



A re-inspection of the UK Border Agency visa section in Abu Dhabi and Islamabad

September - December 2011

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Independent Chief Inspector of Borders and Immigration

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Foreword from John Vine CBE QPM



Independent Chief Inspector of Borders and immigration

The Abu Dhabi and Islamabad visa sections are two of the largest overseas visa sections by volume of applications. This, my second formal re-inspection of the Agency's visa operation in these locations, examined the work of entry clearance staff, with a particular focus on the findings and recommendations from my previous inspection.

Overall I noted considerable improvement had been made since my previous inspection. I was pleased to find a lot of work had been carried out in response to my earlier recommendations, which had led to improvements within both visa sections. Most notably, this included a significant improvement with regards to the quality and consistency of decision making. I was particularly pleased to note that in contrast to my previous inspection, visa section staff were no longer treating Pakistani nationals unfairly – a significant finding at the time of my previous inspection.

However, I am still finding too many cases where the Agency has failed to maintain an audit trail as part of the decision making process. This makes it difficult for me to determine the basis on which the decision had been made and although the quality of decision making has improved applicants are still being refused entry clearance for failing to provide information, which they could not have been aware they needed when submitting their application. This practice is unfair on applicants.

I found the Agency was meeting its customer service targets in other visitor and settlement cases, which demonstrated a significant improvement since my previous inspection. I also found the administrative review process was working well and steps were being taken to improve the quality of Entry Clearance Manager reviews.

Additional changes had been implemented to improve customer service, and this inspection identified a clearer more robust correspondence and complaints handling process. However, there remain opportunities for increased management oversight of correspondence.

Overall, both posts were much improved.

A handwritten signature in black ink that reads 'John Vine' followed by a period.

John Vine CBE QPM
Independent Chief Inspector of Borders and Immigration

1. Executive Summary

- 1.1 This inspection followed a similar approach to our previous inspection of the Abu Dhabi and Islamabad visa sections, with a particular focus on whether or not performance had improved since we last inspected these posts in 2010. It included a detailed examination of the UK Border Agency's handling of settlement, other visitor¹, Tier 4 and administrative review cases. An assessment was then made across all categories of cases of whether or not decision making was:
- efficient, effective and fair;
 - in line with relevant Immigration Rules and UK Border Agency policy and guidance; and
 - appropriately supported by risk assessment tools to help entry clearance staff make the right decisions first time.
- 1.2 We identified improved performance against customer service processing targets in other visitor and settlement cases. However, this was not the case in a number of Tier 4 (students) cases, which missed the target. We were told this was primarily due to the introduction of an interview programme to test whether or not there was any abuse of the English language requirement in Tier 4 cases, which led to significant delays. We were however pleased to note an improved quality of decision making in Tier 4 cases.
- 1.3 We found there was also an improvement in the quality of decision making in other visitor and settlement cases, which was more consistent, fair and effective than at the time of our previous inspection. We also found there was less of a focus on numerical targets. This supports assertions made in a number of our previous reports that there is a correlation between the strong focus on numerical benchmark targets and the quality of decision making. Despite identifying some improvement with regards to the quality of decision making, we considered there was still room for improvement, and as in a number of our previous inspections, we noticed some instances of cases where additional information requirements had been made. This was not fair to applicants.
- 1.4 Our previous inspection identified significant concerns with regards to the inconsistent approaches being taken in regard to the weight attached to evidence by Entry Clearance Officers, depending on the nationality of the applicant, with applicants from Gulf Co-operation Council (GCC) countries² being treated more favourably than Pakistani nationals. Although, there remained some concerns with decision quality in some other visitor refusal cases, our file sample for this inspection identified fewer examples of inconsistent decision making, and we did not find that Pakistani nationals were being treated unfairly. We identified some differences in the level of checks carried out for different applications however we were satisfied this was based on an intelligence-led assessment of the level of risk posed to the UK by nationals from different countries.
- 1.5 New procedures and initiatives were being implemented to further improve the quality of decision making, for example, the Abu Dhabi visa section had adopted a new approach to drafting refusal notices. It was too soon for us to fully assess the effectiveness of these new procedures however, we believe it is important for the Agency to review these procedures once they are well established, to ensure they are working effectively.

¹ Other visitor visas include all visitor visa categories except for family visitor visas, for example, people travelling to the UK on holiday.

² Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and United Arab Emirates

- 1.6 At the time of our previous inspection we found the administrative review process was working well however, we found there were significant delays in processing these reviews. This inspection showed a notable improvement in this regard, with fewer cases missing the 28 day target for processing administrative reviews. We also found the Agency was meeting customer service processing targets in all settlement and other visitor cases which again demonstrated an improvement when compared to the findings of our previous inspection.
- 1.7 Similarly to a number of our previous inspections, we identified a number of cases where staff failed to retain sufficient supporting documents on file, particularly in settlement cases where entry clearance had been granted. In response to an earlier recommendation about this, the Agency issued guidance instructing entry clearance staff to retain any document that was relevant to the decision. Our findings indicate that despite this, in many cases, entry clearance staff were still not complying with the guidance and failed to retain sufficient documentation on file. We believe the Agency must take action to ensure all evidence used as part of the decision making process is retained on file or recorded electronically, in order to facilitate quality checking of decisions and to ensure an adequate audit trail exists.
- 1.8 We noted an increase in the number of verification checks being carried out to support the decision making process, but in a number of cases we found checks had not been carried out when in our view they were required. In these cases we considered these additional checks would have helped to strengthen decision making, thereby helping the Agency to achieve its strategic objective to protect the border and national interests of the UK.
- 1.9 This inspection did not include an in depth examination of the RALON operation as was the case in our previous inspection. However, our assessment of RALON identified significant improvements including:
- closer integration between RALON and visa section staff in Abu Dhabi and Islamabad;
 - greater clarity about RALON's role in supporting the visa sections; and
 - the development of more specific evidence based risk profiles.
- 1.10 At the time of our previous inspection, we found inadequate training prevented RALON staff from developing what was then a relatively new role. During this inspection we were therefore concerned to find RALON staff in Islamabad reported they had received limited formal forgery training and that not all Entry Clearance Officers had completed the mandatory document fraud e-learning course. We believe this should be carried out by all staff, to ensure they are fully aware of their responsibilities with regards to document fraud.
- 1.11 We found that both Abu Dhabi and Islamabad had a clear complaints handling process in place which was set out in internal guidance and staff had received training on complaints handling and complaints identification in both posts. However, in Abu Dhabi we found there was limited senior management oversight of other correspondence. We also found limited resource was allocated to complaints handling in Islamabad and as a result the visa section was routinely failing to meet the target to resolve 95% of service complaints within 20 working days. We believe it is important for the Agency to work to ensure an effective correspondence and complaints management process operates in both posts, in order to meet its customer service targets and to ensure it is consistently delivering a high quality service to applicants.
- 1.12 In contrast to our previous inspection, we found both visa sections had carried out work to examine the reasons refusal decisions were overturned at appeal. Through this analysis common themes were identified and circulated to entry clearance staff which had led to improvements in the quality of decision making.

1.13 We found very limited awareness amongst staff of the regional risk register and how they could contribute to it. Managers accepted this process needed to be formalised, to ensure all staff were aware of the process of feeding into the risk register. We believe this is important to ensure that managers are alerted to potential, emerging or changing risks as early as possible.

2. Summary of Recommendations

We recommend that the UK Border Agency:

1. Ensures decisions are subject to effective scrutiny, supported by the use of regular verification checks to confirm the veracity of supporting documentation, in order to strengthen the decision making process and to ensure it is working to achieve the strategic objective to protect the border and national interests of the UK.
2. Implements effective oversight of its correspondence management process, including the identification of trends, to improve service and decision quality.
3. Raises staff awareness of the risk register, making it clear how they can contribute to it, in order to ensure that managers are alerted to potential, emerging or changing risks as early as possible.
4. Ensures it records a clear rationale for entry clearance decisions and adequate case notes generally, on its IT case working system, and adopts a consistent approach to the retention of supporting documents on file, in order to maintain a clear audit trail.
5. Ensures that when applicants have followed published guidance, but Entry Clearance officers require further information to make a decision, applicants are given an opportunity to provide this.

3. The Inspection

- 3.1 The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the UK Border Agency. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and contractors.
- 3.2 On 26 April 2009 the Independent Chief Inspector was also appointed to the statutory role of Independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in section 23 of the Immigration and Asylum Act 1999 as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006 (regarding the introduction of the points-based system from April 2008).
- 3.3 On 20 February 2012, the Home Secretary announced that Border Force would split from the Agency from 1 March 2012, to become a separate operational command within the Home Office. The Home Secretary confirmed this change would not affect the Chief Inspector's statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the new Border Force. On 22 March 2012, the Independent Chief Inspector of the UK Border Agency's title changed to become the Independent Chief Inspector of Borders and Immigration. His statutory responsibilities remain the same.
- 3.4 The Chief Inspector is independent of the UK Border Agency and the Border Force, and reports directly to the Home Secretary.
- 3.5 The Independent Chief Inspector's inspection criteria³ (set out in appendix 1) were used to assess the efficiency and effectiveness of the visa sections in Abu Dhabi and Islamabad under the themes of:
- Operational Delivery;
 - Safeguarding Individuals; and
 - Continuous Improvement.
- 3.6 This inspection also addressed the statutory remit of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal⁴. 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).

³ All criteria of the Independent Chief Inspector of the UK Border Agency can be found at <http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Inspection-Criteria.pdf>

⁴ Although the formal title of the Independent Monitor refers to cases without the right of appeal, all requests for entry clearance in fact carry appeal rights on the basis of humanitarian and race relations grounds.

Purpose and aim

- 3.7 In April 2010, the Independent Chief Inspector of the UK Border Agency carried out an inspection of the visa sections in Abu Dhabi and Islamabad and the UK hub⁵. This inspection identified a number of failings with the visa operation, most notably:
- Poor quality and inconsistent decision making;
 - Ineffective management of the overall transition of settlement work from Pakistan to the UK and poor implementation of the Hub and Spoke business model⁶;
 - significant weaknesses around the processes being adopted to deter, prevent and detect fraudulent applications for settlement;
 - ineffective management of the appeals process and limited analysis of the reasons for allowed appeals;
 - ineffective management of correspondence and complaints; and
 - delays processing administrative reviews.
- 3.8 In light of these findings, the Chief Inspectors Inspection Plan for 2011-12, set out an intention to conduct a re-inspection of the entry clearance operation in Abu Dhabi and Islamabad, to assess the efficiency and effectiveness of UK Border Agency activities, with a particular focus on whether or not performance had improved since we last inspected these posts in 2010.
- 3.9 The inspection aimed to examine the quality and consistency of decision making by assessing whether or not decision making was:
- efficient, effective and fair; and
 - in line with relevant Immigration Rules and UK Border Agency policy and guidance.
- 3.10 The inspection also intended to measure the performance of UK Border Agency International Group in respect of the information on “our service and values” it has published on its website⁷, which set out the level of customer service people subject to Agency services can expect.

Background

- 3.11 The information in this section was provided by the UK Border Agency and sets out general background information about International Group and the work of the Visa Section in Abu Dhabi and Islamabad.
- 3.12 International Group is a Directorate of the UK Border Agency formed in 2008 from UK Visas and other international policy strands. The Group delivers the wider overseas remit of the UK Border Agency, including the visa issuing service and is fundamental to achieving the Agency’s strategic objectives listed below:
- To protect the border and national interests of the UK
 - To tackle border tax fraud, smuggling and immigration crime
 - To implement fast and fair decisions

⁵ At the time of our previous inspection, the UK Visa Section was responsible for considering settlement applications made in Pakistan. This work transferred back to Pakistan on 25 October 2010.

⁶ The hub and spoke business model has seen decision making move from small visa sections to larger regional hubs, or processing centres.

⁷ <http://www.ukba.homeoffice.gov.uk/aboutus/service/>

- 3.13 The International Group 2011/12 Business Plan identified ten strategic objectives. The objectives most relevant to this inspection were as follows:
- *Meet or exceed published customer service standards in all our services, expand our range of new and premium services and build customer and partner confidence;*
 - *Embed “right first time every time” decision quality in all we do, extend ‘verification plus’ across at least 20 visa sections, introduce i-search and data sharing with 5 countries; and*
 - *Provide high calibre leadership and management for all our staff, ensuring they have the skills they need to do their jobs and opportunities to develop and are recognised for excellence in performance. Measure progress through staff survey results on engagement.*
- 3.14 International Group has approximately 2,300 staff in 136 countries around the world, working to deliver the Government’s objective of facilitating trade and travel that benefits the UK and preventing travel which does not. To manage its work overseas, International Group has structured its visa work into six regional locations:
- Africa;
 - Americas;
 - Asia Pacific;
 - Gulf, Iran and Pakistan;
 - EuroMed; and
 - South Asia.
- 3.15 The Abu Dhabi and Islamabad visa sections form part of the Gulf, Iran and Pakistan region.
- 3.16 The work of entry clearance staff is crucial in helping the UK Border Agency address its purpose of securing the border and controlling migration for the benefit of the country.

Hub and Spoke

- 3.17 The redesign of the Agency’s global network of visa sections began in January 2007 as part of a wider programme of change, supported by the introduction of biometrics⁸ and commercial partners.
- 3.18 This redesign allowed the Agency to think about how and where it considered applications, giving it an opportunity to make better use of its resources overseas. The redesign of the network into a Hub and Spoke business model aimed to deliver three main benefits:
- improved quality and consistency of decision making;
 - improved efficiency and productivity; and
 - greater resilience and flexibility.
- 3.19 This business model has seen decision making move from small visa sections to larger regional hubs, or processing centres. In early 2007, there were over 150 posts around the world working largely independently and handling all aspects of visa processing including the receipt of applications and decision making. By late 2011 there were 374 locations involved in processing visa applications (spokes) and 55 decision making centres (hubs).

⁸ All customers are routinely required to provide biometric data (ten digit finger scans and a digital photograph) when applying for a United Kingdom visa. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five.

The Abu Dhabi and Islamabad Visa Sections

- 3.20 At the time of our previous inspection the Abu Dhabi visa section received and assessed all applications from:
- the visa application centres in Abu Dhabi, Dubai and Bahrain;
 - the British Embassy in Tehran (except those relating to VIPs and diplomats); and
 - the vast majority of non-settlement applications made in Pakistan.
- 3.21 Settlement applications made in Pakistan were collated at the Islamabad visa application centre and forwarded to the UK Visa Section in Croydon for consideration.
- 3.22 Following the publication of our previous inspection report in October 2010 the Agency implemented changes to the process which meant that at the time of this inspection, Islamabad was responsible for processing all settlement, European Economic Area (EEA) family permit, business visit and long term (2,5,10 year) visit visa applications made at one of the four visa application centres in Pakistan (Islamabad, Lahore, Mirpur and Karachi). Abu Dhabi retained responsibility for processing all remaining applications submitted in Pakistan, Bahrain, UAE and Tehran.
- 3.23 Figure 1 shows the number of applications assessed at the Abu Dhabi and Islamabad visa sections in the financial year 2010/11.

