



Entry Clearance Decision-Making: A Global Review

December 2010 – June 2011

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Independent Chief Inspector of the UK Border Agency

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Foreword from John Vine CBE QPM



I am pleased to report the findings of my global review of entry clearance decision-making where I have focused upon my statutory remit as the Independent Monitor for Entry Clearance Refusals without the Right of Appeal.

In this comprehensive undertaking, involving an examination of almost 1,500 cases drawn from every visa post, I examined the efficiency and effectiveness of decision-making in cases where there is a limited or no right of appeal and where the applicant has no redress in the face of a decision made by the UK Border Agency.

The inspection findings show a mixed picture.

While there were no decision quality issues revealed in 761 cases, I found there were errors affecting decision quality in 515 cases. In a further 201 cases the lack of evidence retained on file made it impossible for me to assess whether the correct decision had been made.

The previous Independent Monitor stressed the importance of retaining sufficient documentation on file in her last report, published in 2009, and I first referred to this problem in my report on the Abuja visa section, published in October 2009. This resulted in entry clearance staff and managers being reminded about the importance of retaining relevant supporting documents in November 2009 – an instruction that was in force for the majority of the period covered by this file sample. I have since made recommendations about this in four inspection reports (all accepted by the Agency) and while these reports were published after the period of this file sample, it is clear to me that the Agency needs to do much more to ensure that its staff adhere to the guidance that it issues.

While it is encouraging to note that the Agency was meeting its customer service targets in the vast majority of cases, both regarding application processing times and the time taken to respond to complaints, the overall quality of decision-making leaves considerable room for improvement.

In 483 cases, representing 33% of the sample examined, I found errors in the way evidence was assessed by entry clearance officers; and in 135 cases, or 9% of the sample, I consider that those errors potentially undermined the decision to refuse entry clearance.

The general quality of decision-making can and must be improved. The principal method of ensuring quality at present is the Entry Clearance Manager (ECM) review. It is therefore disappointing to find poor quality decision-making in 144 cases where an ECM review had supposedly been carried out.

This supports my findings in other reports. The ECM review is not working effectively in its present form. The Agency needs to strengthen its quality assurance process to ensure that decision quality is improved consistently across all of its visa posts.

I was particularly concerned to find a significant proportion of cases where applicants were refused entry clearance for failing to provide information which they could not have been aware of at the time of submitting their applications. This was unfair. I found this in 235 cases, representing 16% of the sample. In 82 of these cases I consider that the errors in respect of assessment of evidence undermined the basis for the decision to refuse entry clearance.

In cases where additional evidence might be required to enable a decision to be reached, I believe that there is a responsibility on the Agency to ensure that applicants are treated fairly. I was therefore encouraged to find some excellent examples where entry clearance officers had used their discretion to make additional checks in order to support their decision-making.

I also found that additional checks had been undertaken in 209 cases, representing 14% of the file sample. This was a 55% increase in the number of similar checks identified by the Independent Monitor in her 2009 global file-sampling exercise and demonstrates more action was being taken to verify information that had been provided by applicants.

Finally, on a positive note, I was pleased to see that the quality of refusal notices was good and in the majority of cases refusal grounds were clearly communicated to applicants – a much improved picture in this respect.

I have only made three recommendations in this report but they are fundamental to improving the quality of decision-making in entry clearance cases. They have all been made before, either by the previous Independent Monitor or by myself in previous reports, and are issues that will continue to emerge from future inspections unless they are properly addressed by the UK Border Agency.

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

John Vine CBE QPM
Independent Chief Inspector of the UK Border Agency

1. Executive Summary

1. This inspection examined the UK Border Agency's handling of entry clearance decisions with a limited right of appeal from entry clearance posts in all locations, in order to determine whether decision-making was:
 - efficient, effective and fair; and
 - in line with relevant Immigration Rules and the Agency's policy and guidance.
2. The inspection focused on the Independent Chief Inspector's statutory remit as the Independent Monitor for Entry Clearance Refusals without the Right of Appeal¹. It also examined the service provided to applicants, assessing performance against the Agency's customer service targets and customer commitments.
3. The approach to this inspection built upon the approach adopted by the former Independent Monitor, because it:
 - looked much more closely at the rationale behind decisions that had been made, to make balanced and well evidenced judgements about decision quality;
 - conducted a more thorough assessment to measure the effectiveness of Entry Clearance Manager reviews; and
 - captured more information on individual decisions to support inspection findings about overall performance.
4. We found the Agency was meeting its customer service targets in the majority of cases; and overall, applications were being processed within the published customer service timescales. We also found the majority of refusal notices that we assessed clearly communicated the grounds for refusal, were well presented and of good quality.
5. We also found evidence of the appropriate use of verification checks to confirm the veracity of evidence submitted to support visa applications in 209 cases (14% of the sample). This represented a significant increase in the number of similar checks identified by the Independent Monitor in her last global file-sampling exercise, and provided some evidence that Entry Clearance Officers were challenging supporting documents in cases where they had concerns about the applications they were examining.
6. As with many of our earlier overseas inspections, we identified issues with document retention, with Entry Clearance Officers failing to retain relevant supporting documentation on file in 201 cases (14% of the sample). This is essential to enable effective internal and external quality assurance of decision-making.

