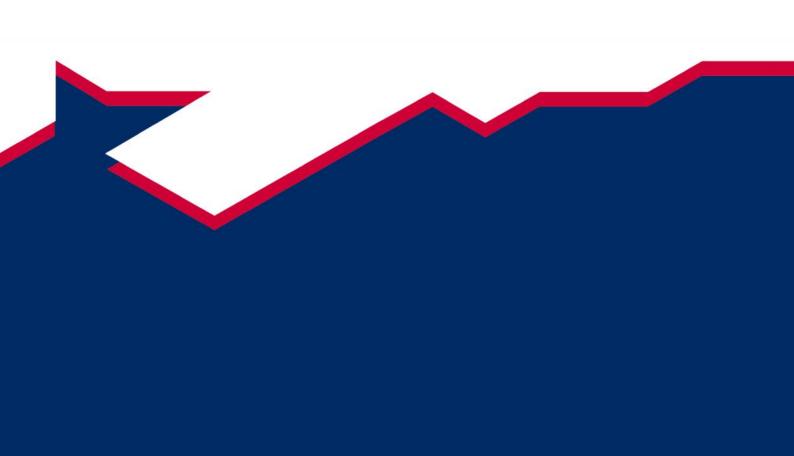# THE UK BORDER AGENCY RESPONSE TO THE INDEPENDENT CHIEF INSPECTOR'S REPORT: A RE-INSPECTION OF THE UK BORDER AGENCY VISA SECTION IN ABU DHABI AND ISLAMABAD.

The UK Border Agency thanks the Independent Chief Inspector (ICI) for advance sight of his report and is very pleased to note the considerable overall improvement found since the last inspection to these Posts. Our Regional Director and her management team have invested considerable time and effort in improving our processes in the Region. We are concerned that you are still finding too many cases where the Agency has failed to maintain an audit trail as part of the decision making process. We appreciate that this makes it difficult for you to determine the basis on which the decision had been made and we have repeatedly informed our teams of the need to ensure that the material is copied or to reference it in the notes. We also note your comment that 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. We have accepted your recommendations on this in the past and continue to address individual instances of it when it comes to light. We are confident that with our increased focus on decision quality we will continue to improve this aspect of our performance.

I am glad that you found that the Agency was meeting its customer service targets in other visitor and settlement cases, which demonstrated a significant improvement since your previous inspection and that you also found the administrative review process was working well and steps were being taken to improve the quality of Entry Clearance Manager reviews. We are continually reviewing all aspects of decision quality to ensure we make effective decisions and are able to deliver an excellent visa service that achieves our strategic objectives to secure the border, control migration, reduce costs and improve customer service.

The UK Border Agency response to the Independent Chief Inspector's recommendations:

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: The UK Border Agency accepts this recommendation.

1.1   The UK Border Agency uses a range of checks to verify supporting documentation and accepts that where there are inconsistencies in the evidence submitted by an applicant, further checks should be conducted when it is possible to do so. However, minor discrepancies are not always indicative of a problem in low risk cases. The UK Border Agency verifies applicant's supporting documentation on a targeted basis, using a risk based approach. An evidence-based profiling process has been adopted in overseas locations to ensure that each application receives an appropriate level of scrutiny prior to a decision being made. All applications identified as higher risk should have additional checks carried out as directed, including verification checks. This is in addition to checks requested by Entry Clearance Officers (ECOs) where they identify concerns relating to the validity of the application.

1.2   Verification is just one of a variety of tools used by ECOs to scrutinise applications. All applicants enrol their biometrics, which are checked against immigration and UK police databases. All applicants are also checked against biographical security databases. All passports are checked, including for forgery. In all cases, the ECO must be satisfied that the provisions of the Immigration Rules are met.

1.3   Both Abu Dhabi and Islamabad use risk databases to produce evidence based risk profiles that are then used to identify those applications that require further verification. This is, in effect, a sift process where high risk applications are automatically routed to a profiling team for verification checks. Abu Dhabi currently has 38 risk profiles in place and

has launched a new database tool that identifies sponsor abuse and better informs risk profiles since the inspection. During the assessment process, ECOs therefore have the information about what has already been verified and have the ability to conduct further verification as necessary. Analysis of the checks is conducted monthly allowing the posts to react quickly to new forgery trends. This approach ensures that decision makers have the best set of data upon which to base their decisions. Both posts are increasing the number of interviews used and since May 2012 all student and Tier 5 applications in Islamabad have been subject to an interview in person. Applications are also referred to the UK for additional checks with other government agencies on a targeted basis.

2. Implements effective oversight of its complaints management process, including the identification of trends, to improve service and decision quality: The UK Border Agency accepts this recommendation

2.1   The guidance on managing complaints is well established. The UK Border Agency will issue a reminder to all operational managers on the complaint handling process and will test compliance in July.

2.2   In both Islamabad and Abu Dhabi, all complaint responses are checked and authorised individually by an Operations Manager in accordance with guidance. The system ensures that at least two members of staff have input into the response, one of which is a senior manager. Both Abu Dhabi and Islamabad take action to address issues arising from complaints and correspondence to minimise the risk of recurrence whenever appropriate. This has included delivering a message to individual team leaders, cascading feedback to general staff, and by giving input into process changes. Abu Dhabi and Islamabad have also launched several questionnaires targeting customers in both Pakistan and the UAE as a further source of information for identifying areas for improvement.

