national of Croatia, Turkey or FYR Macedonia	615
Dependant of tier 1 general applicant - national of Croatia, Turkey or FYR Macedonia	615
Tier 1 general applicant with HSMP approval letter (transitional arrangement) - national of Croatia, Turkey or FYR Macedonia	230
Dependant of tier 1 general applicant with HSMP approval letter (transitional arrangement) - national of Croatia, Turkey or FYR Macedonia	230
Tier 2 applicant	265
Dependant of tier 2 applicant	265
Tier 2 applicant - national of Croatia, Turkey or FYR Macedonia	245
Dependant of tier 2 applicant - national of Croatia, Turkey or FYR Macedonia	245
Tier 4 (general) student applicant	145
Dependant of tier 4 (general) student applicant	145
Tier 4 (child) student applicant	145
Chevening Scholarship or Fellowship	Free of charge
British Marshall Scholarship	Free of charge
Fulbright Scholarship	Free of charge
Commonwealth Scholarships and Fellowships Plan	Free of charge
Tier 5 applicant (temporary worker)	125
Dependant of tier 5 applicant (temporary worker)	125
Tier 5 applicant (temporary worker) - national of Croatia, Turkey or FYR Macedonia	110
Dependant of tier 5 applicant (temporary worker) - national of Croatia, Turkey or FYR Macedonia	110
Tier 5 applicant (youth mobility scheme)	125

<b>Category: Exempt</b>	<b>Fee (£)</b>
Diplomats: official visit/posting	Free of charge
Members of international organisations on official visits	Free of charge
Member of UK or visiting forces	Free of charge

<b>Category: Others</b>	<b>Fee (£)</b>
Course F	67
Exercise the right of access to a child	215
Parent/primary carer of an EEA national child	215
Family member of an EEA national	Free of charge
Family member of a Swiss national	Free of charge
Handling applications on behalf of Commonwealth Countries/Overseas Territories	47
Forwarding documents to Commonwealth Countries/ Overseas Territories (additional fee)	63
Returning resident	215
Right of Abode Certificate of Entitlement	215
Joining ship/aircraft	46
Direct Airside Transit (DAT)	46
Mobile biometrics/call out charge	£128 an hour up to a maximum of £922 for each 24 hour period
Turkish nationals to establish in business	Free of charge
Vignette transfer	75



