



# Inspection Report of the Visa Section in Rome

1-5 June 2009

**John Vine CBE QPM**  
**Independent Chief Inspector**



# CONTENTS

1.	Foreword	2
2.	Executive Summary	3
3.	Summary of Recommendations	4
4.	Introduction	6
5.	Rome	7
6.	Inspection Findings	9
7.	Quality of Refusal Notices	14
8.	Risk Assessment	18
9.	Customer Journey	19
10.	Staff Interviews	22
11.	Conclusion	23
12.	Acknowledgements	23
13.	Glossary of Terms	24
	Appendix A – Information on Visa Fees	27

# 1 Foreword



- 1.1 I am very pleased to present the Report on my recent Inspection of the Visa Section in Rome which is the first formal assessment that I have published as Chief Inspector of the United Kingdom Border Agency (UK Border Agency).
- 1.2 My statutory role is to report on the efficiency and effectiveness of the UK Border Agency. I have a particular interest in helping improve quality and consistency of decision-making and the provision of information to customers. I am also keen to ensure they are treated fairly and that their concerns are dealt with appropriately.
- 1.3 The work of Entry clearance staff is crucial to helping the UK Border Agency address its purpose of securing the border and controlling migration for the benefit of the country. Staff overseas have to deal with huge numbers of applications: last year the UK Border Agency dealt with 2.5 million applications and Rome, a medium sized post with ten staff, dealt with over 11,000 applications. This volume of work puts a great deal of pressure on staff and emphasises the importance of having effective processes in place and using them efficiently.
- 1.4 Whilst my remit allows me to look at the full range of UK Border Agency activity in an office, I have decided my first two inspections should take into account the remit of the former Independent Monitor, Linda Costelloe Baker, in considering those cases where Refusal of Entry clearance carries no (or more accurately, limited) rights of appeal. It is my intention to carry out more comprehensive scrutiny of visa posts as part of my core programme of inspection as the year unfolds.
- 1.5 On a personal note, I am extremely grateful to Linda for her constructive approach and willingness to advise my Inspection and Analysis Teams which has helped effect a relatively seamless transition. I would like to take this opportunity to wish her well for the future.

A handwritten signature in black ink that reads "John Vine".

**John Vine CBE QPM**

## 2 Executive Summary

- 2.1 Entry clearance staff in Rome were experienced and committed to delivering a fair and consistent service to their customers. However, the pace of change within the overseas network over the previous 18 months and insufficient Entry Clearance Officer resource between October 2008 and February 2009 meant that customer service had suffered.
- 2.2 Decision quality was fair, as was information provision generally. More work needed to be done to improve the guidance and online application process to make it easier for customers to navigate (and understand). Conflicting information about supporting documentation also needed to be resolved quickly, to ensure customers are clear about what is required and in what format.
- 2.3 Management of complaint handling also needed to be improved. This would ensure customer service issues are dealt with promptly and are monitored, so that customer feedback is analysed and used to improve the service.
- 2.4 The UK Border Agency should also review its current policy of making the visa application fee non-refundable in cases where customer service failures are significant.

### 3 Summary of Recommendations

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

- manages processing times more effectively to ensure it meets stated customer service targets
- puts in place effective contingency arrangements so that performance is not adversely effected by staff shortages
- takes action to advise customers when its processing times significantly miss its customer service targets
- improves the navigation and design of its websites so that visa customers can find relevant information easily
- removes conflicting information about supporting documentation so customers are clear about what they need to provide
- reviews its refund policy in connection with cases where customer service failures are significant
- regularly reviews the issues raised on the commercial partner's website to ensure customer enquiries and complaints are:
  - categorised appropriately
  - handled in accordance with UK Border Agency policy
  - monitored so that customer feedback is analysed and used to improve the service it provides
- ensures the refusal notice template meets customer needs by eradicating unnecessary page breaks and is formatted properly.

## 4 Introduction

- 4.1 For the purpose of this inspection, the remit followed was that as defined by the legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal, as 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 introduction of the points-based system (from April 2008).
- 4.2 John Vine, the Chief Inspector of the UK Border Agency, was appointed to this role by the Home Secretary on the 26 April 2009, effectively bringing this work within his remit.
- 4.3 Section 23 of the Immigration and Asylum Act 1999, as amended by paragraph 27 of schedule 7 of the Nationality, Immigration & Asylum Act 2002 stipulates:
- The Secretary of State must appoint a person to monitor, in such a manner as the Secretary of State may determine, refusals of Entry clearance in cases where there is, as a result of section 90 or 91 of the Nationality, Immigration & Asylum Act 2002, no right of appeal.
  - The Secretary of State may not appoint a member of his staff.
  - The monitor must make an annual report on the discharge of his functions to the Secretary of State.
  - The Secretary of State must lay a copy of the annual report before each House of Parliament.
- 4.4 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.
- 4.5 Applications within the remit of this inspection are set out in Figure 1.

**Fig. 1: Applications within the remit of this inspection**

Visitors	A visitor, other than those who visit for the purpose of visiting a member of the customer's family as set out in the Immigration Appeals (Family Visitor) Regulations 2003. Non-family visitors constitute just over half of all visa customers. The term visitor may apply to someone coming to the United Kingdom for a private visit, perhaps as a tourist or to see friends; someone who wishes to transact business; someone who arrives at one United Kingdom port or airport and needs to be in the United Kingdom for longer than 48 hours or to transfer to another port or airport to continue a longer journey, or someone coming to the United Kingdom for privately-funded medical treatment.
Student Visitors	A student who has been accepted on a course of study of not more than six months.
Short Term Students	A student who has been accepted on a course of study of not more than six months.