2.3   Each quarter, all regions are required to submit an analysis of complaints received, highlighting categories of complaints, trends, and actions taken to learn from complaints. These are analysed centrally and shared with the whole visa business. A central team is tasked with ensuring that best practice as highlighted by the regions is promulgated globally and that generic weakness in procedure is addressed. The most recent complaints analysis (March 2012) shows a 34% reduction in the overall total number of complaints in the Gulf, Iran and Pakistan region during the quarter when compared to the same period last year.

3. Raises staff awareness of the risk register, including how they can contribute to it so that managers can be assured they are alerted as soon as possible to potential, emerging or changing risks. A consistent standard of quality, including a mechanism for reviewing and updating the register should be adopted across all visa sections: The UK Border Agency accepts this recommendation.

3.1   In February 2012 a guidance presentation on risk was circulated to all Regional Managers to make staff aware of International Group's strategic and operational risks and emphasise the importance of keeping risk registers updated. The guidance stressed the need to use a risk register template for consistency of approach, ease of reference and reporting.

3.2 Abu Dhabi and Islamabad have included the risk register in the monthly newsletter together with an explanation of its role and how to contribute. In addition a simplified outline of risks for all staff has been circulated within the region. The Register has been discussed at Entry Clearance Manager (ECM) meetings, ECO communications briefings and support staff meetings. All staff have been made aware of the threats faced by our regional operation and have been encouraged to comment and contribute through their line management chain or directly to the senior management team. The register has been updated several times since the Inspection visit to reflect emerging and changing risks.

3.3 To further raise awareness of risk registers the UK Border Agency will issue an Operation Policy Instruction and process map to all staff to ensure that they are aware of how to raise risks and of the escalation process.

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: The UK Border Agency accepts this recommendation.

4.1 The roll out of Immigration Casework (ICW) from 2013 onwards will give the facility to visa posts to retain scanned electronic copies of all supporting documentation submitted with applications. An operational instruction was issued on 21 January 2011 to all entry clearance staff clarifying the policy on retaining supporting documents relevant to entry clearance decisions. ECOs and ECMs were reminded that they should ensure that only documents specifically required are retained, and that this should include copies of supporting documents that are directly relevant to the decision and documents addressed to the visa section. Where it is not possible to retain all such documents (for reasons such as a lack of secure storage space) they should be clearly referenced in issue notes/refusal notices. Again, adherence to this guidance will be measured through regular ECM reviews of decisions. All Posts covered in this report have been reminded of policy in this area.

4.2 The rationale for the refusal of entry clearance decisions is contained in the comprehensive notice that applicants receive when their application for a visa / entry clearance has been refused. The refusal notice is linked electronically to the IT case working system. There is no requirement for the ECO to record anything beyond this on the IT case working system.

4.3 For cases that are granted a visa / entry clearance, the UK Border Agency agrees that the rationale for the decision should be clearly recorded on the IT case working system. However, the overall level of detail required in the notes will depend on the complexity of the case and the risk of the application. Guidance for staff in this area was updated in May 2012. A global reminder to all ECOs and ECMs of the standards required was also issued at this time.

4.4 The mandatory pass/fail ECO training course in the UK covers a session on case notes for granted/refused visas. ECMs review case notes during routine checks of decisions. At least 10% of all cases that are granted a visa / entry clearance are reviewed by an ECM.

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: The UK Border Agency accepts this recommendation in the circumstances that are reflected in our existing Agency policy and guidance.

5.1   The onus is on the applicant to satisfy the ECO that they qualify for entry under the Immigration Rules, and to ensure that they have prepared the application properly before submitting it. The UK Border Agency resolves the vast majority of visa applications on the basis of the application form, biometric and watchlist data, and any documentation submitted by the applicant. The guidance is clearly signposted to applicants throughout the application process – on the application form and through the suggested supporting documents guidance on the UK Border Agency website.

5.2   ECOs do provide applicants with specific reasons in writing on why their application has been refused. In many of the cases highlighted by the ICI as applying 'additional information requirements' ECOs had drafted poorly worded refusal notices and we recognise that this problem needs to be dealt with. The intention was not to suggest that there were particular evidential requirements relating to these applications. It should be noted that in most of these cases the reference to the lack of particular types of evidence is one of several reasons given for refusal and the overall decision to refuse was correct. The majority of the file sampling for this report covered decisions made in the period 1 May 2011 to 31 July 2011. An operational instruction was issued to Posts on 24 May 2011 reminding ECOs that non-PBS applications should not be refused solely for failure to provide specific documents.

5.3   ECOs will refuse an application if the information provided by an applicant does not show that they meet the requirements of the Immigration Rules. Applicants will not routinely be given an opportunity to respond where an ECO is not satisfied in the first instance with the evidence that has been provided. However, in some circumstances where the ECO believes that an applicant is likely to meet the rules subject to some further piece of evidence which is needed for the decision, they will provide the applicant with an opportunity to submit this before the decision is finalised. It would not be practical to introduce a further stage to the consideration process, given that each year approximately 400,000 applications are refused. This would have a significant impact on resourcing and the UK Border Agency's ability to meet customer service standards.