Figure 1: Number of applications assessed in the financial year 2010/11

| Category | Abu Dhabi | Islamabad |
|---|----------------|---------------|
| EEA Family Permits | 124 | 297 |
| Family Visit | 48,968 | 5,266 |
| Other Non Settlement | 5,906 | 1,653 |
| Other visitor | 91,897 | 8,669 |
| PBS Tier 1 (highly skilled individuals) | 4,543 | 267 |
| PBS Tier 2 (skilled workers) | 2060 | 80 |
| PBS Tier 4 (students) | 49,091 | 2,196 |
| PBS Tier 5 (youth mobility and temporary workers) | 989 | 18 |
| Settlement | 2,185 | 3,610 |
| Student ⁹ | 287 | 280 |
| Transit | 337 | 26 |
| Work permit | 377 | 9 |
| Working Holiday Maker | 3 | - |
| Total | 206,767 | 22,371 |

⁹ Student applications submitted prior to the introduction of Tier 4 on 31 March 2009.

The Application Process

- 3.24 The application process differed slightly depending on the visa application category and where the application was made. Figure 2, 3 and 4 set out the application process for non points-based system applications considered in Abu Dhabi or Islamabad.

Figure 2: Application process for applications made in UAE and Bahrain

| | |
|---|--|
| 1 | Applicants complete an online application form, pay the relevant fee and book an appointment to have their biometrics taken. |
| 2 | Applicants attend the visa application centre ¹⁰ to submit their biometric data and their supporting documents. |
| 3 | The application form and supporting documents are sent to the Abu Dhabi visa section. |
| 4 | The decision to issue or refuse entry clearance is made by an Entry Clearance Officer. |
| 5 | The visa vignette or the refusal notice are printed and returned to the applicant together with the original supporting documents via the commercial partner, in a sealed tamper proof envelope. |

Figure 3: Application process for applications made in Tehran

| | |
|---|---|
| 1 | Applicants complete an online application form, pay the relevant fee and book an appointment to have their biometrics taken. |
| 2 | Applicants attend the British Embassy in Tehran to submit their biometrics and two sets of their supporting documents. |
| 3 | The original supporting documents, passport and duplicate application form are retained in Tehran, whilst the duplicate set is forwarded to the Abu Dhabi visa section to be processed. |
| 4 | The decision to issue or refuse entry clearance is made by an Entry Clearance Officer in Abu Dhabi, who then notified staff at the British Embassy in Tehran of the decision. |
| 5 | The visa vignette or the refusal notice are printed at the British Embassy in Tehran and returned to the applicant together with the original supporting documents. |

Figure 4: Application process for applications made in Pakistan

| | |
|---|--|
| 1 | Applicants submit their visa applications, biometrics and supporting documents at one of the four visa application centres. |
| 2 | The application form and supporting documents are sent to the visas section in Islamabad or Abu Dhabi, depending on the type of application that is being made. |
| 3 | The decision to issue or refuse entry clearance is made by an Entry Clearance Officer. |
| 4 | The visa vignette or the refusal notice are printed and returned to the applicant together with the original supporting documents via the commercial partner, in a sealed tamper proof envelope. |

- 3.25 The process for applications made under the points-based system was slightly different. All applications submitted in Pakistan were sent to the visa section in Islamabad for verification checks to be carried out. The passport, application form and copy documents were then sent to the visa section in Abu Dhabi. As with the UAE and Bahrain operations, vignettes were printed and affixed in passports in Abu Dhabi. Any refusal letters were also printed in Abu Dhabi. Notifications of decisions were then sent back to Islamabad and returned to the applicant again via the commercial partner with the original supporting documents.

¹⁰ Visa application centres were run by the regional commercial partner, VFS Global, with the Islamabad visa application centre being run in partnership with Gerry's, who were subcontracted by VFS Global.

Staffing

3.26 Figure 5 provides a breakdown of staffing numbers at the time of our inspection

| Figure 5: Staffing numbers at the Abu Dhabi and Islamabad visa section | | |
|---|------------------------|------------------------|
| | Abu Dhabi visa section | Islamabad visa section |
| Visa Section Staff | | |
| Regional Director (Grade 5) | 1 | 0 |
| Regional Manager (Grade 7) | 0 | 1 |
| Operations Manager/Head of Section (Senior Executive Officer) | 1 | 1 |
| Regional Operations Manager (Senior Executive Officer) | 1 | 0 |
| Regional Business Manager (Senior Executive Officer) | 1 | 0 |
| Entry Clearance Manager (Higher Executive Officer) | 12 | 2 |
| Entry Clearance Officer (Executive Officer) | 41 | 11 |
| Entry Clearance Assistants ¹¹ | 104 | 73 |
| RALON Staff | | |
| Regional Manager | 1 | 0 |
| Immigration Liaison Manager (Higher Executive Officer) | 1 | 2 |
| Immigration Liaison Officer (Executive Officer) | 3 | 3 |
| Immigration Liaison Assistants ¹² | 4 | 9 |

Note: Information provided by UK Border Agency, International Group

Scope

- 3.27 This inspection followed a similar scope to our previous inspection, to enable us to make an accurate assessment of the performance of the visa sections, as compared with our earlier findings. This included an assessment of the same visa application categories examined during our previous inspection – other visitor, Pakistan settlement, Tier 4 and administrative review applications.
- 3.28 As our previous inspection did not identify any issues with the quality and consistency of MPs correspondence, this inspection excluded an examination of cases that were subject to correspondence from Members of Parliament. This inspection did however look at the visa sections' handling of correspondence and complaints.

Methodology

- 3.29 The on-site phase of the inspection took place between 20 November and 1 December 2011. A range of methods were used during the inspection, including:
- file sampling;
 - staff and stakeholder interviews;
 - staff focus groups; and
 - staff observation.

¹¹ This category includes support staff at various grades undertaking a range of roles in support of the visa operation.

¹² This category includes support staff at various grades undertaking a range of roles in support of the RALON operation.

- 3.30 On 1 December 2011, the final day of the on-site phase of the inspection, the inspection team provided feedback on high level emerging findings to the UK Border Agency.
- 3.31 The inspection identified five recommendations for improvement to operational service delivery in Abu Dhabi and Islamabad. A full summary of recommendations is provided on page eight of this report.

4. Inspection findings – Operational Delivery

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

Decision making

- 4.1 This section provides detailed results and analysis of the files we examined prior to the on-site phase of our inspection in Abu Dhabi and Islamabad, and the additional files we looked at on site in Abu Dhabi.
- 4.2 Prior to the on-site phase of the inspection, we requested 160 case files split between Islamabad settlement applications and other visitor applications from Abu Dhabi, chosen randomly from decisions made at each post between 1 May and 31 July 2011. We received all files from Islamabad and all but one of the files requested from Abu Dhabi. In this case a replacement file was sent in accordance with our guidance.
- 4.3 Whilst on site in Abu Dhabi we also sampled 100 Tier 4 and administrative review files, chosen randomly from decisions made between 7 September and 2 November 2011. We received all requested files.
- 4.4 Figure 6 sets out the visa categories examined together with numbers of cases sampled in each category.

| Figure 6: Numbers of files sampled in each visa category | | | | |
|---|--------------------------------|------------------|----------------|---------------------|
| Post | Category | Requested | Sampled | Out of scope |
| Islamabad | Settlement - issue | 40 | 36 | 4 |
| | Settlement - refusal | 40 | 40 | 0 |
| Abu Dhabi | Other visitor - issue | 40 | 37 | 3 |
| | Other visitor - refusal | 40 | 32 | 8 |
| | Tier 4 - issue | 30 | 30 | 0 |
| | Tier 4 - refusal | 30 | 28 | 2 |
| | Administrative review (Tier 4) | 40 | 40 | 0 |
| Total | | 260 | 243 | 17 |

4.5 We sampled 243 out of the 260 files requested, as 17 proved to be out of scope, for example because:

- the case was classified as an issue case however, the applicant was only issued entry clearance upon receipt of an appeal;
- family visitor cases had been misclassified as other visitor cases and included in our sample by the UK Border Agency in error; and
- student visitor cases had been misclassified as Tier 4 cases and included in our sample by the UK Border Agency in error.

4.6 In the sampled cases we considered both the timeliness of the actions taken and the quality of the decisions made. Details of our findings, split according to visa category follow.

Timeliness

4.7 At the time of our inspection, the UK Border Agency measured its performance against the following customer service standards:

- to complete 90% of non-settlement visa applications in not more than 15 working days, 98% in 30 working days, and 100% in 60 working days: and
- to complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days.

4.8 Figure 7, illustrates the Agency’s performance against customer service targets in the settlement cases we sampled.

Figure 7: Performance against customer service targets in settlement cases

Targets: to complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days

| | Settlement issues | | Settlement refusals | |
|---|--------------------------|---------------------------|--------------------------|---------------------------|
| Total cases sampled | 36 | | 40 | |
| Timescale | 60 working days or under | 120 working days or under | 60 working days or under | 120 working days or under |
| Percentage of cases processed by timescale | 100% | 100% | 95% | 100% |
| Number of cases by which target was missed (-), met (0) or exceeded (+) | +2 | 0 | 0 | 0 |

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

4.9 Figure 7 shows the Islamabad visa section met its customer service standard targets in all settlement cases. This demonstrated a considerable improvement when compared to the findings of our previous inspection, at which time we identified significant delays in processing settlement visas, with only 39% of cases meeting the 60 working day target, and 97% meeting the 120 working day target.

4.10 Figure 8 illustrates the Agency's performance against customer service targets in other visitor cases processed in Abu Dhabi.

| Figure 8: Performance against customer service targets in other visitor cases | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Targets: to complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days | | | | | | |
| | Other Visit issues | | | Other Visit refusals | | |
| Total cases sampled | 37 | | | 32 | | |
| Timescale | 15 working days or under | 30 working days or under | 60 working days or under | 15 working days or under | 30 working days or under | 60 working days or under |
| Percentage of cases processed by timescale | 97% | 98% | 100% | 94% | 100% | 100% |
| Number of cases by which target was missed (-), met (0) or exceeded (+) | +3 | 0 | 0 | +1 | +1 | 0 |

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

4.11 Figure 8 shows the Abu Dhabi visa section met its customer service standard targets in all other visitor cases we sampled. Since our previous inspection the customer service standard targets had been revised however, this showed a notable improvement since our previous inspection at which time we found a significant proportion of general visitor refusal cases missed the performance targets.

4.12 Figure 9 illustrates the Agency's performance against customer service targets in Tier 4 cases processed in Abu Dhabi.

| Figure 9: Performance against customer service targets in Tier 4 cases | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Targets: to complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days | | | | | | |
| | Tier 4 issues | | | Tier 4 refusals | | |
| Total cases sampled | 30 | | | 28 | | |
| Timescale | 15 working days or under | 30 working days or under | 60 working days or under | 15 working days or under | 30 working days or under | 60 working days or under |
| Percentage of cases processed by timescale | 47% | 50% | 64% | 25% | 29% | 36% |
| Number of cases by which target was missed (-), met (0) or exceeded (+) | -13 | -14 | -11 | -18 | -19 | -18 |

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

- 4.13 In contrast to our other file sampling categories, Figure 9 shows the Abu Dhabi Visa Section did not meet the customer service standard targets in a significant number of Tier 4 cases. For example, we found 19 (68%) Tier 4 refusal cases in our sample missed the 30 working day processing target. This was a similar finding to that made during our previous inspection at which time we found that Tier 4 processing performance overall was poor and stressed the particular importance of timeliness in processing Tier 4 applications.
- 4.14 The UK Border Agency told us that delays in processing Tier 4 applications were caused when they received an increase in applications, prior to the introduction of the changes to the Immigration Rules for Tier 4 student applications, on 21 April 2011. This and the Agency's decision to introduce an interview programme to test whether or not there was any abuse of the English language requirement led to significant delays in the decision making process. However, this exercise provided entry clearance staff with additional evidence which demonstrated a number of applicants had made assertions in their visa application forms which staff found to be untrue. This enabled Entry Clearance Officers to refuse a number of applications which may otherwise have been granted. In addition, the interview programme enabled the Agency to carry out further investigations, and revoke or suspend Tier 4 licences for a number of colleges, for supporting these non-genuine Tier 4 applications.
- 4.15 Although this interview programme caused delays to the decision making process, we considered the programme was positive evidence of the Agency's efforts to target non-genuine applications. We consider this had a positive impact on the quality of decision making in Tier 4 cases, as it enabled Entry Clearance Officers to make more robust, well evidenced decisions.

Decision quality

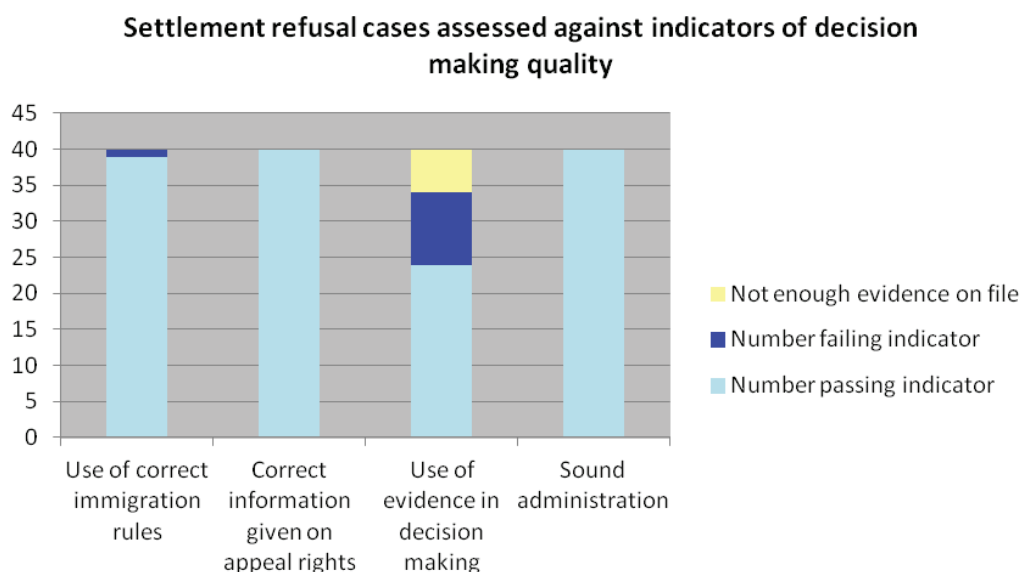
Results of the sample of Islamabad settlement visa refusals of entry clearance

- 4.16 We examined refused settlement visa entry clearance cases using various quality indicators, including:
- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the correct information on appeal rights provided to the applicant?
 - Was the administration of the case sound?¹³
- 4.17 Of the 40 settlement refusal cases examined, we found 21 (53%) failed¹⁴ one or more decision making quality indicators. This included six case files which did not contain all of the relevant supporting evidence submitted by the applicant, which meant we were unable to assess whether or not the decision had been made correctly. Our findings are illustrated in Figure 10.