## 4 Introduction

Prospective Students who have not been accepted on a course of study	Someone who intends to study in the United Kingdom but has not chosen or been accepted on a specific course. Applications can be refused under this category if the prospective student has been accepted on a course but the start date has passed by the time the application is made, or determined.
Student dependants	A dependant of a student who has not been accepted on a course, or who wishes to study for six months or less. Some student dependants have full appeal rights, which depend on the reason for refusal.
Points-based system applications	The Secretary of State issued a Direction in 2007 confirming that applications handled under the points-based system, rolling out in 2008 and 2009, starting with Highly Skilled Migrants in early 2008, fall within the Independent Monitor's remit.

- 4.6 This inspection also paid special attention to the services provided by the UK Border Agency to its customers overseas. For example, from the point that a customer:
- accessed information to find out about Entry clearance to the United Kingdom
  - made a visa application for Entry clearance to the United Kingdom and attended a visa application centre to provide their biometrics, application form and supporting documents
  - received their decision in the form of a refusal notice
  - submitted correspondence or complaints to the UK Border Agency, or its commercial partner in Rome, in relation to their application.
- 4.7 This assessment was made against the customer service targets set out by the UK Border Agency and the Customer Strategy document it published in April 2009. In relation to this document we paid particular attention to the following statements it made relating to customer service:
- *For our staff and our business partners' staff, whether in the UK or overseas, to be thorough, polite and professional.*
  - *For the information we provide to be in plain language, accurate and meet your needs.*
  - *For us to process applications in line with our published delivery standards.*
  - *For us to provide you with a detailed response to an enquiry or complaint.*
  - *If we refuse your application, for us to give you a clear and detailed explanation of why we refused it and details of if and how you can appeal.*
  - *For us to give you the opportunity to give us feedback on our services and to complain if necessary.*
- 4.8 We also used our own core inspection criteria to assess the impact on customers subject to UK Border Agency services, full details of which can be found on the Chief Inspector's website: <http://www.ociukba.homeoffice.gov.uk/>



## 5 Rome

- 5.1 Rome has a medium-sized European visa section which is supported by a commercial partner. The visa section in Rome also considers applications from the Vatican City and from San Marino, as well as applications from Valetta, Malta (since March 2008). The most recent financial figures available for 2007/2008 show that the visa operation in Rome recorded a deficit of £1,189,925<sup>1</sup>.
- 5.2 Nationals of the European Economic Area have visa-free travel within the European Economic Area. As a result Rome only considers Entry clearance applications from third country nationals who are living or visiting in the European Economic Area. This contributes to the complexities of visa work in Rome and Europe more widely. For example, during the course of a year Rome usually processes applications from nationals from over 120 different countries. The top nationalities applying for Entry clearance in Rome are shown in Figure 2.

**Fig. 2: Top nationalities applying for United Kingdom Entry clearance in Rome in 2007/2008**

Nationality	Applications received	Applications refused	Applications refused (%)
Nigeria	1700	308	18.1
India	1683	136	8.1
Ghana	1358	150	11.0
Albania	752	98	13.0
Sri Lanka	715	60	8.4
Pakistan	706	82	11.6
Philippines	381	26	6.8
Bangladesh	367	58	15.8
China	303	46	15.2

Note: Information supplied by UK Border Agency - International Group

- 5.3 Staff told us this diverse range of applicants made the verification of travel documents and supporting documents particularly difficult, because there was little or no effective or reliable mechanism to refer documents for verification to a customer's country of origin.
- 5.4 Figure 3 sets out the number of applications received in Rome between 2004/2005 and 2008/2009.

**Fig. 3: Rome applications**

Year	Total applications	Refusal rate
2004/2005	16,125	12.7%
2005/2006	15,880	15.1%
2006/2007	14,331	14.3%
2007/2008	9,864	12.9%
2008/2009	11,018	11.2%

Note: Information supplied by UK Border Agency - International Group

<sup>1</sup> Note: Information supplied by UK Border Agency - International Group

### The application process

- 5.5 Customers in Italy are required to make a mandatory online application and appointment via the UK Border Agency visa services website. They then attend a visa application centre run by Worldbridge Services, the UK Border Agency's commercial partner in Rome, where they pay a fee (if not already paid online) and provide their biometrics. Customers must also submit any documents in support of their application at this time.
- 5.6 Worldbridge Services then sends the documents to the British Embassy in Rome where Entry Clearance Officers make a decision to grant or refuse the Entry clearance. Applications are then returned to customers via the commercial partner. In a limited number of cases, e.g. emergencies or for diplomats, the full application can be submitted direct at the Embassy.

### Staffing

- 5.7 At the time of the inspection there was one Entry Clearance Manager, whose time was split between Entry clearance (40%) and consular work (60%). The remaining Entry clearance staff were all locally engaged and comprised of three Entry Clearance Officers and six Entry Clearance Assistants.