We found the Agency was meeting its customer service targets in the majority of cases; and overall, applications were being processed within the published customer service timescales.

¹ Although the formal title of the Independent Monitor refers to cases without the right of appeal, all requests for entry clearance carry appeal rights on the basis of humanitarian and race-relations grounds. This is known as limited right of appeal.

7. We had significant concerns regarding the quality of decision-making, with 515 cases (35% of the sample) failing at least one decision-making quality indicator. This included 483 cases (33% of the sample) where we identified errors in the way evidence was assessed and 135 cases (9% of the sample) where we believed the errors potentially undermined the decision to refuse entry clearance.
8. The most common example of failures to correctly assess evidence related to 235 cases (16% of the sample) where applicants were refused entry clearance for failing to provide information which they could not have been aware of at the time of submitting their applications. We believe that this demonstrated poor customer service and was unfair to applicants who have a legitimate expectation that their applications will be considered fairly, consistently and in accordance with published guidance.
9. As with our earlier inspections of the visa sections in Amman and Istanbul, we were particularly concerned to find Entry Clearance Manager case-file reviews were not always effective. In 144 cases (10% of the sample) which were reviewed by an Entry Clearance Manager, we identified evidence of poor quality decision-making. Effective internal reviews are essential in order to inform training and development of staff, address any quality issues and promote consistent decision-making. We believe the Agency needs to take action to improve the effectiveness of these reviews.
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2. Summary of Recommendations

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.
- Acts immediately to ensure that supporting documents relevant to entry clearance decisions are retained on file, to provide a transparent decision-making process.
- Strengthens the quality-assurance methods currently used by Entry Clearance Managers, to create a more effective and robust decision-making process.

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 the work of UK Border Agency 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). The role of the Independent Monitor is to examine the quality of decision-making, within the spirit of fairness and consistency, in cases where there is a limited right of appeal and to ensure that correct procedures are used to reach decisions. This is important, in order to protect those applicants most vulnerable to wrongful decision-making.

Purpose and aim

- 3.3 This inspection examined the efficiency and effectiveness of the quality of entry clearance decision-making on a global scale, through an examination of entry clearance decisions with a limited right of appeal, from all entry clearance decision-making posts. This includes all applicants who intend to visit the UK for short periods, such as tourists, business visitors and short-term students. This does not include applicants who intend to visit family in the UK, as these applicants are automatically granted a right of appeal.
- 3.4 Points-based system (PBS) cases were not assessed as part of this inspection as, unlike in limited appeal rights cases, the PBS Administrative Review process provides protection against administrative errors by Entry Clearance Officers. PBS was designed to remove ambiguous judgement, and the effectiveness of the system has been examined during previous overseas inspections and in a thematic inspection on Tier 2. The exclusion of PBS from this inspection enabled us to conduct a more detailed examination of other visitor cases.

Background

- 3.5 The information in this section was provided by the UK Border Agency and sets out general background information about International Group.
- 3.6 International Group is the overseas arm of the UK Border Agency, with responsibility for carrying out decision-making in all entry clearance cases. International Group has approximately 2,200 staff operating in 387 locations around the world.
- 3.7 For the financial year 2010/11, International Group spent £306m against a budget of £313m. This included:
- £72m total workforce costs (against a budget of £77m), which included expenditure of £3.9m on travel and subsistence; and

- £234m on non-workforce costs, which included a payment to the Foreign and Commonwealth Office of £34.9m to cover accommodation and office costs.

3.8 International Group is structured into six regional locations: Africa; Americas; Asia Pacific; EuroMed; Gulf, Iran and Pakistan; and South Asia. In January 2007, the Agency began a redesign of its global network of visa sections as part of a wider programme of change, supported by the introduction of biometrics and commercial partners. 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 aimed to deliver three main benefits:

- improved quality and consistency of decision-making;
- improved efficiency and productivity; and
- greater resilience and flexibility.