¹³ Unsound administration would refer to an administrative failing so serious as to adversely affect the decision outcome, for example where delays in processing mean the reason for the application had passed, such as attendance at a particular event, although the application was made in good time.

¹⁴ In all visa case categories examined, the total number of cases failing one or more decision making quality indicator included cases where relevant supporting documentation was not retained on file.

Figure 10: settlement visa refusals



Immigration Rules

- 4.18 The decision to refuse entry clearance was assessed against the correct Immigration Rules in all but one settlement case. In this case, the application was assessed as a child settlement case, despite the fact the applicant was over 18 at the time the application was made. In this case, a revised refusal notice had been issued by the UK Border Agency following the receipt of an appeal. We found there had been a slight improvement when compared to our previous inspection findings, at which time we identified three cases that had not been assessed against the correct Immigration Rules.

Correct information given on appeal rights

- 4.19 As with our previous inspection, we found that the correct information on appeal rights was given in all settlement cases in our file sample.

Use of evidence in decision making

- 4.20 We found 16 settlement refusal cases (40%) failed one or more of the decision making quality indicators because the decision had not been made in line with all the available evidence. In one of these cases, we questioned whether or not the overall decision was correct. This was a similar finding to our previous inspection, at which time we found 18 cases (42%) were not made in line with all the available evidence.
- 4.21 As mentioned above, in six cases (15%) we found that either no or insufficient pertinent evidence had been retained on file, and insufficient information had been recorded on the Agency's case-working IT system, which meant that we could not establish whether or not the decision had been made in line with all available evidence. In three of these cases however, we were still able to establish that the overall decision to refuse was reasonable. In the remaining three cases we could not establish whether or not the overall decision to refuse was correct.
- 4.22 We found five cases where the Entry Clearance Officer had misinterpreted the evidence submitted by applicants in support of their applications, for example, misinterpreting evidence relating to an applicant's sponsor's financial or employment status.

4.23 We found four settlement cases where the Entry Clearance Officer failed to properly consider positive evidence submitted by the applicant in support of their application. For example:

- failure to consider Pakistan entry stamps in a sponsor's passport as evidence they had visited their spouse in Pakistan; and
- refusing an application for failure to demonstrate adequate accommodation, despite the fact the applicant had submitted evidence in the form of a property inspection report, property deeds, a council tax bill and/or a housing report.

4.24 We found four settlement cases where the Entry Clearance Officer had applied additional information requirements that applicants were unaware of at the time of application. This was unfair on the applicant. Examples included the Entry Clearance Officer:

- refusing an application partly on the grounds that an applicant waited six months or more before applying to join their sponsor (who had been granted asylum) in the UK, when guidance for applicants did not stipulate a time limit for applicants wanting to join sponsors in the UK;
- refusing an application on the grounds that a self employed applicant failed to provide audited accounts or tax returns as evidence of employment, despite the fact they submitted evidence of employment which included a bank statement and a letter from their accountant stating their average earnings and tax payments date.

4.25 We found two settlement cases where the Entry Clearance Officer failed to notice inconsistencies in the evidence, for example failing to notice inconsistencies between information about a sponsor's employment provided in the visa application form, and supporting documents relating to their sponsor's employment submitted as evidence. Typically the submission of inconsistent information or evidence will damage an applicant's credibility therefore, we were not concerned with the overall decisions made in these cases. However, we consider it is important for Entry Clearance Officers to ensure any inconsistencies are acknowledged, in order to fully assess an applicant's credibility and where appropriate, strengthen any grounds for refusal.

4.26 Of the 16 cases where we found that the decisions were not in line with the evidence, we discussed 14 which concerned us the most with the Agency while we were on site. The objectives of our discussion were to:

- seek clarification over policy or procedure;
- request further rationale behind the making of a decision; and
- express our concern over a decision.

4.27 Overall, we were content with the responses provided by the UK Border Agency, in relation to the 14 cases we discussed. In all except one of these cases the Agency either fully or partially accepted our comments. As a result, a range of actions were identified to address our concerns. This included the UK Border Agency:

- providing feedback to individual Entry Clearance Officers and Entry Clearance Managers in 12 of these cases, highlighting errors in the decision making process;
- issuing a revised refusal notice to an applicant in one case; and
- Organising workshops to address common themes identified during our file sampling exercise such as document retention and refusal notice quality.

4.28 In one case the UK Border Agency did not accept our comments. This case is illustrated in the case study at Figure 11.

Figure 11: Case study – Settlement refusal application

The applicant:

- submitted a settlement visa application on 27 April 2011 with good evidence of their sponsor's circumstances;
- was refused entry clearance on 4 July 2011 because the Entry Clearance Officer i) stated the applicant had failed to provide evidence in the form of audited accounts or tax returns;
- submitted an appeal on 15 September 2011 with additional evidence of employment; and
- was issued a visa on 16 February 2012 following reconsideration of the decision by the UK Border Agency.

Chief Inspector's comments:

- It was unclear what additional evidence of employment could have been submitted, and how the applicant would have known this information was required.
- the Agency should have asked the applicant to provide any additional evidence before refusing the case

The UK Border Agency:

- felt that this was a 'finely balanced decision';
- stated formal acknowledgement from HM Revenue and Customs (HMRC), confirming the applicants' spouse's self employed status, could have been provided to support the application; and
- accepted the Entry Clearance Officer could have noted this to give weight to their reasons for refusal.

4.29 In this case we questioned whether or not the initial decision to refuse the application was correct. Although we accepted additional employment evidence would have been useful, we questioned how the applicant was expected to know this information was required. In such cases where an Entry Clearance Officer believes a specific piece of information is missing, we believe the Agency should allow applicants the opportunity to submit any additional documents before refusing the application. We have reported on this matter in a number of our earlier overseas inspection reports, and recommended the UK Border Agency: *Ensures that when applicants have followed published guidance, but Entry Clearance officers require further information to make a decision, applicants are given an opportunity to provide this.* We were therefore disappointed to find examples of this during this inspection.

4.30 We discussed this with managers whilst we were on site. We were told that if specific documents were missing, entry clearance staff would be expected to give applicants the opportunity to provide this. However, it was agreed that this process could be tightened up and better communicated to staff, to ensure it was being followed. We consider this is important in order to encourage fair and consistent decision making. We therefore repeat our earlier recommendation here:

We recommend that the UK Border Agency:

- Ensures that when applicants have followed published guidance, but Entry Clearance Officers require further information to make a decision, applicants are given an opportunity to provide this.

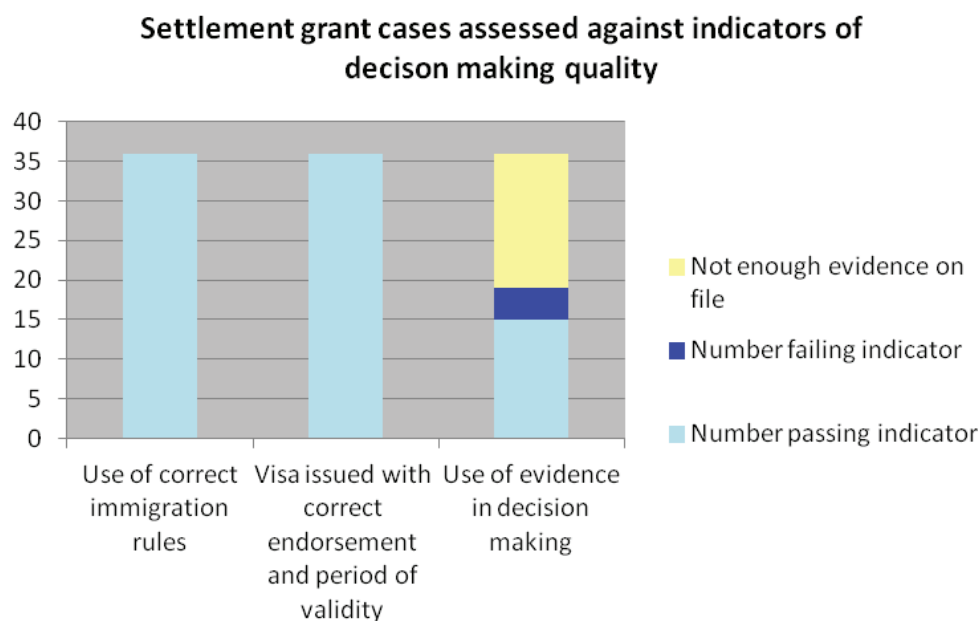
Results of the sample of Islamabad Settlement Visa grants of entry clearance

4.31 We examined granted settlement visa entry clearance cases using various quality indicators, including:

- Was the decision to grant entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the visa issued with the correct endorsement and for the correct period of validity?

4.32 Of the 36 Settlement visa grant cases examined, we found 22 cases (61%) failed one or more decision making quality indicators. This included 17 case files (47%) which did not contain all of the relevant supporting evidence submitted by the applicant, which meant we were unable to assess whether or not the decision had been made correctly. Our findings are illustrated in Figure 12 below:

Figure 12: Settlement visa grants



4.33 Although the retention of supporting documents was not assessed during our previous inspection of the Abu Dhabi and Islamabad visa sections, we reported concerns about the importance of retaining sufficient supporting documents on file in our inspection report on the visa section in Abuja. We also made recommendations about this in our inspection reports on the visa sections in Guangzhou, Amman and Istanbul, and Africa¹⁵. In response to our recommendation, the Agency re-issued guidance instructing entry clearance staff to retain any document that was relevant to the decision. Our findings indicate that despite this, in many cases, entry clearance staff failed to comply with this instruction. In not retaining relevant documentation, or at least referring to it on the case-working IT system, the Agency leaves itself open to criticism in relation to the lack of a clear audit trail to substantiate why decisions were made to grant visas. We consider the Agency must do more to ensure all staff comply with this guidance in order to fully support the decision making process and to facilitate quality checking of decisions. We therefore repeat our earlier recommendation.

¹⁵ These inspection reports can be found on the Independent Chief Inspector's website at: <http://icinspector.independent.gov.uk/inspections/inspection-reports/>

We recommend that the UK Border Agency:

- Ensures it records a clear rationale for entry clearance decisions and adequate case notes generally, on its IT case working system, and adopts a consistent approach to the retention of supporting documents on file, in order to maintain a clear audit trail.

Immigration Rules

- 4.34 As with our previous inspection we found the decision to refuse entry clearance was assessed against the correct Immigration Rules in all cases.

Visas issued with correct endorsement and with correct period of validity

- 4.35 We were pleased to note that all settlement visas were issued with the correct details on them.

Use of evidence in decision making

- 4.36 In our sample of settlement visa grant cases four (11%) failed one or more of the decision making quality indicators because we did not find the decision had been made in line with all the available evidence. In three of these cases we questioned whether or not the overall decision had been made correctly. In the final case, insufficient evidence had been retained on file which meant we were unable to assess whether or not the overall decision had been made correctly. This demonstrates a considerable improvement when compared to our previous findings, at which time we identified 15 (31%) settlement grant cases where the decision had not been made in line with the evidence. However we found there was still room for improvement.
- 4.37 In one of these cases, we found the decision had not been made in line with the available evidence because Entry Clearance Officers failed to notice inconsistencies between different pieces of evidence relating to the applicant's sponsor's financial circumstances. In this case the Entry Clearance Officer failed to notice salary payments in the applicant's sponsor's bank account did not correspond with payments shown in their payslip. We were therefore not satisfied their sponsor would be able to support the applicant as claimed, and questioned whether or not the overall decision was correct. We discussed this case with the UK Border Agency who maintained that based on an intelligence-led assessment of the level of risk posed to the UK by nationals from different countries, the applicant was considered low risk. They were therefore satisfied with the evidence submitted. We were not satisfied the evidence submitted demonstrated the applicant's sponsor would be able to support the applicant as claimed and therefore maintained our assessment of the case.
- 4.38 In the remaining three cases we found limited evidence was submitted to demonstrate a subsisting relationship between the applicant and their sponsor. We discussed these cases with the UK Border Agency. In all three cases the Agency acknowledged there were shortcomings in the notes provided by Entry Clearance Officers on the case-working IT system, justifying their decisions. However, in light of the fact these were low risk applications, on balance they were satisfied that the overall outcome was correct. One of these cases is illustrated in Figure 13.

Figure 13: Case study – Settlement grant application

The applicant:

- submitted a settlement visa application on 19 May 2011 to join their spouse in the UK; and
- was issued a visa on 28 July 2011

Chief Inspector's comments:

- Some of the supporting documents submitted by the applicant had not been retained on file.
- Notes on the UK Border Agency's case-working IT system indicated phone cards and greeting cards had been seen. It was unclear why this evidence was deemed satisfactory in this case as a common reason for refusal in some of the cases we assessed was the submission of phone cards without itemised calls, or the submission of greeting cards without individual envelopes showing the address and postmark.
- It was unclear from the notes on the UK Border Agency's case-working IT system how the Entry Clearance Officer verified the relationship and contact between the applicant and their spouse.
- The applicant claimed to receive financial support from their spouse however, bank statements submitted as evidence provided no evidence of this.
- Bank statements also failed to provide evidence the sponsor's living costs were as claimed in the visa application form.

The UK Border Agency:

- acknowledged the notes on the UK Border Agency case-working IT system should have more clearly explained how evidence was assessed;
- agreed claims that the sponsor supported the applicant financially were not corroborated by the bank statements and accepted that the Entry Clearance Officer should have noted this;
- stated the Entry Clearance Officer assessing the application, focussed on the sponsors positive evidence of finances (the bank statement showed they had over £5,000 in their account) when making their decision; and
- was satisfied the correct decision had been made in this case.

4.39 In all three cases we found applicants were issued entry clearance despite failing to submit evidence given as a reason for refusal in a number of cases we reviewed. This was a similar finding to that identified during our previous examination of Pakistan settlement cases, when we found evidence of Entry Clearance Officers adopting an inconsistent approach when considering evidence relating to a subsisting relationship. We found this was happening to a much lesser extent during this inspection and overall, in contrast to our previous inspection, we were not concerned Entry Clearance Officers were misinterpreting paragraph 281(iii)¹⁶ of the Immigration Rules. However, we consider it is important for the Agency to ensure greater consistency when considering these decisions, to improve the quality and fairness of decision making.