### Inspection methodology

- 5.8 At the outset 100 files were randomly selected by the Chief Inspector's Office. The files were drawn from a list of all refusal decisions made in Rome between 1 December 2008 and 28 February 2009 where there was limited rights of appeal, including applications determined under the points-based system (in total 259 refusal decisions were made over this period). These files were then examined to assess:
- the quality of decision-making, within the spirit of fairness and consistency,
  - whether correct procedures were used to reach balanced decisions.
- 5.9 We then applied the scoring system used by the UK Border Agency<sup>1</sup> to judge whether Rome was a good, fair or poor post in relation to its management of visa applications with limited rights of appeal. The scoring methodology applied is set out below:
- 95% or above – Good
  - 85% and 94.9% – Fair
  - below 85% – Poor.
- 5.10 The inspection team also examined the quality of the service provided by the UK Border Agency to its customers overseas with limited rights of appeal. This included assessing whether:
- the information it provided was in plain language, accurate and met customer needs
  - applications were processed in line with published customer service standards
  - customers received detailed responses to enquiries and/or complaints that they made
  - refusal notices provided a clear and detailed explanation of why the application was refused and detailed how customers could appeal.
- 5.11 We also conducted interviews with Entry clearance staff and visited the visa application centre in Rome.

<sup>1</sup> Targets agreed with the previous Independent Monitor.

## 6 Inspection Findings

### Decision quality

- 6.1 Data accuracy was very good, with only one file being recorded inaccurately on the case management system used by the UK Border Agency. Three other files were excluded from our statistics due to data recording issues. This reduced the number of files we examined to 96. We reviewed these cases against a five-point scale to assess whether the decision and refusal notice were lawful and reasonable (a reasonable refusal notice is one which is in accord with the Immigration Rules and the decision is not perverse and is based on the evidence provided, with correct information on appeal rights). The five-point scale is set out below:
- Was the decision to refuse Entry clearance assessed against the correct Immigration Rules?
  - Was the Entry Clearance Officer's judgement defective?
  - Was the use of evidence applied correctly in the refusal notice?
  - Was the correct information given on appeal rights?
  - Did the refusal decision suffer from significant maladministration?
- 6.2 We found in Rome that in 84 of the cases we sampled (88% of the sample), refusal notices were lawful, reasonable and provided correct information about rights of appeal. This score placed Rome in the fair band, above the most recent global file sample average of 84.8% (906 cases were assessed against the scoring system outlined above). In the remaining cases we found some failed to meet the requirements of the five-point scale in more than one area. However, the total number of refusal notices affected by the issues we refer to was 12 (13% of the sample).

### Correct Immigration Rules

- 6.3 All but one refusal notice (99% of the sample) were assessed against the correct Immigration Rules. The remaining case should have been refused under paragraph 320 (7A) of the Immigration Rules, because the customer had failed to disclose a previous visa refusal. Paragraph 320 (7A) refers to visa applications where:
- false representations are made
  - false documents or false information is submitted (whether or not to the applicant's knowledge and whether or not material to the application)
  - material facts are not disclosed in the application.
- 6.4 Rule 320 (7A) is a general ground for refusal which means that cases involving deception have to be established to a higher balance of probabilities than refusals under the category specific Immigration Rules. The Entry Clearance Officer is responsible for proving the alleged deception but refusal is then mandatory.
- 6.5 The Entry Clearance Manager and Entry Clearance Officer both agreed with our finding and confirmed the refusal notice in this case would be corrected and re-issued.

### Use of evidence

- 6.6 We examined refusal notices under this category to assess whether an Entry Clearance Officer's decision had failed to take into account all of the evidence provided. For example, a decision that took no notice of material evidence obtained at interview or in supporting documents.
- 6.7 We found eight decisions (8% of the sample) were not made in accordance with the evidence. Six of these cases (6% of the sample) related to an international sports exhibition being hosted by the British Army, who had issued an invitation to an Italian sporting federation to attend the event. The case study at Figure 4 focuses on the coach's application.

#### Fig.4: Case study 1 – Visit application

##### The refusal notice stated the customer:

- had only provided copies of the invitation letters, when originals were required
- was not named on the invitation letter
- had not satisfied the Entry Clearance Officer that he could maintain and accommodate himself
- had not demonstrated strong enough economic ties to a country outside of the United Kingdom.

##### Chief Inspector's comments:

- The Italian sporting federation letter was original.
- The customer was named on the invitation letter.
- The British Army had confirmed it would cover costs associated with the trip (but not flights).
- The customer had a distribution business in Italy.
- The customer had paid for the flights for himself and the other players.
- The customer had travelled to the United Kingdom five times previously and the UK Border Agency held no evidence to suggest he had failed to comply with United Kingdom visa requirements.

- 6.8 Although not recorded in the file or on the IT system, we were told by staff that the British Army had been contacted about the invitation letter it had sent to the Italian sporting federation. This confirmed the invitation letter was genuine, although it did not name any players. However, the original letter from the Italian sporting federation did contain the names of the players, but this organisation was not contacted to verify the information. We were surprised the verification process was stopped prematurely, particularly as the first piece of information sourced from the British Army suggested the application was genuine rather than false.
- 6.9 The Entry Clearance Manager reviewed these cases and acknowledged that errors had been made in relation to them. He said he would reconsider the refusal decisions in light of these errors and take appropriate action.

6.10 The two other decisions referred to:

- a student application that was refused because the Entry Clearance Officer was not satisfied the customer would leave the United Kingdom at the end of their initial study period, although there was no reason to doubt the sponsor and the air fare, course fees and accommodation had been paid for in advance
- a visit application where the sponsor had produced evidence showing they had sufficient finance to fund the visit and had agreed to cover accommodation and maintenance, but the customer was refused because they did not evidence their funds and were unemployed.

6.11 In the latter case the customer was in fact a student wishing to see a friend working in the United Kingdom for a well-known bank. However, the options on the online application form are 'employed', 'self-employed' or 'unemployed' – the question does not give the option of 'student'.

6.12 In both of the above cases the Entry Clearance Manager decided he would reconsider the refusal decisions and take appropriate action.