3.9 The redesign, known as the hub and spoke business model, saw 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 2010 the number of locations in which an application could be registered (spokes) had increased to 315, serviced by 70 processing centres (hubs).

3.10 Overseas, the UK Border Agency employs the services of two commercial partners – CSC WorldBridge Services and VFS Global Services – to help manage the visa application process by:

- managing Visa Application Centres in 101² locations throughout the world;
- hosting the display of visa application centre websites;
- checking visa applications and documents against relevant document checklists;
- collecting and processing visa application fees; and
- collecting applicants' biometric information to enable identity checks to be carried out.

3.11 'Other Visitors' can be issued visas for periods between six months and 10 years; however, in most cases visitors are only entitled to stay in the UK for a maximum of six months at any one time³. Appendix 1 provides information on the current costs for visas. During the period of our file sample, the UK Border Agency decided 1,606,050⁴ Other Visitor visas in the following categories:

- Business Visitor;
- Academic Visitor;
- Child Accompanied/Unaccompanied Visitor;
- Entertainer Visitor;
- General Visitor;
- Marriage Visitor;
- Medical Treatment Visitor;
- Sports Visitor; and

² At the time of our inspection CSC WorldBridge managed 27 Visa Application Centres and VFS Global Services managed 74 Visa Application Centres.

³ Some visitors are entitled to remain in the UK for up to 12 months, e.g. Academic Visitors and visitors coming for private medical treatment.

⁴ Includes applications that were either issued or refused by the UK Border Agency between 1 June 2009 and 31 August 2010.

- Short-term Student Visitor.

3.12 When assessing these applications, Entry Clearance Officers consider whether applicants meet the requirements of the relevant paragraphs of the Immigration Rules. Figure 1 sets out the relevant paragraphs of the Immigration Rules that are applied to these types of visas.

Figure 1: Other Visitor Immigration Rules	
Visit category	Paragraph
Business Visitor (including Academic Visitor)	46G
Child Visitor/ Child Accompanied/Unaccompanied Visitor	46A
Entertainer Visitor	46S
General Visitor	41
Marriage Visitor	56D
Medical Treatment Visitor	51
Sports Visitor	46M
Short-term Student Visitor	56K
Visitor in Transit	47

File selection methodology

3.13 The following methodology⁵ was adopted for selection of the files:

- For each decision-making post, we randomly selected 0.75% of the total number of files refused at the post with limited rights of appeal, between 1 July 2009 and 31 August 2010.
- In posts where 0.75% of the total number of files was smaller than eight files, we rounded up the number of files selected to eight.
- In posts where the total number of files refused with limited rights of appeal was smaller than eight files, we selected all of the files.

3.14 In cases where the UK Border Agency was unable to send us a selected file, we requested that they replace this with the immediately preceding file that attracted a limited right of appeal.

3.15 During previous overseas inspections, we have often found that some of the evidence relevant to the case under consideration has been kept on an associated file. It was therefore important to review any associated files to ensure that we examined all evidence pertinent to the decision. Examples of associated files included:

- applications from the adult travelling with a Child Accompanied Visitor⁶;
- previous or subsequent applications made by the same applicant; and
- applications from friends, family members, dependents or colleagues travelling as part of the same group as the main applicant.

3.16 We received a further 1,917 associated case files which, where necessary, were assessed along with the main applicant's case file.

⁵ The file selection methodology adopted for this inspection was approved by the Office for National Statistics.

⁶ Child Accompanied Visitors are required to travel with a named adult.

File-sampling methodology

- 3.17 The case file-sampling involved us requesting 1,616 limited appeal rights cases, randomly selected from cases concluded in each decision-making post between 1 July 2009 and 31 August 2010. Where the case file selected related to a dependent relative (e.g. a child), refused entry clearance solely because a main applicant (e.g. their parent) was refused, we assessed the refusal decision in the main applicant's case, in order to make a judgement about the quality of decision-making.
- 3.18 We assessed entry clearance decisions against five of the Independent Chief Inspector's criteria⁷. The criteria used are set out in Appendix 2. However, as the focus of this inspection was on decision quality, the most significant criterion was the first: 'Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration.'
- 3.19 The inspection criteria was used to examine:
- whether policy and guidance were being applied efficiently, effectively and consistently;
 - the quality of decision-making and consistency of approach; and
 - the level of service provided to customers, assessing performance against customer service standards and the customer service commitments⁸ set out by the Agency's International Group on its website (these replaced the customer strategy launched by the UK Border Agency in April 2009).
- 3.20 In each case, the information provided by applicants in their application forms, and in additional supporting evidence, was reviewed in order to consider whether the grounds for refusal set out in refusal notices were appropriate, with a specific focus on:
- whether the application was assessed according to the correct Immigration Rules;
 - whether all the evidence provided by the applicant was appropriately considered;
 - whether the application was correctly administered;
 - whether appropriate checks were undertaken;
 - the time taken between application submission and the refusal decision;
 - whether the refusal notice communicated the grounds for refusal; and
 - whether any correspondence was managed/handled appropriately.