¹⁶ Paragraph 281(iii) requires applicants to provide evidence that: each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting.

Appropriateness of checks in settlement cases

- 4.40 During our previous inspection, one of our key findings relating to settlement cases (both granted and refused) was that Entry Clearance Officers were refusing cases owing to concerns about the validity of supporting documents, without referring documents for formal verification checks. At this time we found that none of the 43 settlement refusal cases sampled had been referred for verification checks. We therefore recommended the Agency: *ensures settlement decisions made in the UK Visa Section are subject to effective scrutiny, supported by risk profiles and regular verification checks to drive and sustain improvements in decision making.* The Agency subsequently issued guidance to all entry clearance staff on 6 April 2010 stipulating that Entry Clearance Officers should routinely perform sponsor checks in settlement cases. On 1 February 2012, this guidance was revised to remove the requirement for routine sponsor checks in settlement cases.
- 4.41 During this inspection we identified some improvement with regards to the number of checks conducted in settlement cases, with 43 (57%) having been referred for checks. However, we were disappointed to find 31 (41%) cases where a check was not undertaken when in our view it was required to inform the decision making process. This included cases where checks had not been carried out in accordance with UK Border Agency internal guidance, but also included cases where:
- Entry Clearance Officers cast doubt on the credibility of documents submitted by applicants, without carrying out checks to confirm their suspicions; and
 - checks had not been conducted despite inconsistencies between different pieces of evidence submitted.
- 4.42 Although we accept there may not be a need for sponsor checks to be carried out in all settlement cases, we consider it is important for the Agency to clearly demonstrate effective scrutiny of these cases. In many of the cases we examined, we found it was not clear whether or not the cases had been subject to careful scrutiny because there was no evidence Entry Clearance Officers had considered whether or not a check was required, and documented how they had reached this conclusion. For example, we found some cases where inconsistent evidence had been submitted but Entry Clearance Officers had failed to identify that there was a need to carry out checks.

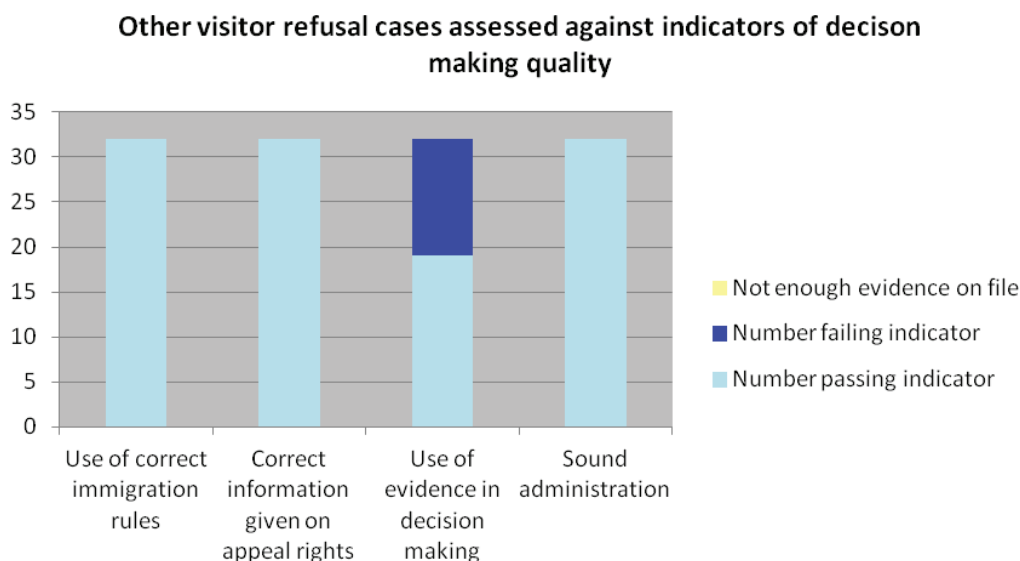
We recommend that the UK Border Agency:

Ensures decisions are subject to effective scrutiny, supported by the use of regular verification checks to confirm the veracity of supporting documentation, in order to strengthen the decision making process and to ensure it is working to achieve the strategic objective to protect the border and national interests of the UK.

Results of the sample of other visitor refusals of entry clearance in Abu Dhabi

- 4.43 We examined refused other visitor entry clearance cases using various quality indicators, including:
- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the correct information on appeal rights provided to the applicant?
 - Was the administration of the case sound?
- 4.44 Of the 32 refused other visitor cases examined, we found 13 (41%) failed one or more decision making quality indicators. This included one case file (3%) which did not contain all of the relevant supporting evidence submitted by the applicant, which meant we were unable to assess whether or not the decision had been made correctly. Our findings are illustrated in Figure 14 below:

Figure 14: Other visitor visa refusals



Immigration Rules

4.45 We noted that the decision to refuse entry clearance was assessed against the correct Immigration Rules in all other visitor refusal cases.

Correct information given on appeal rights

4.46 As with our previous inspection, the correct information on appeal rights had been given in all other visitor refusal cases in our file sample.

Use of evidence in decision making

4.47 All 13 cases (41%) which failed a decision making quality indicator, failed because the decision had not been made in line with all the available evidence. In one case, we questioned whether or not the overall outcome decision had been made correctly. This demonstrated a poorer performance when compared to our previous inspection, at which time we identified eight (17%) general visitor refusal decisions had not been made in line with all of the available evidence.

4.48 In seven of these cases the Entry Clearance Officer failed to properly consider all of the positive evidence submitted by applicants in support of their applications. Examples included:

- stating an applicant failed to provide evidence of their financial circumstances, despite the fact a bank statement showing adequate funds was submitted; and
- stating an applicant failed to provide evidence of their personal circumstances, despite the fact evidence of employment was submitted.

4.49 We found seven cases where the Entry Clearance Officer had applied additional information requirements that applicants were unaware of at the time of application. This was unfair to the applicant. Examples of the types of additional information requirements that were made included requirements for applicants to:

- explain the benefits of completing a short English language course in the UK;
- provide evidence of previous English language study in their home country; and

- provide evidence of their spouse's employment when there was no evidence their spouse was employed.

4.50 We found two cases where the Entry Clearance Officer had misinterpreted the evidence submitted by applicants in support of their applications. In both cases the Entry Clearance Officers misinterpreted or misread evidence regarding the level of funds available for a visit.

4.51 We discussed all 13 of these cases, with the UK Border Agency. Overall, we were content with the responses provided by the UK Border Agency, in relation to the cases we discussed, and in all 13 cases, the UK Border Agency accepted all or most of our comments. This included one case where we questioned whether or not the overall outcome decision had been made correctly. This case is illustrated in the case study in Figure 15.

Figure 15: Case study – other visitor refusal application

The applicant:

- submitted an application on 12 June 2011, to visit the UK with their spouse; and
- was refused entry clearance on 27 June 2011 because the Entry Clearance Officer i) was not satisfied the applicant had provided sufficient evidence of their income; and ii) cast doubt on the credibility of the application owing to the amount of funds the applicant claimed to have made available for the visit (five times their monthly income).

Chief Inspector's comments:

- Credits in the applicants' bank statements reflected their claimed income.
- The applicant claimed they had made available five times their monthly income for the visit however, this was not what they intended to spend on the visit. The amount of money they stated they intended to spend was considerably less.

The UK Border Agency:

- accepted the applicants' bank statement reflected their stated income;
- accepted the applicant did not claim they intended to spend five times their monthly income on the visit;
- reviewed the application and accepted that sufficient evidence had been submitted to support the issue of a visa; and
- agreed to contact the applicant and issue a visa provided their circumstances had not changed.

4.52 As a result of our discussion with the UK Border Agency about all of these cases, a range of actions were proposed to address issues we identified. Some of these actions we have already highlighted in our section on settlement cases. Additional actions included the UK Border Agency:

- issuing guidance to all Entry Clearance Officers in order to help them understand how they could better link refusal reasons to the Immigration Rules; and
- arranging a briefing for all Entry Clearance Officers to encourage them to construct refusal notices which demonstrated all supporting evidence had been fully assessed. We discuss this in more detail later in the report.

4.53 We consider these actions demonstrated a positive step towards the Agency improving decision quality and customer service.

Maladministration

4.54 Our previous inspection identified one case (2%) where we considered maladministration had occurred. In comparison we did not identify any instances of maladministration in this inspection.

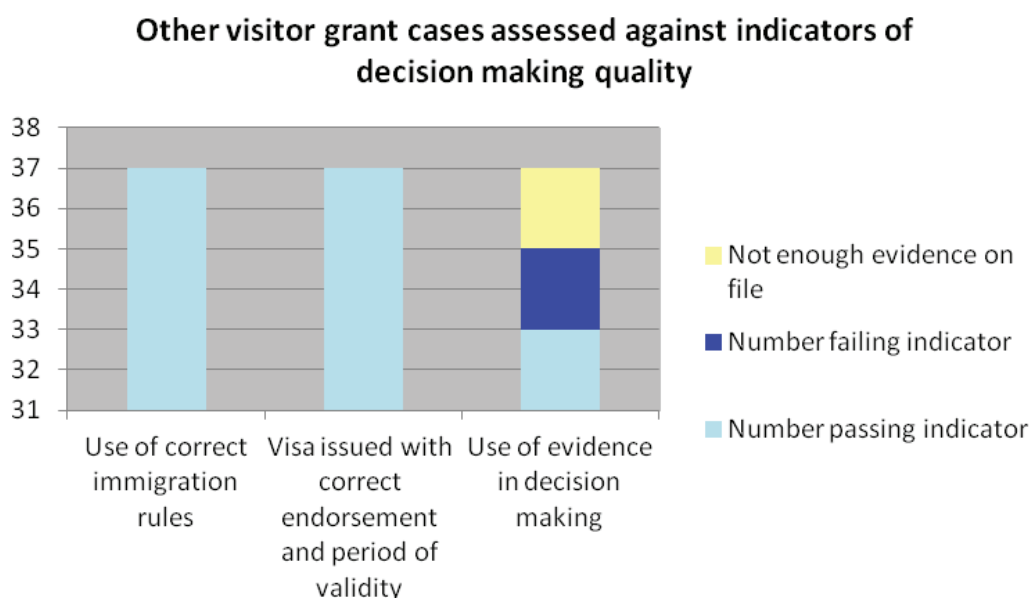
Results of the sample of other visitor grants of entry clearance in Abu Dhabi

4.55 We examined granted other visitor visa entry clearance cases using the same quality indicators used in settlement cases:

- Was the decision to grant entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the visa issued with the correct endorsement and for the correct period of validity?

4.56 Of the 37 other visitor grant cases examined, we found four cases (11%) failed one or more decision making quality indicators. This included two case files which did not contain all of the relevant supporting evidence submitted by the applicant, which meant we were unable to assess whether or not the decision had been made correctly. Our findings are illustrated in Figure 16 below.

Figure 16: Other visitor visa grants



Immigration Rules

As was the case with our previous inspection, we found the decision to grant entry clearance was assessed against the correct Immigration Rules in all cases.

Visas issued with correct endorsement and with correct period of validity

4.57 We found all granted other visitor visas were issued with the correct details on them.

Use of evidence in decision making

- 4.58 We found two other visitor grant cases (5%), failed one or more of the decision making quality indicators because we did not find the decision had been made in line with all the available evidence. In both of these cases, we questioned whether or not the overall outcome decision had been made correctly. One of these cases is illustrated in the case study at Figure 17.

Figure 17: Case study – other visitor grant application

The applicant:

- submitted an application to visit the UK for two months with their employer with supporting documentation including: i) a letter from their employer; ii) evidence of the employer's company registration; and iii) evidence of the applicant's previous visit to the UK; and
- was granted entry clearance on 17 May 2011.

Chief Inspector's comments:

- It was unclear why the applicant was visiting the UK with their employer as a tourist for two months, with all expenses paid by their employer.
- No evidence of their employer's funds had been submitted and it was not clear how the Entry Clearance Officer satisfied themselves sufficient funds were available for the visit.

The UK Border Agency:

- accepted the decision to grant entry clearance had not been well evidenced;
- stated evidence of previous travel to the UK was a good indicator of the requirement for applicants to show evidence of intention to leave the UK at the end of their visit;
- agreed evidence of what the applicant planned to do in the UK and funding arrangements would have made this a better justified issue of entry clearance;
- agreed to complete compliance action to check whether or not the applicant had complied with the conditions of their visa;
- agreed to consider producing a local alert for any subsequent application from the applicant if it were found they did not comply; and
- agreed to provide feedback to the individual Entry Clearance Officer in this case, and to circulate these comments to all Entry Clearance Officers.

- 4.59 In the second case, we found the Entry Clearance Officer assessing the application misinterpreted evidence relating to the applicant's employment, by failing to notice the evidence of employment submitted was several years out of date and therefore did not evidence the applicant's current circumstances. We discussed this case with the UK Border Agency who accepted our findings. They conducted employment verification checks which confirmed the applicant had never been employed as claimed. The UK Border Agency therefore arranged to interview the applicant, with a view to revoking the visa.
- 4.60 Our previous inspection identified significant concerns regarding inconsistent approaches being taken in relation to the weight attached to evidence by Entry Clearance Officers, depending on the nationality of the applicant. We found that applicants from Gulf Co-operation Council countries¹⁷, who provided limited evidence to support their applications, were treated more favourably and

¹⁷ Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and United Arab Emirates

granted entry clearance, whereas applicants from Pakistan were subjected to higher information requirements, which was not made clear to them at the time they made their applications. We also found applicants from Pakistan were being refused for failing to provide information which they could not have been aware of at the time of submitting their applications. At this time we reported the UK Border Agency may have been discriminating unlawfully in favour of Gulf Cooperation Council customers and against Pakistanis.

4.61 We recommended the UK Border Agency: *'Take immediate action to ensure it is operating in compliance with its duties under the Race Relations Act 1976'*. In response to our earlier findings and subsequent recommendation, Ministerial authorisation permitting a higher level of checks on higher risk nationals was granted on entry clearance cases. As detailed when reporting our findings on other visitor refusal cases, although we found evidence that additional information requirements were still being made in some cases, there was no evidence this was aimed at Pakistani nationals. We talk more about this in our chapter on safeguarding individuals.

Results of the sample of Tier 4 refusals and grants of entry clearance in Abu Dhabi

4.62 We examined granted and refused Tier 4 cases using various quality indicators, including:

- Was the decision to refuse or grant entry clearance assessed against the correct Immigration Rules?
- Were the points awarded in line with guidance?
- Did the Entry Clearance Officer properly assess the documents submitted in support of the application?
- Was the correct information on administrative review rights provided to the applicant?
- Was the administration of the case sound?
- Was the visa issued with the correct endorsement?
- Was the visa issued with the correct period of validity?