### **Defective judgement**

6.13 For judgement to be considered defective, the refusal decision has to be perverse – a decision that no reasonably competent and fair Entry Clearance Officer would make.

6.14 We found seven cases (7% of the sample) of defective judgement. Six of these cases (6% of the sample) referred to the Italian sporting federation players. The seventh referred to the visit application where the sponsor had produced evidence showing they had sufficient finance to fund the visit and had agreed to cover accommodation and maintenance, but the customer was refused because she did not evidence her funds and was unemployed.

### **Incorrect information on appeal rights**

6.15 We found three refusal notices (3% of the sample) that contained incorrect information on appeal rights. Entry Clearance Officers reviewed these decisions and agreed that refusal notices would be re-issued with the correct information.

### **Maladministration**

6.16 We found no cases of maladministration.

### **Tier 1 – Points-based application**

6.17 During the file sample we examined a Tier 1 application under the points-based system that had been correctly refused. The application was from a Hong Kong national who was residing in Italy. The customer had gone to considerable lengths to meet the supporting document requirements but their application failed on three different issues. The case study at Figure 5 sets out the details of the refusal.

**Fig.5: Case study 2 – Tier 1 points-based system application****The refusal notice stated the customer:**

- could not be awarded points as they had not supplied their original academic certificate
- did not meet the requirements of the previous earnings attribute
- did not meet the maintenance requirements.

**Chief Inspector's comments**

- The customer supplied a transcript and a reference in accordance with the rules, but as the reference was unsigned and did not state that duplicate certificates were not available, it was not considered.
- The customer provided independent sources of claimed income (letter from employer and tax statements from the Hong Kong Inland Revenue), but no points were awarded as the tax statements did not state the origin of the earnings, nor did the two sources align.
- The customer provided bank statements but they did not show a progressive daily balance. The customer recognised this and produced a letter from their bank stating the average balance exceeded £2800, but again this did not confirm the daily balance had not dropped below £2800. While the guidance is clear on this point, we noted the bank statements covering the relevant period all showed a monthly balance of around £15,000.

- 6.18 The Entry Clearance Officer involved in this case told us they had no reason to doubt any of the evidence supplied by the customer. They noted the customer had a history of employment with an internationally-recognised merchant bank and stated they would have no hesitation in granting a visa under the previous Highly Skilled Migrant Programme. However, they had been unable to apply their discretion in this case because they had to award points strictly in accordance with published guidance.
- 6.19 The decision to refuse this application was made in accordance with the rules. However, we note that because points-based decisions are made solely on the application form and supporting documentation submitted by the customer, opportunities to contact customers, either by telephone or in person, are not used to clarify evidence or gather further evidence which might help genuine customers meet the rules.
- 6.20 We note that points-based application fees are considerable (in the case study the fee was £600 – increased to £675 from 9 April 2009). We consider it is important that the UK Border Agency ensures its management information reports and customer feedback reports are analysed to assess whether there are any unintended consequences following the introduction of the points-based system.
- 6.21 We saw six refusal notices (6% of the sample) that made reference to the deception rules under paragraph 320 (7 A/B) of the Immigration Rules. Whilst this is a complex piece of legislation to implement, we found the rules had been applied correctly. We noted they were usually applied when a customer had failed to declare a previous refusal, typically identified through a biometric match or other checks made by the UK Border Agency.

- 6.22 We also reviewed refusal rates for Entry Clearance Officers in Rome and established that the average refusal rate across all visa applications was 13.9%. We found the refusal rates of all three Entry Clearance Officers were within 5% either side of this average figure. This indicates that decision-making in Rome was consistent.

## 7 Quality of Refusal Notices

- 7.1 Customers pay a fee for the application process, usually ranging from £46 to £675, although some categories are issued free of charge (appendix A shows full details of visa fees). They are non-refundable, unless payment has been made and the application is not submitted, or the applicant refuses to provide biometric details with their application. In these cases the UK Border Agency will refund the fee.
- 7.2 Customers expect refusal notices issued by the UK Border Agency to be professional and written in plain English. Refusal notices must be balanced and provide clear and detailed explanations about why an application has been refused. They should also be free of formatting errors, unnecessary repetition and spelling mistakes.
- 7.3 To assist our assessment of the quality of refusal notices we used five quality pointers which are shown below:
- **Rules** – does the refusal notice quote the most up-to-date rules?
  - **Purpose** – does the refusal notice accurately quote the purpose of the visit and the length of stay?
  - **Evidence** – does the refusal notice use evidence provided by the customer?
  - **Balance** – does the refusal notice include positive as well as negative points?
  - **Quality** – is the refusal notice well-presented and free from spelling or grammatical errors?

### **Use of correct Immigration Rules**

- 7.4 We found all but two refusal notices (98% of the sample) accurately quoted the correct and applicable Immigration Rules. As mentioned previously, there was one case where the refusal decision should have referred to paragraph 320 (7A) of the Immigration Rules. The other application did not quote section 41 of the Immigration Rules.

### **Purpose of visit and length of stay**

- 7.5 We found 84 refusal notices (88% of the sample) accurately reflected the purpose of the visit and the length of stay.

### **Appropriate use of evidence**

- 7.6 We found 94 refusal notices (98% of the sample) contained customer-specific information. We believe this helped to demonstrate that Entry Clearance Officers had considered the evidence before making their decisions.

### **Balanced decisions**

- 7.7 We judged that 79 refusal notices (82% of the sample) were well-balanced. In a number of cases we saw good practice, where for example, some refusal notices informed customers which of the requirements of the Immigration Rules they had met and not met.