⁷ A full list of the Independent Chief Inspector's inspection criteria can be found at: <http://icinspector.independent.gov.uk/inspections/inspection-programmes/>

⁸ The UK Border Agency customer commitments can be found at: <http://www.ukvisas.gov.uk/en/customerservices/servicestyle/>

4. Inspection findings: Quality of Decision-Making

- 4.1 This chapter sets out an assessment of performance against a selection of the Independent Chief Inspector's criteria as outlined in Figure 2. A full list of the inspection criteria is available at Appendix 2.

Figure 2: Inspection Criteria used in this inspection

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 complaints handling.

Safeguarding Individuals

4. All people should be treated with respect and without discrimination in accordance with the law.
7. Functions should be carried out having regard to the need to safeguard and promote the welfare of children.

- 4.2 This section also gives the detailed results and analysis of the files we examined, to enable us to:
- make specific and well-evidenced judgements about the quality of decision-making in each post and each region, against a range of factors as outlined at 3.21;
 - carry out a comparative analysis of decision-making quality between each post and each region; and
 - assess the effectiveness of Entry Clearance Manager case reviews.

File management

- 4.3 We requested a total of 1,616 cases from 84 visa decision-making posts. Appendix 3 provides a detailed breakdown of the number of files requested and received from each post.

We requested a total of 1,616 cases from 84 visa decision-making posts.

- 4.4 In total we received 1,594 case files from 83 posts, because 22 case files (1% of the requested files) were missing, and no replacement file was sent. In total, 58 posts (69% of the posts we requested files from) had performed well in this regard, and had sent us the correct number of files. Figure 3 provides a post-level breakdown of the number of missing case files.

Figure 3: Missing case files

Post	Number of missing files	Percentage of missing files
Sana'a	8	100% ¹
Geneva	1	13%
Islamabad	1	13%
Rangoon	1	13%
Abuja	8	9%
Dubai	1	7%
New Delhi	1	2%
Moscow	1	1%
Total	22	1%

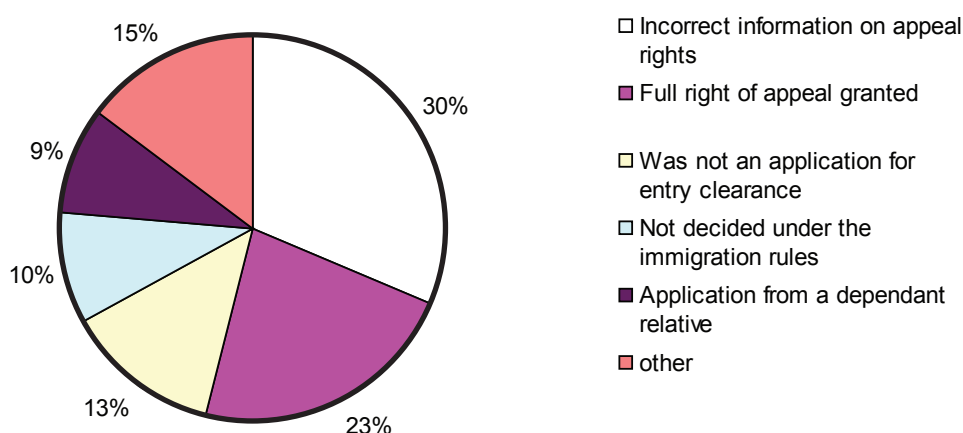
- 4.5 No case files were received from the British Embassy in Sana'a (Yemen) as the file request was sent shortly after an attack was made on a British embassy vehicle in Sana'a on 6 October 2010. As visa section staff were evacuated at this time, the visa section was unable to send us any case files.
- 4.6 Two case files from Kuwait City were also excluded from the sample as, owing to a discrepancy regarding the case reference number, it appeared the wrong case files had been sent. The UK Border Agency later confirmed that the correct case files had been sent; however, at this time it was too late to include the case files in the sample.
- 4.7 Of the case files received, 40 (3% of the sample) had been replaced (by the posts) prior to the dispatch of files, because:
- data entry errors on the UK Border Agency case-working IT system, identified prior to the dispatch of files, meant the files selected were out of scope; for example, because the applicant was granted a full right of appeal;
 - the file requested had been destroyed or could not be located; or
 - the file was in use at a different location for example, at an appeal.
- 4.8 We considered this was an improvement when compared to findings reported by the former Independent Monitor in her last global file-sampling report¹⁰, at which time she found that 10% of the case files were replacement files.
- 4.9 However, of the 1,592 cases received¹¹, 115 (7% of the sample) were identified as out of scope. The chart in Figure 4 sets out the reasons cases were identified as out of scope.