4.63 Of the 28 Tier 4 refusal cases examined, we found two (7%) failed one or more decision making quality indicators. This included one case which did not contain all of the relevant supporting evidence submitted by the applicant, which meant we were unable to assess whether or not points had been awarded correctly or documents had been correctly assessed. Of the 30 Tier 4 grant cases examined, only one (3%) failed one or more decision making quality indicators. Our findings are illustrated in Figures 18 and 19 below:

Figure 18: Tier 4 visa refusals

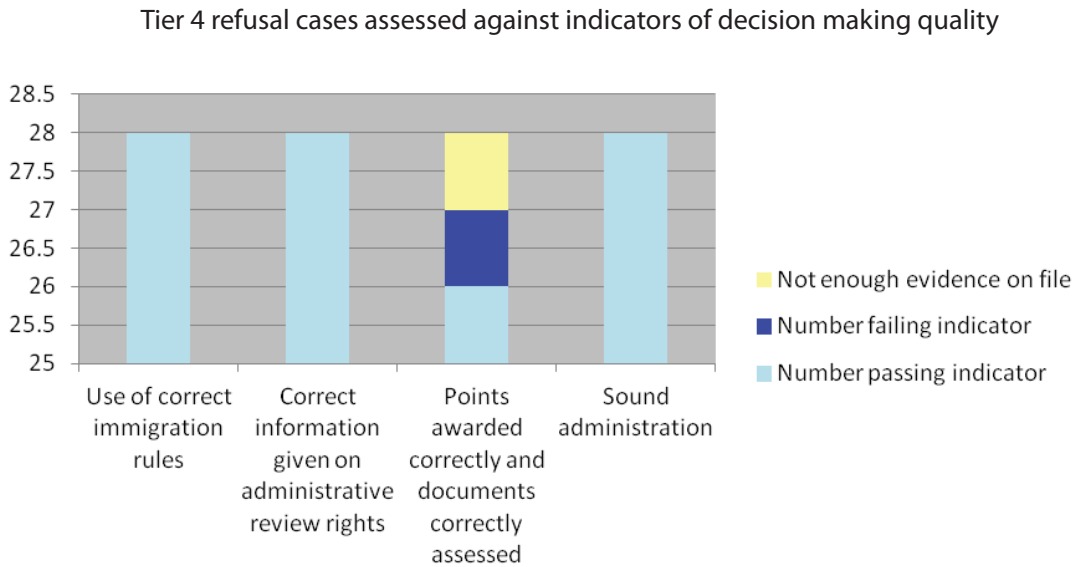
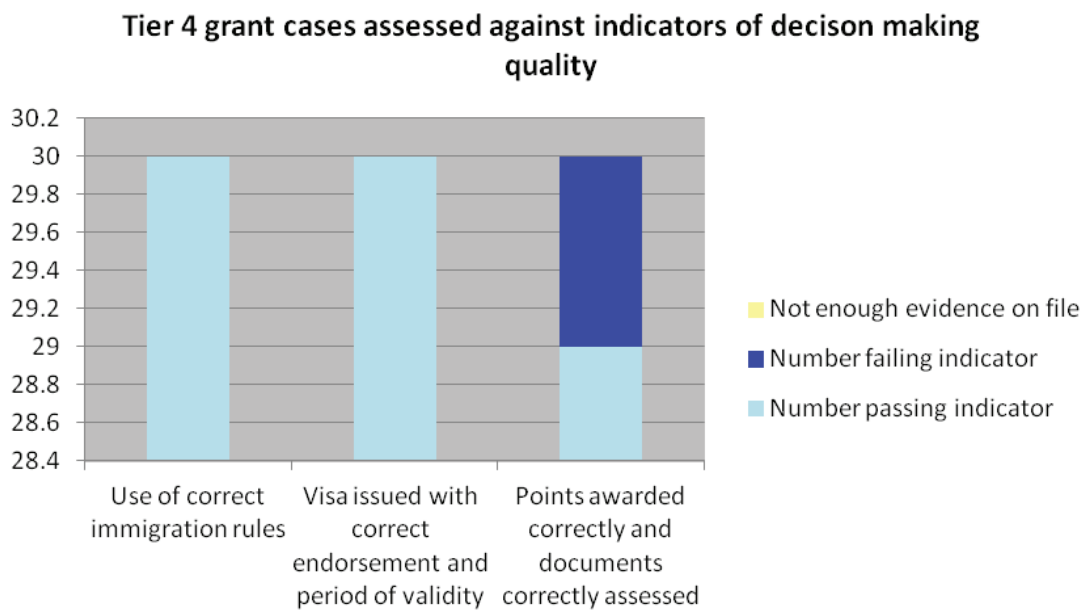


Figure 19: Tier 4 visa grants



4.64 This was a significant improvement since our previous file sampling exercise, at which time we found 13 (28%) refusal cases and seven grant cases failed one or more quality of decision making indicators.

Immigration Rules and correct information given on administrative review rights

4.65 As with our previous inspection, we noted that the decision to refuse and grant entry clearance was assessed against the correct Immigration Rules in all Tier 4 cases. We also found the correct information was given on administrative review rights in all Tier 4 refusal cases.

Points awarded correctly and documents correctly assessed

- 4.66 We found points had been awarded correctly in all except one Tier 4 refusal case. In this case, we were unable to assess whether or not the points had been awarded correctly and documents had been correctly assessed, as evidence of funds pertinent to the decision had not been retained on file.
- 4.67 Similarly we identified one Tier 4 grant case where points had not been awarded correctly. This case is illustrated in the case study at Figure 20.

Figure 20: Case study – Tier 4 grant application

The applicant:

- submitted an application on 5 October 2011 to visit the UK as a Tier 4 student with supporting documentation which included some educational certificates; and
- was granted entry clearance on 25 October 2011.

Chief Inspector's comments:

- The UK Border Agency's check on one of the educational certificates was found to be inconclusive.
- UK Border Agency guidance stated that in these circumstances points should not have been awarded therefore it was not clear why points were awarded for this document.

The UK Border Agency:

- accepted points should not have been awarded for the educational document;
- noted that although the decision had been made, the applicant's passport had still not been returned to them;
- cancelled the visa in the applicant's passport and issued them with a letter informing them their visa had been revoked;
- provided feedback to the Entry Clearance Officer who assessed the application; and
- issued a reminder to all staff about how to deal with educational certificates that are not conclusively verified.

- 4.68 In one Tier 4 refusal case, although we found points had been awarded correctly, we were not satisfied that the documents had been correctly assessed. In this case the Entry Clearance Officer made an error when calculating the available funds in the applicant's account. However, the application still should have been refused as our assessment of the case confirmed that even when funds were calculated correctly, the applicant still had insufficient funds in their account to qualify for entry clearance. We reported this case to the UK Border Agency who accepted our findings, and agreed to write to the applicant acknowledging this mistake.
- 4.69 Overall we were pleased with the quality of decision making in Tier 4 cases, and found decisions were generally made fairly, consistently and in accordance with the Agency's guidance. The case study in Figure 21 illustrates one positive example of decision making in a Tier 4 case.

Figure 21: Case study – Tier 4 refusal application

The applicant:

- submitted an application on 9 September 2011 to visit the UK as a Tier 4 student with supporting documentation which included a bank letter and a bank statement; and
- was refused entry clearance on 4 October 2011 for failing to provide sufficient evidence of funds.

Chief Inspector's comments:

- The bank statement submitted by the applicant was undated, therefore there was no evidence the applicant had held the required funds in their account for 28 days, as stipulated in the Tier 4 policy.
- We were pleased to note the Entry Clearance Officer had attempted to contact the bank to confirm the applicant's closing balance.

Visas issued with correct endorsement and with correct period of validity

4.70 We noted that all Tier 4 visas were issued with the correct details on them.

Appropriateness of verification checks in Tier 4 cases

4.71 Verification checks were carried out in ten of the 30 (33%) Tier 4 cases we sampled. This was similar to our previous inspection at which time we found checks were carried out in 94 cases (34%). Overall, we found that checks were carried out in cases where they were required. We consider this provided some evidence that Entry Clearance Officers were challenging supporting documents in cases where they had concerns about the applications they were examining, and demonstrated more action was being taken to verify information that had been provided by applicants.

Maladministration

4.72 No instances of maladministration were identified in our Tier 4 file sample. This was an improvement when compared to our previous file sample, when we identified maladministration in eight (18%) of the Tier 4 refusal cases we assessed.

Inspection results of the sample of Tier 4 administrative review cases

4.73 Administrative review is the mechanism for reviewing refusal decisions made under the points-based system where the applicant believes an error has been made in the decision. An Entry Clearance Manager should 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 visa section should conduct the review.

4.74 The administrative review process had been concluded in all of the 40 files sampled. Similarly to our previous inspection, we noted the initial decision had been:

- upheld in 27 cases (68% of the sample);
- overturned in favour of the applicant in 11 cases (28% of the sample); and
- revised in 2 cases (5% of the sample), with a new refusal being issued as a result of the administrative review.

4.75 We assessed these 40 cases against the following criteria:

- Were the points correctly reviewed by the administrative reviewer?
- Were the documents correctly assessed by the administrative reviewer?

4.76 Of the 40 administrative review cases we reviewed, only one (3%) failed one or more quality indicators. Our findings indicated an improved performance since our previous inspection, at which time we found four cases (10%) failed one or more quality indicators. We also noted that sufficient documentation pertinent to the decision had been retained on file in all 40 cases.

Points correctly reviewed and documents correctly assessed

4.77 We found the documents were correctly assessed in all of the administrative review cases we sampled.

4.78 The one case which failed one of our quality indicators did so because the points had not been correctly reviewed by the administrative reviewer. In this case the applicant had incorrectly been awarded points for their confirmation of acceptance for studies (CAS)¹⁸ despite the fact that it was invalid. This was upheld by the Entry Clearance Manager conducting the administrative review. We discussed this case with the UK Border Agency, who accepted this was an error and issued a reminder to Entry Clearance Officers, clarifying when points should not be awarded for a CAS.

4.79 Similarly to our previous inspection, we identified 11 (28%) cases where the decisions were overturned following an administrative review. In seven of these cases, the decision was subsequently overturned because the administrative reviewer considered an incorrect assessment of evidence had taken place in the original decision. We were particularly concerned to note that in five of these cases, the original decision was reviewed by an Entry Clearance Manager. We consider the original Entry Clearance Manager reviews should have identified these errors, which would have prevented incorrect initial decisions being made in these cases, and highlighted the need for the Agency to do more to embed a “right first time” culture in its visa decision making. Overall we were pleased with the quality of administrative review cases, and were satisfied these reviews were being carried out appropriately. Positive examples included administrative reviewers:

- upholding a decision and providing a clearer explanation of the grounds for refusal where this was not clear in the original points notification letter;
- overturning a decision where an Entry Clearance Officer had made incorrect assertions about the validity of an applicant’s supporting documentation; and
- overturning a decision where Entry Clearance Officers had failed to properly assess evidence of applicant’s funds or education.

¹⁸ A confirmation of acceptance for studies (CAS) confirms an applicant has been given an unconditional offer of a place on a course of study with a licensed Tier 4 sponsor. Tier 4 policy states all applicants must obtain a CAS before submitting an application.

4.80 One positive example is illustrated in the case study at Figure 22.

Figure 22: Case study – Administrative review application

The applicant:

- submitted a Tier 4 student application on 11 May 2011;
- was interviewed in person on 16 May 2011 to verify some of the information in their visa application form, at which time they demonstrated a poor command of English language;
- was subsequently interviewed by telephone on 27 June 2011 at which time they demonstrated a significantly improved level of English;
- was interviewed again in person on 6 July 2011 and again demonstrated a poor command of English language;
- was refused entry clearance on 11 July 2011 as the Entry Clearance Officer was not satisfied the standard of their English was sufficient to enable them follow their intended course of study;
- was also refused under paragraph 3207(A) as the inconsistencies in their English language ability led the Entry Clearance Officer to conclude they had attempted to use deception in their application, by asking someone else to answer questions during the telephone interview; and
- submitted an administrative review application on 29 August 2011 claiming their English language was better during the telephone interview because they were better prepared.

The administrative reviewer:

- conducted a review of the interview transcripts for all three interviews, and maintained the original decision.

Chief Inspector's comments:

- This case study illustrates a good example of the UK Border Agency using interviews to test the veracity of an application. This led to more robust grounds for refusal of both the original application and the administrative review application.

Administrative review processing times

4.81 The UK Border Agency had set an internal target for processing administrative review applications which states all administrative reviews will be processed within 28 days. During our previous inspection of the visa section in Abu Dhabi, we found the administrative review process was working effectively. However, we found there were significant delays in processing these reviews. This inspection showed a notable improvement in this regard. This is illustrated in Figure 23 below.

Figure 23: Administrative review processing times

| Correspondence interval (calendar days) | Number of cases | |
|--|-----------------|-----------------|
| | 2010 inspection | 2011 inspection |
| 14 or under | 5 (15%) | 4 (10%) |
| Between 15 and 28 | 6 (16%) | 29 (72%) |
| Failed target cases: over 28 | 27 (71%) | 7 (18%) |
| Total | 38 (100%) | 40 (100%) |

- 4.82 As illustrated, during our previous inspection we found 27 (71%) cases failed the target to complete all administrative review cases within 28 days whereas during this inspection, only seven (18%) of the sample of administrative review cases missed the target.
- 4.83 During our previous inspection we found the longest time it took to process an administrative review case was 117 days, 89 days over the 28 day target. This inspection showed similar findings with the longest time it took to process an administrative review application being 100 days.
- 4.84 We previously reported our concerns¹⁹ about the delays in the administrative review process and the effect these delays can have on customers, and recommended the UK Border Agency: should now review whether its completion target of 28 days remains realistic. We were therefore pleased to find there had been an improvement in this area, but note there is still some way to go to ensure this further improvement.

Quality of refusal notices

- 4.85 Overall, we found the quality of refusal notices and points-based notification letters was good. They were generally well written, easy to understand, and tended to be personalised and avoided the use of standard paragraphs. However we did find a few problems, for example:
- four other visitor refusal notices which did not communicate refusal grounds clearly;
 - two Tier 4 notification letters, one settlement refusal notice and two other visitor refusal notices were presented poorly as they contained for example, spelling, grammar or punctuation errors; and
 - two Tier 4 cases/notification letters did not clearly explain why points were lost and awarded.
- 4.86 We refer further to the action the UK Border Agency is taking to improve the quality of refusal notices later in this report.

General findings for the overall file sample

- 4.87 We were pleased to find no issues with regard to case administration as all cases reviewed had been administered soundly.
- 4.88 Overall we were pleased with the quality of visa vignettes, and all visa vignettes were issued with the correct endorsement and period of validity.