### **Overall quality**

- 7.8 On overall quality, we found refusal notices were well structured and geared towards telling the customer the full story behind their refusal. However, as noted by the former Independent Monitor,



the global template had continued to cause problems in Rome, most notably with page breaks in the wrong place. Some refusal notices also had the UKvisas branding rather than that of the UK Border Agency. We also found a number of typing and spelling errors in refusal notices – with more care this could easily be put right.

- 7.9 We noted that all refusal notices had a standard paragraph stating: ‘However, if you have a previous application and immigration history, this may have been considered’. We consider this sentence is irrelevant and should be removed as previous immigration history should be considered routinely and, if applicable, will have a bearing on the decision made.

### **Timeliness of decisions**

- 7.10 The UK Border Agency visa services website sets out the commitment of the UK Border Agency to deliver a quality visa service that meets the needs of its customers worldwide. It acknowledged that its customers want to know how long their visa applications will take to be processed and provides information about its customer service standards, which are set out below:
- **To complete 90% of straightforward, non-settlement applications in not more than a week, 98% in not more than 2 weeks, and 100% in not more than 12 weeks.**
  - **To complete 90% of non-straightforward, non-settlement applications in not more than 3 weeks, 98% in not more than 6 weeks and 100% in not more than 12 weeks.**
  - **To complete 95% of applications for settlement visas in not more than 12 weeks and 100% in not more than 24 weeks.**
- Please note that in all these cases a week is defined as 5 working days
- 7.11 To assist customers in interpreting these targets, the UK Border Agency clarifies the difference between straightforward and non-straightforward applications as follows:
- **Straightforward applications can be decided on the basis of the application and the supporting documents submitted, without the need for further enquiries or more detailed scrutiny.**
  - **Non-straightforward applications require more time to be decided, for example, to allow for more detailed enquiries or arrange for a personal interview.**
- 7.12 In Rome, the customer service targets referred to the date a customer submitted their biometrics and application form to the commercial partner to the date when the decision notice was delivered back to the commercial partner.
- 7.13 All the applications we reviewed in Rome were straightforward applications made between 28 October 2008 and 26 February 2009. As a result they should have met the target to complete a minimum of:
- **86 applications (90%) within five working days (a week)**
  - **94 applications (98%) in not more than ten working days (two weeks)**
  - **96 applications (100%) in not more than sixty working days (twelve weeks).**

- 7.14 We looked at the time taken to process the 96 cases in our sample against these customer service targets. We found that just over a third of cases (35) met the 5 working day (one week) target, while just under half of the cases (46) met the 10 working day (two week) target. All cases met the 60 working day (twelve week) target.
- 7.15 We found that the applications worst affected by processing delays in Rome were those made between October 2008 and January 2009. Figure 6 records our findings.

**Fig. 6: Time taken between biometric data being taken and refusal being given for visa applications made between October 2008 and January 2009**

Month	No. of applications	Average time taken (working days)	Longest time taken (working days)	Shortest time taken (working days)
October	1	48	48	48
November	8	13	15	8
December	24	18	28	5
January	26	15	40	4

Note: calculations made to nearest full day. The number of days between the biometric data being taken and a refusal being given include the day that biometric data was taken.

- 7.16 Staff told us these delays were caused when an Entry Clearance Officer left in October 2008. This led to a backlog of applications where refusal was considered likely. Staff told us that visas issued were not affected by these delays because they were prioritised for action. The backlog began to clear in February 2009, when a relief Entry Clearance Officer arrived and soon after this a new Entry Clearance Officer was appointed.
- 7.17 As a result the UK Border Agency missed its customer services targets by a significant margin. The worst case saw an application take 48 working days from the time payment was made (and biometrics taken) to the time the decision was delivered to the commercial partner. We also noted the average length of time to process cases across the entire file sample was 12 working days
- 7.18 We found 47 cases<sup>2</sup> were refused after the proposed travel date, with one refusal notice being sent out 35 calendar days<sup>3</sup> after the proposed travel date.
- 7.19 These processing delays affected customers and their travel plans, particularly those customers who contacted the commercial partner website about the delays to their applications. We found the replies provided by the commercial partner to these customers were unhelpful and we comment on this aspect further in the section on correspondence and complaints.

<sup>2</sup> This was out of a total of 95 cases as a visit date was not recorded on one of the cases

<sup>3</sup> This is in calendar days as the visit may have fallen on a weekend or public holiday

- 7.20 The UK Border Agency now publishes processing times on its website in an effort to inform customers about the time it is taking to process visa applications. However, this information was not available at the time the above applications were made, so customers, when making their applications, were unaware of the significant processing delays. We found that the decision to delay applications that were likely to be refused meant these customers received a different level of service to those customers that had visas issued – yet they paid the same fee.

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

- manages processing times more effectively to ensure it meets stated customer service targets
- puts in place effective contingency arrangements so that performance is not adversely affected by staff shortages
- takes action to advise prospective customers when processing times significantly miss customer service targets.

## 8 Risk Assessment

- 8.1 The UK Border Agency controls access to the United Kingdom for people and goods whilst facilitating legitimate travel and trade. Its controls and intelligence networks operate outside the United Kingdom to prevent harmful people and goods coming to the United Kingdom. To support this approach the UK Border Agency has developed and introduced a risk assessment process across its visa-issuing posts to help Entry Clearance Officers identify applications that create a higher risk to the United Kingdom.
- 8.2 The risk assessment process in Rome was informal and was locally driven. Entry clearance staff had received support and guidance from the Risk Assessment Officer based in London and this had been useful in developing their approach. One of the Entry Clearance Assistants led on risk assessment, although training was informal. The team had built lots of contacts in Italy and had developed a local risk register for those nationalities that had been identified as posing the greatest risk to the United Kingdom. Applications from nationalities on this list received closer scrutiny. However, it was recognised that a more formal compliance exercise needed to be undertaken to inform the development of more effective risk profiles.
- 8.3 Entry clearance staff told us that document verification reports had been introduced recently. Staff told us the verification of travel and supporting documents was particularly difficult, because there was no formal mechanism to refer documents for verification to the customer's country of origin. They also commented on their need for further forgery training on travel documents.