¹⁹ Inspections reports on Kuala Lumpur, Chennai and United Arab Emirates/Islamabad.
<http://icinspector.independent.gov.uk/inspections/inspection-reports/>

- 4.89 We found the quality of refusal notices and points-based notification letters was good. They were generally well written, easy to understand, and tended to be personalised and avoided the use of standard paragraphs.
- 4.90 In summary, we had three main concerns with our findings from file sampling. The first of these was that similar to a number of our previous inspections, we identified examples of cases in which applicants were refused entry clearance for failing to supply information, which they would not have known to provide at the time of making their application. Examples of this included applicants being asked to provide evidence of previous English language study in their home country. By refusing applicants' visas on this basis, we consider the Agency was not being fair to applicants.
- 4.91 Our second concern related to the Agency's failure to maintain a clear audit trail for decision making in 27 (11%) cases. In these cases we found the Agency's failure to retain sufficient supporting documents on file and a lack of comprehensive notes entered onto the Agency's case-working IT system made it very difficult for us to ascertain why certain decisions had been reached. This was a particular concern in settlement cases that had been granted as we identified a lack of a clear audit trail in 17 (47%) of these cases. This is of real concern as the potential benefits to applicants granted visas are greatest in settlement cases therefore in these cases, we consider it is even more important for the Agency to record a clear rationale for decision making.
- 4.92 Our third main concern related to the Agency's failure to conduct checks in 31 (41%) of settlement cases. Examples of this included cases where checks had not been conducted despite inconsistencies between different pieces of evidence submitted. We consider it is important for the Agency to carry out these checks to strengthen the decision making process, and support their reasons for refusing or granting applications.

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

Risk and Liaison Overseas Network (RALON)

- 4.93 RALON is a multi-functional operation delivering objectives across the fields of Air, Risk, Criminality and Intelligence.
- 4.94 Overall we received positive feedback from staff about the relationship between entry clearance staff in both visa sections and RALON. We were told the relationship between RALON and the visa sections had improved since the previous inspection²⁰, at which time we found RALON was not supporting visa operations in the region as it should have been. This inspection identified much closer integration between RALON and visa section staff for example, as part of their improvement measures, RALON had developed an intranet page that entry clearance staff could refer to for information on risks.
- 4.95 We were told this relationship was helped by the fact some Entry Clearance Officers had worked as RALON duty officers, and so had a better understanding of RALON work. Senior managers told us they would like to further increase this integration by giving RALON staff the opportunity to be trained on visa work.
- 4.96 Along with closer integration, there was greater clarity about RALON's role in supporting the visa sections. At the time of our previous inspection we were told that RALON staff spent a lot of time logging allegations about immigration-related offences and producing data without sufficient analysis. This resulted in visa staff not seeing tangible outcomes from RALON's work. In contrast, during this inspection, staff told us that they felt RALON's reporting was adding more value. We were told this was a result of senior managers outlining a clearer vision of what they expected from RALON

²⁰ The relationship between RALON and the visa section is set out in our report entitled: An inspection of the Risk and Liaison Overseas Network (RALON) in Islamabad and the United Arab Emirates

and providing more direction. RALON staff confirmed that the clarity and direction from regional management had made a big difference and they were now clearer on what they were expected to deliver.

Immigration Liaison Officers Risk Database (ILORD) and risk profiles

- 4.97 ILORD is a database, used in visa sections throughout the world to collate information relating to risks, and facilitate the production of risk profiles. Abu Dhabi and Islamabad began using ILORD at the beginning of 2011.
- 4.98 Although ILORD was generally well received by staff, it was recognised that its usefulness was wholly dependent on the data entered into the system, therefore considerable resource was necessary to ensure data was appropriately recorded. We were told the initial data entry work after the launch of ILORD was very resource intensive and involved staff at various grades spending significant proportions of their time doing this. A number of managers and staff also considered that RALON needed additional staff resource to cope with the volume of work. Whilst it was recognised that the data entry work was useful, we did share their concern about the process and consider more needs to be done to encourage a more efficient process.
- 4.99 Some staff told us they felt ILORD did not contain information specific enough to assist with the risk assessment process and the development of risk profiles. This was not helped by the fact that ILORD did not allow for experienced Entry Clearance Officers to feed in any concerns they had about applications that were to be issued. However, we found RALON staff were making a concerted effort to increase their visibility and interaction with visa staff, to encourage them to bring to their attention any suspicions they had about any visa applications. The expectation was that this would assist ILORD, and any risk profiles developed through ILORD, to become increasingly useful over time, as more data was added to the system.
- 4.100 Overall, despite there being some mixed views about ILORD and the risk profiles developed by RALON, we found most staff felt there had been some improvement, with RALON developing more specific evidence-based risk profiles than they had previously. This was a positive finding compared to our previous inspection, at which time staff expressed concern with regards to the quality and usefulness of risk profiles.

Compliance exercises

- 4.101 Similar to our previous inspection, we were told there remained an issue with the number of applicants issued entry clearance in Abu Dhabi or Islamabad that subsequently claimed asylum. Although RALON would share information about this with entry clearance staff in Abu Dhabi and Islamabad, we found limited evidence of compliance exercises being undertaken to identify trends. Staff accepted that they were an important area of the control, however we were told the compliance exercises that had been undertaken were ad-hoc, small in scale and insufficient. These exercises are useful in the development of evidence-based risk profiles and increasing the Agency's awareness of risks to the UK border, and we consider the Agency should do more to ensure these exercises are completed routinely.

Paragraph 320 of the Immigration Rules

4.102 Figure 24 provides an explanation of Paragraph 320 and its sub paragraphs.

Figure 24: Paragraph 320 of the Immigration Rules

- Paragraph 320(7a) is one of the general grounds for refusal and is used when a forged document has been submitted or false representations made on the application or material facts not disclosed - in these cases refusal of entry clearance will follow.
- 320(7b) is used when there has been a previous breach of immigration law or the use of deception in an entry clearance application, and depending on the circumstances will result in the refusal of any future entry clearance applications for a specified time, up to a maximum of ten years.
- 320(11) is a discretionary power to refuse an application for frustrating the intentions of the Immigration Rules. This applies where the applicant has been in breach of UK immigration or other law and / or received services or support to which they were not entitled. For this paragraph to apply there must have been aggravating circumstances. Examples of aggravating circumstances include absconding, engaging in a sham marriage, or using an assumed identity to illegally obtain state benefits.

4.103 During our previous inspection, our file sample included an assessment of 45 cases that had been refused under paragraph 320 7(A) or 320 7(B). We did not identify any significant issues in this regard, therefore this was not assessed as a separate file sampling category during this inspection. We did however look at the application of paragraph 320 7(A) and 320 7(B) as part of our overall file sample. In total we identified nine cases that had been refused under paragraph 320 7(A) or 320 7(B). In one of these cases we found the decision to refuse entry clearance under paragraph 320 7(A) was not reviewed by an Entry Clearance Manager, in accordance with the Agency's internal guidance. We reported this to the Agency who accepted this was an error, and reissued guidance to entry clearance staff to reinforce the importance of Entry Clearance Manager review's in these cases. We refer further to Entry Clearance Manager reviews later in this report in our section on continuous improvement.

4.104 In all nine cases, we were satisfied a refusal under paragraph 320 7(A) or 320 7(B) was appropriate. Similarly, we did not identify any cases where we believed paragraph 320 7(A) or 320 7(B) was not applied when it should have been. Overall, we were satisfied that staff in Abu Dhabi and Islamabad were using paragraph 320 7(A) and 320 7(B) appropriately in their assessment of visa applications.

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

4.105 At the time of our previous inspection, we reported significant concerns with the correspondence and complaints handling process in Abu Dhabi and Islamabad. At this time we recommended the UK Border Agency: sets out clear roles and responsibilities for correspondence and complaint handling and communicates these to key stakeholders and customers; and

- *identifies complaints correctly;*
- *trains staff appropriately and provide clear guidance – with examples – on what constitutes “an expression of dissatisfaction”;*
- *responds to customers appropriately;*
- *carries out effective quality assurance procedures to ensure complaint procedures are being complied with; and*
- *implements the service standards set out in its Customer Strategy*

4.106 As part of this inspection, we examined the correspondence and complaint handling process, with specific reference to our previous recommendation.

Roles and responsibilities for complaints handling

- 4.107 In contrast to our previous inspection, both Abu Dhabi and Islamabad had an improved complaints handling process in place which was clearly set out in internal guidance. We reviewed this guidance and found it included several case studies giving examples of what types of correspondence constituted a complaint. We were told emphasis was also given in team meetings to complaint identification procedures and associated scenarios of what constituted a complaint. We also found that all staff in Abu Dhabi had received training on complaints handling, which included training on complaints identification. Correspondence staff in Abu Dhabi had also received additional training in written skills and call handling to improve the standard of responses to applicants and improve overall customer service.
- 4.108 Procedures were well established in both posts and staff were clear about their roles and responsibilities with regards to complaints handling, which required staff to refer any complex complaints to an Entry Clearance Manager or the Operations Manager.
- 4.109 We found that staff in the Abu Dhabi, Dubai and Islamabad Visa Application Centres had been issued guidance on identifying complaints, and monthly meetings were held to discuss such matters. Visa application centre staff had also been given training by the Agency on how to identify a complaint and the importance of dealing with it correctly.
- 4.110 In Abu Dhabi and Islamabad we identified positive evidence of mechanisms to ensure complaints were identified and complaint procedures complied with. This meant that all responses to complaints were checked and authorised by a senior manager who would identify any areas of concern, and feed this back to staff.
- 4.111 Another area of good practice in both Abu Dhabi and Islamabad was the identification and analysis of complaints trends, carried out by the complaints team. This was used as an opportunity to improve customer service. For example, in October 2011, the team in Abu Dhabi noted they received a number of complaints relating to errors with visas that had been issued. The team kept a note of these errors and highlighted the issues with the relevant line managers to identify potential training needs.

General Correspondence

- 4.112 We found the Abu Dhabi visa section had recently begun sampling correspondence received at the visa application centres. Through this sampling the visa section identified trends which could be fed back to staff at the visa application centre. This was a relatively new initiative therefore we were unable to assess the effectiveness of this whilst we were on site. However, we believe this was positive evidence of work being carried out to effect improvement within the visa section.
- 4.113 We also found sampling of correspondence was carried out by the correspondence manager in the Abu Dhabi visa section. At the time of our inspection a very low percentage (approximately 2%) of correspondence was sampled. While this was positive evidence of work being carried out to improve the correspondence management process, we consider increasing the percentage of cases sampled would better enable the visa section to identify trends which could be used to improve performance.

Customer service standards

- 4.114 The Agency withdrew its customer strategy in April 2010. However, at the time of our inspection, it had set out the level of customer service people subject to its services could expect in its 'our service and values'²¹ page on its website. Details for customers regarding how they could submit complaints were also provided on the Agency's website and its commercial partner's website.
- 4.115 At the time of our inspection, we found departmental guidance denoted the following customer service timeframes:
- To resolve 95% of service complaints within 20 working days; and
 - To resolve 95% of serious misconduct complaints within 12 weeks.
- 4.116 We found Abu Dhabi had appointed a dedicated Customer Service Officer with clearly defined roles and responsibilities, including responsibility for complaints handling. However, in Islamabad, we found that whilst there was an Entry Clearance Officer responsible for handling complaints the work was not covered in their absence. As a result, we found the Islamabad visa section was routinely failing to meet the target to resolve 95% of service complaints within 20 working days. Following our previous visit we recommended that the Agency implements the service standards set out in its Customer Strategy²² and we were concerned to find that resource to manage complaints was still insufficient and customer service standards were often not being met.
- 4.117 Overall, although we noted there had been an improvement in the correspondence and complaint management process in both visa sections, there remained opportunities for improvement with regards to the level of senior management oversight of correspondence and the timeliness of responses being sent to complainants.

We recommend that the UK Border Agency:

- Implements effective oversight of its correspondence management process, including the identification of trends, to improve service and decision quality.

²¹ <http://www.ukba.homeoffice.gov.uk/aboutus/service/>

²² The customer strategy was withdrawn in April 2010 and has not been replaced

5. Inspection Findings – Safeguarding Individuals

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

Decision making

- 5.1 In contrast to our previous inspection, our file sampling found no evidence that decisions were being made other than in accordance with the Immigration Rules and the law. This was reinforced by our findings from the focus groups where staff made it clear they made decisions based entirely on the Immigration Rules. Staff were aware of the Ministerial authorisation permitting a higher level of checks on higher risk nationals, and felt that in general applicants were treated fairly and without discrimination. There was also a widespread view amongst staff that applicants received a good level of service. Some stakeholders also told us there had been considerable improvement in the quality of decision making since our previous inspection.
- 5.2 During our file sampling exercise, we found evidence that some GCC nationals were still being granted entry clearance despite the fact limited information and supporting documentation was submitted with their applications. We were told that such applications were considered low risk based on the visa waiver test, which considered a wide range of criteria to determine the overall level of harm to the UK posed by nationals from a particular country. In such cases, although notes on the case-working IT system indicated the visa waiver test had been applied, we considered there were shortcomings in the notes provided by Entry Clearance Offices on the case-working IT system, and it was difficult for us to understand the reasons for their decisions. We also found there were differences in the level of checks carried out for different applications. However, we were satisfied this was done based on an intelligence-led assessment of the level of risk posed to the UK by nationals from different countries.
- 5.3 Overall, in contrast to our previous inspection, we were not concerned Entry Clearance Officers were misinterpreting paragraph 281(iii)²³ of the Immigration Rules. However, we consider it is important for the Agency to ensure greater consistency when considering these decisions, to improve the quality and fairness of decision making.
- 5.4 Managers told us there were no recorded complaints received from applicants relating to discrimination under the Equality Act 2010. We reviewed the complaints log and found there were no recorded complaints on the grounds of racial prejudice. Managers also told us there had been no appeals in relation to race relations for the whole of 2010/11, and we noted the appeal log for Abu Dhabi and Islamabad contained no record of any appeals where race discrimination was flagged as an additional ground for appeal.

²³ Paragraph 281(iii) requires applicants to provide evidence that: each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting.