## 9 Customer Journey

### Information for customers

- 9.1 At the outset, customers in Italy had to make an online visa application, so we reviewed the online guidance made available to customers. We noted there were three different websites that customers could access:
- The UK Border Agency visa services website, providing information for visa customers.
  - The UK Border Agency website, for access to the Immigration Rules.
  - The commercial partner website provided locally for information about how to make a visa application in Italy.
- 9.2 We were particularly interested in the requirements relating to supporting documentation, as some common themes for refusal from the file sampling we had carried out were:
- submitting the wrong documentation
  - submitting photocopies rather than originals
  - failing to provide three years of employment or education history in Italy.
- 9.3 In relation to the requirement to provide three years of employment or education history in Italy, we examined the official guidance on the UK Border Agency visa services website. We looked at the Information guides; the Immigration Rules; the full Entry clearance guidance and Part 11 (supporting documents checklist) of the 'paper' visa application form (accessible online to print). We found no mention of this requirement.
- 9.4 We found the amount of information available on the three websites confusing from a customer viewpoint. Although the front page on the UK Border Agency visa services website had clearly-signposted links about where to find information (seven in total), it also had latest news stories and 13 other hyperlinks in the body of text, together with a self-assessment questionnaire. We found there was too much information that could easily confuse visa customers about where to go/what to do next.
- 9.5 We spoke to customers at the visa application centre and Entry Clearance Officers about their views on the information available to customers on the websites. Both groups told us they found the websites confusing and difficult to navigate, particularly as different hyperlinks took customers to different parts of all three websites during the information-gathering and/or application process.
- 9.6 We found that the most recent UK Border Agency – International Group Customer Information Service Survey report (August-September 2008) reported that there 'was a perceived gap in the quality and consistency of information relating to what supporting documentation is required when submitting a visa application'. We noted that in response to this the UK Border Agency had said it intended to address this issue when it next reviews the visa application form.

### Testing the visa application process

- 9.7 To provide a further realistic test, we made an online application to establish whether the requirement to provide three years of employment or education history in Italy was highlighted as part of the process. We found no mention of any such requirement.

We also noted opportunities were missed to:

- **remind customers of the type of supporting documentation they should provide (as recorded in Part 11 of the paper visa application form)**
- **emphasise that original documents should be provided rather than copies.**

9.8 Entry Clearance Officers told us the requirement to provide three years of employment or education history in Italy was published on the commercial partner's website and we subsequently confirmed this was the case. However, the facility to add additional requirements locally on supporting documents to those already set out by the UK Border Agency was not referred to on the UK Border Agency visa services or UK Border Agency websites, nor was it referred to in the Information Leaflets or the paper visa application forms. As a result customers could easily submit applications without being aware of this additional and important requirement.

### **Visa application centre**

- 9.9 The Worldbridge visa application centre was well managed. It was clean and inviting and refreshments were available for customers' use. The customer area had free internet access to the UK Border Agency visa services and Worldbridge websites. The office also offered other added value services for a small fee, including photocopying and passport-sized photographs.
- 9.10 Staff employed in the visa application centre were multi-lingual and notice boards were up-to-date. All notices were correctly identified with either UK Border Agency or Worldbridge branding. Information leaflets were not displayed in the public area, but a notice informed customers of the types of leaflets available that could be printed on request for no charge. Worldbridge told us they had adopted this approach because of the regular changes which meant that leaflets frequently became out of date.

### **Correspondence and complaints**

- 9.11 The file sample did not reveal any complaints, but correspondence had been received in five cases about delays being experienced by customers. In three of these cases customers received their refusal notices shortly thereafter, but in two cases refusal notices were not issued for 11 and 30 days respectively. In these two cases there was no evidence in the files that the customers were contacted prior to the refusal notices being issued. We also noted that the latter case missed the UK Border Agency's target to respond to service complaints within 20 working days.
- 9.12 Customers were also able to send an email enquiry or complete a suggestions and complaints form online through the commercial partner's website. The commercial partner then categorised this customer feedback into either enquiries or complaints. Complaints were forwarded to the Embassy for action, but responses to enquiries were dealt with by the commercial partner. During our visit to the visa application centre we reviewed the online system and found that most of the issues raised by customers had been recorded as 'enquiries'.
- 9.13 The Entry Clearance Manager told us he had not checked or had any oversight of customers' enquiries/complaints recorded by the commercial partner in order to identify trends affecting quality of service. He told us he had insufficient time to undertake this work because of the pressures of fulfilling two different roles (visa and consular work).