Diversity within the Abu Dhabi and Islamabad visa sections/offices

- 5.5 All staff confirmed they had undertaken the Agency's mandatory training in equality and diversity. We noted that the appropriate records of their having completed the training were documented in the post's training log.
- 5.6 We obtained mixed views from staff in both Islamabad and Abu Dhabi regarding bullying and harassment and equality and diversity. In both posts most staff acknowledged that there had been considerable improvement since the time of our previous inspection. We noted there had been a number of changes to the management team in both posts. Most staff told us they felt this had resulted in significant improvements.
- 5.7 However, some staff felt there were still problems in this regard and this was highlighted as an area of concern in the Agency's staff survey for both visa sections. Managers agreed there was still work to be done to effect further improvements in this regard. However, in contrast to our previous inspection, we found there was increased consultation with staff and a much greater emphasis on communication. Extra management training was also provided.
- 5.8 We found a number of steps were being taken to address any perceived bullying and harassment issues. This included:
- arranging sessions with staff to discuss and identify constructive ways to address issues;
 - producing a better management plan outlining the actions to be taken to address any issues, the desired outcomes, how they were to be measured and the owner of each action;
 - all staff receiving bullying harassment and discrimination training;
 - appointing dedicated staff as first response officers, for staff to approach in confidence for advice and support;
 - appointing a diversity champion; and
 - organising an awayday for all staff.
- 5.9 Staff in the Abu Dhabi visa section spoke positively about the variety and diversity of different nationalities working within the visa section. We found there were no issues relating to differential treatment of locally engaged staff and UK based staff.
- 5.10 In the Islamabad visa section there was some perception of disparity of treatment between locally engaged and UK staff. Some locally engaged staff told us they felt recruitment and promotion procedures were unfair as they were often overlooked for jobs in favour of UK staff who had not worked in the visa section. However, they spoke positively about the training opportunities made available to them. We discussed the matter of recruitment and promotion with managers who told us some locally engaged staff did not understand the recruitment process was purely competency based therefore, other factors, for example, length of service, were not taken into account. Managers did however acknowledge more could be done to explain the selection procedures and to give feedback to unsuccessful candidates, in order to eradicate this misconception.

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

- 5.11 We found no evidence to show the Islamabad and Abu Dhabi visa sections were not complying with the UK Border Agency's duty to protect the welfare of children and we were satisfied both visa sections took their obligations to consider the need to safeguard and promote the welfare of children seriously. Our file sampling supported these findings and revealed no concerns in this regard. Staff

confirmed that they were very clear that extra checks needed to be carried out on applications made for unaccompanied children and we were satisfied staff were aware of their obligations with regards to safeguarding children as part of the visa application process.

- 5.12 We found that all staff had undertaken the Agency's mandatory e-learning on "Keeping Children Safe". In addition to this managers and staff told us RALON staff from the UK had delivered training on keeping children safe, during a recent visit to Abu Dhabi.

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

- 5.13 We were pleased to find no issues regarding file storage and retrieval in either Abu Dhabi or Islamabad, and all except one of the files we requested for sampling were located. This was an improvement when compared to our previous inspection at which time we did not receive 22 of the case files we requested.

- 5.14 We found there was a robust data protection policy in place in both Abu Dhabi and Islamabad. This policy was monitored through regular spot checks which included a daily sweep of each office by managers at the end of each day, to ensure compliance with the policy. Staff told us they were notified if they had committed any breaches, and were aware breaches could lead to disciplinary action.

- 5.15 All staff we spoke to in both posts were very conscious of data protection procedures when handling documents and had undertaken mandatory data protection e-learning training. Examples of good practices followed in Abu Dhabi and Islamabad were as follows:

- no "restricted" documents were left out and a "clear desk" policy was in place;
- shredding took place daily and everything was securely stored;
- visa application files were locked away securely each day;
- there was a clear audit trail for receipt and despatch of files and passports;
- implementation of a new file storage facility and passport bank with clearly marked shelving; and
- passports and applications were transported to and from visa application centres in tamper-proof envelopes.

- 5.16 At the time of our previous inspection we found the Islamabad visa section had experienced significant problems with passports going missing in the three to four years leading up to our inspection. During our visit to the visa application centre in Islamabad, we found that, following our previous visit, the visa section had introduced tamper-proof envelopes to ensure that all documents, including passports being transported to and from the visa section were fully secured. There was a clear system in place to ensure applicants could witness all documentation being placed in the envelope and that the process was explained to them as it took place. Both visa sections had also introduced a process which required staff to log the movement of files and passports. Managers and staff confirmed that this had helped to prevent documents going missing, and there had been no major issues with regard to lost documents.

- 5.17 We found integrity issues were managed well by the visa section in Islamabad. For example, we noted that staff were not allowed to use mobile phones whilst sitting at their desks. We were told that in July 2011, four staff were dismissed following the theft of vignettes from passports. Whilst we were on site, we also witnessed an example of a member of staff being dismissed for accessing inappropriate websites. A log of all integrity issues was maintained, and we were pleased to find integrity issues were handled swiftly and efficiently with staff, where necessary, being removed immediately.

6. Inspection Findings - Continuous Improvement

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

Settlement cases

- 6.1 Moving settlement decisions back to Islamabad was seen as a positive move by staff and one that benefited from the local knowledge and expertise available at the post. At the time of our previous inspection, we found the transition of settlement work from Pakistan to the UK had not been managed effectively. We were therefore pleased to find staff felt the transition of settlement work back to Pakistan had been managed effectively and staff told us there had been a lot of training and support from staff in Abu Dhabi. Stakeholders were also positive about this transition.

Refusal notices

- 6.2 Following our previous inspection, the Abu Dhabi visa section had carried out a lot of work on improving the quality of refusal notices in visitor cases. Our file sample indicated Entry Clearance Officers were placing a greater focus on evidence when drafting refusal notices. There had also been changes to the style and structure of a refusal notice, and staff were being encouraged to write refusal notices which were specific to the applicant rather than selecting stock paragraphs that did not always match the precise circumstances of the applicant. Managers and staff told us it took longer to draft these refusal notices however, it was hoped that this would lead to improved quality, give greater responsibility to Entry Clearance Officers and increase the number of appeals which were dismissed.
- 6.3 Two refusal notice drafting exercises were carried out to consolidate the feedback that had been given to individual Entry Clearance Officers about decision quality. The first exercise was designed to establish the level of understanding of the new format and style of refusal notices and to support consistency across the visa section. Staff and managers told us they found the exercise to be useful. Managers in particular commented that it enabled them to highlight the importance of drafting refusal notices which focused on the evidence submitted, explaining why it did not satisfy the requirements of the Immigration Rules. They also provided feedback on the type of language used in refusal notices, including the need to avoid emotional or accusatory phrases.
- 6.4 We observed the second exercise whilst we were on site in Abu Dhabi. The exercise required all Entry Clearance staff to review a family visit application which was overturned at appeal following an initial refusal by an Entry Clearance Officer in Abu Dhabi. The objective of this exercise was to consolidate the learning from the first exercise and identify what evidential arguments would have stood up more successfully to the scrutiny of an Immigration Judge. Entry Clearance Managers discussed the case with their teams. We observed some of these discussions and found that staff were keen to suggest improvements and liked the increased level of autonomy they had in drafting refusal notices. We considered this was good practice.

- 6.5 As part of the exercise entry clearance staff were required to produce a new refusal notice which was due to be assessed by the head of the visa section. We were unable to obtain details of the outcome of this exercise as it was still ongoing at the time of inspection. However, we compared a new refusal notice with an old refusal notice and found the new refusal notices:
- were more focussed on positive evidence that had been submitted by the applicant;
 - provided a more detailed explanation of why evidence was not considered to demonstrate the requirements of the Immigration Rules; and
 - demonstrated closer links between the reasons for refusal and the evidence submitted.
- 6.6 Staff were positive about the new approach and felt it helped them to improve the quality of decision making although it did take slightly longer to produce refusal notices. Given the recent introduction, managers recognised that it would be some time before they could tell if the new notices improved the Agency's performance at appeals.
- 6.7 We were pleased to see the efforts that the visa section was making to improve decision quality, and believe this will need to be reviewed once new processes have embedded, to assess whether or not this has resulted in an improvement.

Appeals analysis

- 6.8 At the time of our previous inspection, we were disappointed to find the Abu Dhabi visa section carried out no analysis into the reasons why refusal decisions were overturned at appeal. At this time we recommended the UK Border Agency: *“implemented a formal review to determine the main reasons for allowed appeals and used this to drive improvements in decision making quality”*.
- 6.9 During this inspection, we found both visa sections were regularly failing to meet the UK Border Agency target on allowed appeals. However, a lot of work had been done in both Abu Dhabi and Islamabad, to analyse the reasons why refusal decisions were overturned by immigration judges at appeal. We also found regular analysis was carried out which looked at the reasons decisions were overturned by Entry Clearance Managers upon receipt of an appeal. Through this analysis, common themes were identified and circulated to entry clearance staff, and were being used as a driver for improvement. We were encouraged with the progress that had been made however, we recognised that recent changes made to improve decision quality would take some time to feed through to the appeals process.
- 6.10 Overall we found that significant improvements had been made in this area compared to our last inspection.

Benchmark targets

- 6.11 In order to attain the customer service standards, Entry Clearance Managers in the visa sections in Islamabad and Abu Dhabi monitored performance against benchmark targets. The benchmark targets for the case categories we sampled were as follows:
- Islamabad - ECOs benchmark per day
 - Settlement – 20 cases
 - Visits – 36 cases
 - Abu Dhabi - ECOs benchmark per day
 - PBS – 45 cases
 - Visits – 35 – 50 cases

- 6.12 During our previous inspection of the Abu Dhabi visa section and a number of other subsequent overseas inspections, we found many of the benchmark targets had been set without undergoing a formal process to determine whether or not they were realistic or achievable. We were also concerned that the strong focus on the achievement of numerical targets was having a detrimental effect on the quality of decision making. We recommended the UK Border Agency: *Strategically assesses whether the existing focus on the achievement of numerical targets is impacting negatively against decision making quality.*
- 6.13 The Agency subsequently issued guidance to all visa sections, stipulating how benchmark targets should be set. The guidance was issued on 3 February 2011, and set out a new approach to setting benchmark targets in consultation with Entry Clearance Officers. Managers told us targets were set in accordance with the guidance, and some of the Entry Clearance Officers we spoke to told us they had been consulted as part of the process. In many of our previous inspections we have found that staff have not been consulted or involved in setting targets with a resultant lack of understanding, ownership and sense of realism. We were therefore pleased to see staff in Abu Dhabi and Islamabad had been and continued to be involved in the benchmark target setting process.
- 6.14 During our previous inspection, we were concerned that a range of staff including some managers, did not believe that some of the benchmark targets could be consistently achieved without having a negative impact on quality. During this inspection we found that overall staff felt the current benchmarks were achievable. It was also clear there was more flexibility with regards to numerical targets, for example, in Abu Dhabi, managers had recognised that due to the introduction of the new style of refusal notices, staff did require more time to complete each refusal notice.
- 6.15 At the time of our inspection, staff and managers in Abu Dhabi told us the agreed benchmark targets were not being enforced and plans were in place for targets to be reviewed in consultation with Entry Clearance Officers, once the new process had embedded. We were also told there were wider plans to conduct a review of benchmark targets across the region. We consider this pragmatic approach to benchmark targets contributed to the improved quality of decision making identified during this inspection.

User panel

- 6.16 A Visa Section User Panel had been set up in Abu Dhabi to provide a forum for dialogue between representatives in the UK Border Agency, the wider British Embassy and organisations representing users of the service. The objectives of the panel were to improve the:
- understanding of the work done and the problems and challenges faced by the UK Border Agency; and
 - user- focus of the UK Border Agency by making sure it was aware of and responded to applicants needs.
- 6.17 This was a new development and at the time of our inspection, only one meeting had been held however, we consider this was positive evidence of the Agency pro-actively seeking views of others to further drive improvement.

Entry Clearance Manager reviews and support

- 6.18 We found that the Abu Dhabi and Islamabad visa sections were operating quality checking mechanisms in accordance with UK Border Agency guidance. Entry Clearance Managers were expected to carry out checks of:
- 10% of visa issue decisions;
 - 25% of settlement refusal decisions;

- 25% of limited appeal right refusal decisions;
- 100% of Paragraph 320 refusal decisions; and
- 100% of cases where grounds for appeal are submitted.

- 6.19 Generally we found the quality of Entry Clearance Manager reviews was satisfactory in Abu Dhabi and Islamabad. As part of the changes made to the decision making processes in Abu Dhabi, Entry Clearance Managers had been relocated to sit with their teams of Entry Clearance Officers. Staff were encouraged to refer any cases only to their designated Entry Clearance Manager to reduce inconsistency. Entry Clearance Managers also had daily meetings to further ensure a consistent approach to decision making.
- 6.20 As part of the drive to improve decision quality, work had been carried out to improve the quality and consistency of Entry Clearance Manager reviews. Guidance had been circulated to all staff about the importance of effective and robust Entry Clearance Manager reviews in order to formalise the review process with a view to improving the quality and consistency of decision making. Guidance stated that rather than setting a numerical target for conducting reviews, reviews should target particular areas where there was felt to be a risk of inconsistency or the consequences of making the wrong decision could be greater. At the time of our inspection, this process had only recently been introduced therefore, it was too early to see how effective these changes had been. However, we considered this was further evidence of an initiative to improve decision quality.

Better management plan

- 6.21 Following the results of the last staff survey, a *better management plan* was produced for both Abu Dhabi and Islamabad. This was circulated to all staff. The document outlined a set of actions to be taken to effect improvement under seven broad headings:
- Communication;
 - Leadership;
 - Managing change;
 - Learning and development;
 - Equality and diversity;
 - Setting the direction; and
 - Reward and recognition.
- 6.22 The document also outlined the owner of the action and how performance would be measured. We consider this was another positive initiative to effect improvement within both visa sections.

Staff focus groups

- 6.23 We were told that prior to the on-site phase of our inspection, senior managers in Abu Dhabi and Islamabad had arranged a series of staff focus groups to:
- highlight areas staff felt worked well;
 - highlight areas for improvement; and to
 - obtain constructive ideas to bring about improvement and deal with issues of concern.
- 6.24 We consider this evidence of improved consultation and engagement with staff was an improvement when compared to our findings at the time of our previous inspection. Managers acknowledged

there was further work to be done in this area particularly with regards to transparency and ensuring a cohesive team spirit within each visa section, however they were confident they were moving in the right direction.

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

Risk register

- 6.25 We found very limited awareness amongst staff of the regional risk register and how they could contribute to it. Staff did not contribute to it because they had not been asked to however, most staff said they would speak to a manager if they identified a risk or wanted to raise anything of concern. Managers accepted this process needed to be formalised, to ensure all staff were aware of the process of feeding into the risk register. The manager responsible for updating and reviewing the risk register told us they had recently begun to circulate this more widely. A similar finding was identified at the time of our inspection of the New York visa section in March 2011. We therefore make the same recommendation here.

We recommend that the UK Border Agency:

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

Increased volume of applications

- 6.26 We found a lot of work had been carried out to implement processes to deal with the increase in the volume of applications received during busy periods. For example, an operations supervisor had been appointed in Abu Dhabi, and had responsibility for identifying areas for improvement in processes and making sure there was sufficient staff in each area with the correct level of training. Managers had introduced greater flexibility to processes within the visa sections, and were training staff to do different roles to allow them to allocate resources more flexibly to the areas where there was greatest need. At the time of our inspection, there were no backlogs within the visa sections, and staff and managers felt they were much more able to cope with busy periods and sudden peaks in demand than in previous years.

IT

- 6.27 At the time of our previous inspection staff told us they experienced significant problems with the IT systems which crashed frequently, thereby preventing them from processing applications. We found there had been some improvement in the reliability of the IT and in the technical support provided meaning IT was no longer considered a significant risk to the business.

Document verification

- 6.28 Entry Clearance staff spoke positively about the document verification process for Islamabad settlement cases, and it was noted that this had led to a more efficient decision making process.
- 6.29 Whilst on site in Abu Dhabi, we found a new process had been introduced to maximise the effectiveness of the process to verify the authenticity of documents submitted by applicants as evidence. Applications were streamed and applications meeting certain criteria were sent for verification checks, before they were passed to Entry Clearance Officers to assess. This meant the results of the checks would be available for Entry Clearance Officers to use when assessing an application rather than having to defer a case for checks to be made. Although this had only recently been introduced, entry clearance staff told us the process had resulted in a significant improvement in the detection of forged documents.

- 6.30 Due to the new process, we had some concern that Entry Clearance Assistants undertaking document verification checks were under pressure to achieve unrealistic numerical targets due to the volume of cases sent to them. Managers agreed that there was a resource issue. We consider it is important for the Agency to monitor resource requirements following the introduction of new processes, in order to ensure the efficiency of the operation. We were told that Entry Clearance Officers were required to refer any cases where additional checks were required to Entry Clearance Managers. Entry Clearance Officers told us this delayed the decision making process. We were particularly concerned to find some Entry Clearance Officers felt they were not encouraged to undertake verification checks as managers felt this would impact on application processing times. Entry Clearance Officers also told us that although they were required to conduct sponsor checks in settlement cases, they did not have telephones on their desks, so had to wait for an opportunity to use the telephone on an ECM's desk. This gave us some cause for concern in respect of the efficiency of the visa operation.
- 6.31 We were concerned to find there was some confusion amongst Entry Clearance Officers and Entry Clearance Assistants as to who should undertake sponsor checks in settlement cases. This was evidenced through our file sampling exercise, where we found 31 cases where no checks were carried out. Managers told us responsibilities with regards to carrying out sponsor checks had been more clearly communicated to staff 9-10 weeks before the on-site phase of our inspection. We were therefore concerned to find staff were still unclear with regards to this process and believe the Agency should do more to ensure staff are clear about their responsibilities in carrying out these checks.
- 6.32 At the time of our previous inspection, we found inadequate training prevented RALON staff from developing what was then a relatively new role. We were therefore concerned to find that RALON staff in Islamabad reported they had received limited formal forgery training and that not all Entry Clearance Officers had completed the mandatory document fraud e-learning course. We believe this should be carried out by all staff in accordance with internal guidance, to ensure all staff are fully aware of their responsibilities with regards to identifying document fraud.
- 6.33 At the time of our previous inspection the Agency was unable to move passports out of Pakistan. At this time we reported significant concerns with regards to the delays experienced due to the remote printing of visas. At the time of this inspection the process had changed and all documents submitted in Islamabad, including passports, could be sent to decision makers in Abu Dhabi. This meant visas could also be printed in Abu Dhabi. We were told this facilitated a speedier decision making process.

Appendix 1

Inspection Criteria

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

Inspection Criteria used when inspecting the Abu Dhabi and Islamabad Visa Section

Operational Delivery

1. Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration
2. Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.
3. Complaints procedures should be in accordance with the recognised principles of complaint handling

Safeguarding Individuals

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

Continuous Improvement

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

Appendix 2

List of Stakeholders

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

- Ambassador, Abu Dhabi
- High Commissioner, Islamabad
- Foreign and Commonwealth Office, Islamabad
- UK Trade and Investment, Abu Dhabi
- Head of Chancery, Abu Dhabi

Appendix 3

Glossary

| Term | Description |
|-------------------------------------|--|
| A | |
| Agency | Refers to the UK Border Agency. |
| Audit trail | Chronological list of events. |
| B | |
| Biometrics | All customers are now routinely required to provide ten digit finger scans and a digital photograph when applying for a United Kingdom visa. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five. |
| Border and Immigration Agency (BIA) | The name of the Agency responsible for immigration functions prior to creation of the UK Border Agency. |
| C | |
| Chief Executive Officer | Senior civil servant at the head of the UK Border Agency. |
| Complaint | Defined by the UK Border Agency as ‘any expression of dissatisfaction about the services provided by or for the UK Border Agency and/or about the professional conduct of UK Border Agency staff including contractors’. |
| Customer | Defined by the UK Border Agency as anyone who uses the services of the Agency, including people seeking to enter the United Kingdom, people in detention and MPs. |
| D | |
| Data Protection Act 1998 (DPA) | The Data Protection Act requires anyone who handles personal information to comply with a number of important principles. It also gives individuals rights over their personal information. |
| Director | Senior UK Border Agency manager, typically responsible for a directorate, region or operational business area. |
| E | |
| e-Learning | Computer based training course |

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| Entry Clearance | <p>A person requires leave to enter the United Kingdom if they are neither a British nor Commonwealth citizen with the right of abode, nor a person who is entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 European Economic Area Regulations. Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non-visa nationals).</p> <p>These documents are taken as evidence of the holder's eligibility for entry into the United Kingdom and, accordingly, accepted as "entry clearances" within the meaning of the Immigration Act 1971. The United Kingdom Government decides which countries' citizens are, or are not, visa nationals. Non-visa nationals also require entry clearance if they seek to enter the United Kingdom for purposes other than to visit and/or for longer than six months.</p> <p>More detailed information about Entry Clearance can be found on the UK Border Agency website: http://ukba.homeoffice.gov.uk/</p> <p>The Immigration Rules say that a customer making an application for an entry clearance as a visitor must be outside the United Kingdom and Islands at the time of their application and must apply to a Visa Section designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant.</p> |
| Entry Clearance Assistant | Supports the visa application process. |
| Entry Clearance Manager | Manages the visa application process. |
| Entry Clearance Officer | Decides visa applications. |
| European Economic Area (EEA) | <p>The European Economic Area (EEA) was established on 1 January 1994 following an agreement between the member states of the European Free Trade Association (EFTA) and the European Community, later the European Union (EU).</p> <p>All European Economic Area (EEA) nationals enjoy free movement rights in the EEA. This means that they are not subject to the Immigration Rules and may come to the United Kingdom and reside here in accordance with the 2006 Regulations. They do not require permission from the UK Border Agency to enter or remain, nor do they require a document confirming their free movement status.</p> |

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| European Economic Area (EEA) Family Permits | <p>All European Economic Area (EEA) nationals enjoy free movement rights in the EEA. This means that they are not subject to the immigration rules and may come to the United Kingdom and reside here in accordance with the 2006 Regulations.</p> <p>They do not require permission from the UK Border Agency to enter or remain, nor do they require a document confirming their free movement status. An EEA family permit is a form of entry clearance issued to the non-EEA national family members of an EEA national who is in, or intends to come to, the United Kingdom in order to exercise a Treaty right.</p> |
| H | |
| Home Office | The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police. |
| Hub and Spoke | <p>Prior to 2007, virtually all British diplomatic missions had a Visa Section. Each worked largely independently; handling all aspects of visa processing including taking decisions on site.</p> <p>Hub and Spoke was introduced to move away from the traditional model which was based on the physical presence of the Visa Section. The consideration of an application does not need to happen in the same place as it is collected.</p> <p>Applications can be moved from the collection point-the spoke-to the processing point-the hub. This separation between the collection network and the decision-making network aims to improve quality and consistency of decision making; efficiency and flexibility. Work can be moved to staff rather than the other way round.</p> |
| Human Resources (HR) | UK Border Agency Human Resources Directorate. |
| I | |
| Immigration Group | The directorate within the UK Border Agency which is responsible for asylum, enforcement and compliance and nationality. |
| Immigration Liaison Assistant (ILA) | UK Border Agency job title. |
| Immigration Liaison and Intelligence Directorate (ILID) | UK Border Agency directorate responsible for coordinating the work of the Risk & Liaison Overseas Network (RALON). |
| Immigration Liaison Manager (ILM) | UK Border Agency job title which encompasses posts previously known as Airline Liaison Officers (ALOs) and Risk Assessment Managers (RAM). |
| Immigration Liaison Officer (ILO) | UK Border Agency job title. |
| Immigration Liaison Officers Risk Database (ILORD) | ILORD is a database, used in visa sections throughout the world to collate information relating to risks, and facilitate the production of risk profiles. |

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| Independent Chief Inspector of the UK Border Agency | The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary. |
| Independent Monitor and legislation | <p>The legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal, was set out in section 23 of the Immigration and Asylum Act 1999 and amended by paragraph 27 of schedule 7 of the Nationality, Immigration & Asylum Act 2002 and Statutory Instrument 2008/310 regarding the points-based system (from April 2008).</p> <p>Section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, stipulates:</p> <ul style="list-style-type: none"> · The Secretary of State must appoint a person to monitor, in such a manner as the Secretary of State may determine, refusals of entry clearance in cases where, as a result of section 88A of the Nationality, Immigration & Asylum Act 2002 (c.41) (entry clearance: non-family visitors and students), an appeal under section 82(1) of that Act may be brought only on the grounds referred to in section 84(1)(b) and (c) of that Act (racial discrimination and human rights). · The Secretary of State may not appoint a member of his staff. · The Secretary of State must lay a copy of any report made to him under subsection (3) before each House of Parliament. <p>Although the legislation and the Independent Monitor’s formal title refer to “no right of appeal”, all customers have limited rights of appeal on human rights and race relations grounds. Parliament decides which categories of visa customers should not have full rights of appeal; the UK Border Agency’s role is to implement the laws set by Parliament and as interpreted by Government policies.</p> <p>John Vine, the Chief Inspector of the UK Border Agency was appointed to this role by the Home Secretary on 26 April 2009, effectively bringing this work within his remit.</p> |
| International Group | The overseas arm of the UK Border Agency, responsible for running visa operations in 135 countries. Formerly known as UK Visas. |
| L | |
| Locally engaged staff | Staff recruited directly by the British Embassy or High Commission in the country where they are employed. |

| M | |
|--------------------------------------|---|
| Ministerial authorisation | A new Ministerial authorisation for nationality-based differentiation – covering entry clearance, border control and removals – came into force on 10 February 2011 under the Equality Act 2010. The new authorisation allows International Group to differentiate on the basis of nationality in the entry clearance/visa process. |
| N | |
| Non-visa nationals | 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. |
| O | |
| Omnibase | UK passport database. |
| Other Visitor | Visitor cases that only attract limited appeal rights. |
| P | |
| Paragraph 320 (7a) – deception rules | From 29 February 2008, under Paragraph 320 (7A) of the immigration rules, a customer must be refused entry clearance if false representations or documents are used, or material facts not disclosed, whether or not the false representations or documents are material to the application, and whether or not the deception is with the customer’s knowledge. |
| Points-based system (PBS) | <p>On 29 February 2008, a new immigration system was launched to ensure that only those with the right skills or the right contribution can come to the United Kingdom to work or study. The points-based system was designed to enable the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers. The system:</p> <ul style="list-style-type: none"> · combines more than 80 previous work and study routes to the United Kingdom into five tiers; and · awards points according to workers’ skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector. <p>Employers and education providers play a crucial part in making sure that the points-based system is not abused. They must apply for a licence to sponsor migrants and bring them into the United Kingdom; and meet a number of duties while they are sponsoring migrants.</p> |
| Post | See Visa Section. |

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| Proviso | The database used by overseas visa sections as the audit trail of entry clearance applications. It records all details of an entry clearance application from the date of application through to the decision and any post decision correspondence. |
| R | |
| Race Relations Act 1976 | An Act of Parliament established to prevent discrimination on the grounds of race. |
| Race Relations (Amendment) Act 2000 | The Race Relations (Amendment) Act 2000 was an Act to extend further the application of the Race Relations Act 1976 to the Police and other public authorities; to amend the exemption under that Act for acts done for the purpose of safeguarding national security; and for connected purposes. Section 19D sets out exceptions from section 19B for certain acts in immigration and nationality cases. Section 19B does not make it unlawful for a relevant person to discriminate against another person on grounds of nationality or ethnic or national origins in carrying out immigration and nationality functions. |
| Regional Director | Senior manager responsible for one of the six Immigration Group regions. |
| Risk and Liaison Overseas Network (RALON) | An amalgamation of the former Airline Liaison Officer Network and Overseas Risk Assessment Unit Network. RALON has responsibility for identifying threats to the UK border, preventing inadequately documented passengers from reaching UK shores, providing risk assessment to the UK Border Agency visa issuing regime and supporting criminal investigations against individuals and organisations which cause harm to the UK. |
| Risk Profile | An outline that determines the relative potential harm (to the UK of a visa applicant / travelling passenger) based on characteristics of an individual when compared to existing evidence of adverse activity either in the UK or overseas. |
| S | |
| Senior Entry Clearance Officer (SECO) | Decides visa applications and also manages Entry Clearance Assistants. |
| Settlement | Application to come to the UK on a permanent basis, most commonly as the spouse or other dependent of a British Citizen or a UK resident. |
| U | |
| UK Visas | Ran visa operations at overseas locations. One of the legacy organisations that made up the UK Border Agency and is now known as International Group. |
| United Kingdom and Islands | The United Kingdom is made up of England, Scotland, Wales and Northern Ireland. The Channel Islands and the Isle of Man are not part of the United Kingdom. The geographical term 'British Isles' covers the United Kingdom, all of Ireland, the Channel Islands and the Isle of Man. |

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| United Kingdom Border Agency (UKBA) | Executive Agency of the Home Office responsible for border control, enforcing immigration and customs regulations. |
| United Nations High Commissioner for Refugees | The United Nations High Commissioner for Refugees has a mandate to lead and coordinate international action to protect refugees and resolve refugee problems. |
| V | |
| Verification Checks | Checks to assess the authenticity or validity of documents submitted by applicants or their sponsor's when making an application for entry clearance. |
| Visa Nationals | <p>Visa nationals are those who require a visa for every entry to the United Kingdom. A visa national is a national of a country listed on the UK Border Agency website (Appendix 1 of the Immigration Rules). Some visa nationals may pass through the United Kingdom on the way to another country without a visa, but in some circumstances they will require a direct airside visa or visitor in transit visa. Visa nationals must obtain Entry clearance before travelling to the United Kingdom unless they are:</p> <ul style="list-style-type: none"> • 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. |
| Visa Section | UK Border Agency office which manages UK visa operation services. UK Border Agency visa sections are located in a variety of locations around the world. |

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