- 9.14 We saw cases from customers in late 2008/early 2009 that had been classified by the commercial partner as enquiries. Two cases we reviewed were from customers concerned about the delays they were experiencing in receiving their visa decisions. We believe these enquiries should have been recorded as complaints because both had missed the published UK Border Agency customer services targets (five working days and two weeks targets).
- 9.15 We found that the commercial partner replied to customers' concerns about processing delays using standard generic wording. We reviewed the wording used and considered customers would find it unhelpful – it simply stated that processing times were not known by Worldbridge and that they had no influence over Entry Clearance Officers at the British Embassy. No further information was provided, for example, advising customers how long their applications might take to process.
- 9.16 We noted in another case that a customer who lodged his application on 4 November 2008, had requested his passport back on 4 January 2009, because his visa application had not been considered and they needed to return to their own country due to the death of a family member. We noted that the customer in this case was not compensated by the UK Border Agency, even though the level of service it provided missed its customer service targets by a significant margin (in this case the customer paid £65).
- 9.17 We found customers could also send comments or concerns about the service they received by accessing the Rome embassy website: at <http://ukinitaly.fco.gov.uk/en/visas/visa-feedback> and submitting a complaint using the online form that was available. Alternatively customers could write to the address provided. Entry clearance staff told us that they did receive some customer complaints via the embassy website, but these were few in number. We did not see any such complaints linked to the cases we sampled.

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

- improves the navigation and design of its websites so that visa customers can find relevant information easily
- removes conflicting information about supporting documentation so customers are aware of what they need to provide
- reviews its refund policy in connection with cases where customer service failures are significant
- regularly reviews the issues raised on the commercial partner's website to ensure customer enquiries and complaints are:
  - categorised appropriately
  - handled in accordance with UK Border Agency policy
  - monitored so that customer feedback is analysed and used to improve the service it provides.

## 10 Staff Interviews

- 10.1 We conducted an open forum with all Entry clearance staff, as well as individual interviews with Entry Clearance Officers and the Entry Clearance Manager. The topics discussed included the fast pace of change over the last eighteen months. This had seen the introduction of biometrics, a commercial partner operation and the points-based system.
- 10.2 Entry Clearance Officers told us that the quality of training provided was good, particularly regional events that provided opportunities to discuss and share best practice and consider European-specific issues. They also commented favourably about the training provided on the points-based system. Some concerns were raised about the focus of training provided to new Entry Clearance Officers. This training was seen to concentrate more on issues facing larger entry clearance posts outside Europe, rather than the issues particular to European posts, which would include, for example, the numbers of applications from third country nationals.
- 10.3 Entry clearance staff told us they were supportive of each other. They considered guidance to do their job had improved, but that there still remained room for improvement, specifically around European Economic Area applications. They also commented about the constant updates and changes to the guidance which made their job more difficult.
- 10.4 They also considered the separation of duties for the Entry Clearance Manager (40% visa work and 60% consular work) meant that they did not always get the support they needed, especially given the growing importance of Immigration Rules relating to deception (paragraph 320 (7 A/B)); the points-based system and increasing numbers of long-term visitor applications.
- 10.5 Entry clearance staff told us that access to UK Border Agency information via IT systems had improved, although it was still slow. They also commented on the introduction of a new template for refusal notices which they claimed had eradicated the problems we identified in the sample.
- 10.6 Entry Clearance Officers told us about the move towards decision-making, based solely on the application form and supporting documents provided by customers. They said they were discouraged from conducting interviews with customers and that they were not allowed to use their discretion when dealing with points-based applications. As a result they issued more refusals on technicalities as set out in the points-based case study shown earlier.



# 11 Conclusion

- 11.1 We found that our inspection of Rome uncovered many of the issues raised by the former Independent Monitor, most recently in her sixth and final Parliamentary report.
- 11.2 This inspection highlights issues both for the visa section in Rome and for the UK Border Agency itself, particularly in respect of the provision of good customer service in line with the organisation's own customer strategy.
- 11.3 Whilst we consider the post to be fair overall, we shall be looking for evidence of progress in future inspections.

# 12 Acknowledgements

- 12.1 We would like to express our thanks to the visa team in Rome for the assistance received in enabling our inspection of Entry clearance work to proceed smoothly. They arranged for the case sample to be provided at relatively short notice and their flexibility in attending a focus group and interviews helped to ensure the objectives of the inspection were met.
- 12.2 We also benefited from the visit to the US Embassy visa operation in Rome – this helped us to learn about and compare a visa system that took a different approach to the one operated by the UK Border Agency.

# 13 Glossary of Terms

## What is Entry clearance?

- 13.1 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).
- 13.2 These documents are taken as evidence of the holder's eligibility for entry into the United Kingdom and, accordingly, accepted as "Entry clearances" within the meaning of the Immigration Act 1971. The United Kingdom Government decides which countries' citizens are, or are not, visa nationals. Non-visa nationals may also require Entry clearance if they seek to enter the United Kingdom for purposes other than to visit and/or for longer than six months.
- 13.3 More detailed information about Entry clearance can be found on the UK Border Agency website: <http://ukba.homeoffice.gov.uk/>

## Where to apply for Entry clearance?

- 13.4 The Immigration Rules say that a customer making an application for an Entry clearance as a visitor must be outside the United Kingdom and Islands at the time of their application and must apply to a post designated by the Secretary of State to accept applications for Entry clearance for that purpose and from that category of applicant.

## Visa nationals

- 13.5 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:
  - returning residents
  - those who have been given permission to stay in the United Kingdom and, after temporarily leaving the United Kingdom, return within the duration of that permission to stay
  - school children resident in a European Union member state who are on an organised school trip from a general education school and accompanied by a teacher.

## Non-visa nationals

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

## Third country nationals

- 13.7 A third country national is a person who is neither a British citizen nor a Commonwealth citizen with the right of abode, nor a person who is entitled to enter or remain in the United Kingdom by

virtue of the provisions of the 2006 European Economic Area Regulations. Third country nationals therefore require leave to enter the United Kingdom.

### **Points-based system**

- 13.8 On 29 February 2008, a new immigration system was launched to ensure that only those with the right skills or the right contribution can come to the United Kingdom to work or study. The points-based system enables the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers.
- It combines more than 80 previous work and study routes to the United Kingdom into five tiers.
  - Points are awarded according to workers' skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector. This allows the United Kingdom to respond flexibly to changes in the labour market.
  - It is a fair, transparent and objective system which enables potential migrants to assess their likelihood of making a successful application - this means that it should help to reduce the number of failed applications.
- 13.9 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.

### **European Economic Area**

- 13.10 The European Economic Area was established on 1 January 1994 and covers all member states of the European Union and Iceland, Liechtenstein and Norway. It allows these countries to participate in the European single market. All European Economic Area and Swiss nationals are free to enter and live in the United Kingdom without the need to apply for UK Border Agency permission.

### **United Kingdom and Islands**

- 13.11 The United Kingdom is made up of England, Scotland, Wales and Northern Ireland. The Channel Islands and the Isle of Man are not part of the United Kingdom. The geographical term 'British Isles' covers the United Kingdom, all of Ireland, the Channel Islands and the Isle of Man.

### **Biometrics**

- 13.12 All applicants 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.

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

- 13.13 From 29 February 2008, under Paragraph 320 (7A) of the Immigration Rules, an applicant must be refused Entry clearance if false representations or documents are used, or material facts not disclosed, whether or not the false representations or documents are material to the application, and whether or not the deception is with the applicant's knowledge.

**Maladministration**

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

# Appendix A

## Visa fees

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

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

Fees are subject to periodic review.

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

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

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

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

Special visitor - student visitor, up to 6 months	67
Special visitor - child visitor	67
Special visitor - prospective student	67
Special visitor - parent of a child at school (up to 12 months)	215
Sports visitor	67
<b>Category: Study (non points-based system)</b>	<b>Fee ( £ )</b>
Dependant of prospective student applicant	67
Dependant of student applicant	145
<b>Category: Employment (non points-based system)</b>	<b>Fee ( £ )</b>
Work permit holder	215
Work permit/HSMP dependant	215
Off Shore Workers	215
Overseas domestic worker - private household	215
EC Business Association Agreement	215
Sole representative	215
UK Ancestry	215
Seasonal agricultural worker	215
Dependants of any of the above	215
Vander Elst	Free of charge
Swiss Posted Worker	Free of charge
<b>Category: Settlement</b>	<b>Fee ( £ )</b>
Spouse/civil partner of a settled person	585
Unmarried/same sex partner of a settled person	585
Fiancé(e)/proposed civil partner of a settled person	585
Child or dependent relative of a settled person	585
Adopted child of settled person	585
Family reunion	Free of charge
Former UK Armed Forces	585
<b>Category: Points-based system (PBS)</b>	<b>Fee ( £ )</b>
Tier 1 general applicant	675

Dependant of tier 1 general applicant	675
Tier 1 general applicant with HSMP approval letter (transitional arrangement)	250
Dependant of tier 1 general applicant with HSMP approval letter (transitional arrangement)	250
Tier 1 investor or entrepreneur	675
Dependant of tier 1 investor or entrepreneur	675
Tier 1 post study applicant	265
Dependant of tier 1 post study applicant	265
Tier 1 general applicant – national of Croatia, Turkey or FYR Macedonia	615
Dependant of tier 1 general applicant - national of Croatia, Turkey or FYR Macedonia	615
Tier 1 general applicant with HSMP approval letter (transitional arrangement) – national of Croatia, Turkey or FYR Macedonia	230
Dependant of tier 1 general applicant with HSMP approval letter (transitional arrangement) – national of Croatia, Turkey or FYR Macedonia	230
Tier 2 applicant	265
Dependant of tier 2 applicant	265
Tier 2 applicant – national of Croatia, Turkey or FYR Macedonia	245
Dependant of tier 2 applicant – national of Croatia, Turkey or FYR Macedonia	245
Tier 4 (general) student applicant	145
Dependant of tier 4 (general) student applicant	145
Tier 4 (child) student applicant	145
Chevening Scholarship or Fellowship	Free of charge
British Marshall Scholarship	Free of charge
Fulbright Scholarship	Free of charge
Commonwealth Scholarships and Fellowships Plan	Free of charge
Tier 5 applicant (temporary worker)	125
Dependant of tier 5 applicant (temporary worker)	125
Tier 5 applicant (temporary worker) - national of Croatia, Turkey or FYR Macedonia	110
Dependant of tier 5 applicant (temporary worker) - national of Croatia, Turkey or FYR Macedonia	110

Tier 5 applicant (youth mobility scheme)	125
<b>Category: Exempt</b>	<b>Fee (£)</b>
Diplomats: official visit/posting	Free of charge
Members of international organisations on official visits	Free of charge
Member of UK or visiting forces	Free of charge
<b>Category: Others</b>	<b>Fee (£)</b>
Course F	67
Exercise the right of access to a child	215
Parent/primary carer of an EEA national child	215
Family member of an EEA national	Free of charge
Family member of a Swiss national	Free of charge
Handling applications on behalf of Commonwealth Countries/ Overseas Territories	47
Forwarding documents to Commonwealth Countries/Overseas Territories (additional fee)	63
Returning resident	215
Right of Abode Certificate of Entitlement	215
Joining ship/aircraft	46
Direct Airside Transit (DAT)	46
Mobile biometrics/call out charge	£128 an hour up to a maximum of £922 for each 24 hour period
Turkish nationals to establish in business	Free of charge
Vignette transfer	75