⁹ All figures in this report have been rounded up the nearest 1%.

¹⁰ *Independent Monitor for Entry Clearance Refusals with Limited Rights of Appeal, Report to the Secretary of State, File Sample: April to September 2008, Visits: October 2008 to April 2009.*

¹¹ This figure does not include the two case files from Kuwait (referred to at paragraph 4.6), which were excluded from the sample.

Figure 4: Out-of-scope case files



Incorrect information on appeal rights

4.10 In 36 cases (32% of the out-of-scope cases and 2% of the file sample) we found that Entry Clearance Officers had granted applicants a limited right of appeal when they were entitled to a full right of appeal. These cases included:

- twenty-four General or Business Visitor cases in which the applicant was not granted a full right of appeal, despite stating they would be visiting a family member in the UK;
- ten Family Visitor or Settlement cases in which no explanation was given as to why the applicant was not granted a full right of appeal in accordance with legislation; and
- two Family Visitor cases where the applicant was not given a full right of appeal owing to doubts they were related, as claimed, to their family member.

4.11 UK Border Agency guidance in place at the time of our file sample noted that any applicant who stated an intention to visit a qualifying family member at some point during the visit should be granted a full right of appeal, even if the main reason for the visit was not to visit a family member. These applicants should therefore have been granted a full right of appeal in line with Agency guidance.

4.12 In two Family Visitor cases, the Entry Clearance Officer refused the application without a full right of appeal owing to doubts whether the applicant was related, as claimed, to their family member. Guidance in place at the time of our file sample emphasised the need for Entry Clearance Officers to grant applicants a full right of appeal unless there was strong evidence to dispute their claimed relationship. In these cases there was no strong evidence to dispute the fact the applicant was related, as claimed, to their family member. We therefore believe the guidance should have been followed in these cases, in order to reduce the risk of family visitors being denied a full right of appeal when they were in fact entitled to one.

4.13 Our findings identified some improvement regarding the provision of information on appeal rights, since the former Independent Monitor's last global file sample in April 2009. At this time the Independent Monitor reported an error rate of 4.6% of cases, where applicants had been given the incorrect information on appeal rights, compared to our error rate of 2%.

Our findings identified some improvement regarding the provision of information on appeal rights, since the former Independent Monitor's last global file sample in April 2009.

Full right of appeal granted

- 4.14 In 26 cases (23% of the out-of-scope cases and 1% of the overall file sample) we found posts had sent us Family Visitor or Settlement cases where applicants had correctly been granted a full right of appeal. Data entry errors on the UK Border Agency case-working IT system meant these cases were included in our sample in error. We believe it is important that the UK Border Agency captures data accurately on its IT systems to support effective analysis of management information.

Not an application for entry clearance

- 4.15 We found 15 cases (13% of the out-of-scope cases and 1% of the overall file sample) were out of scope, as the applicants were not applying for entry clearance. This included direct airside transit visa applications where applicants were applying to transit through the UK without passing through UK immigration controls.

Not decided under the Immigration Rules

- 4.16 We found 11 cases (10% of the out-of-scope cases and 1% of the overall file sample) were out of scope, as they were not assessed against the Immigration Rules. This included EEA Family Permit applications, which were considered under the Immigration (EEA) Regulations 2006, and had been included in our sample in error.

Application from a dependant relative

- 4.17 In 10 cases (9% of the out-of-scope cases and 1% of the overall file sample), the case file selected related to children applying as dependents of a parent who had submitted a Family Visitor application, and were refused on the same grounds as the parent. Although these applicants were correctly granted a limited right of appeal, as we did not consider dependent relative applications as part of this exercise, these cases were considered to be out of scope.

Other

- 4.18 In 17 cases (15% of the out-of-scope cases and 1% of the overall file sample), we found there were other reasons cases were out of scope. This included:
- applications that were decided outside the period of our file sample;
 - applications that had been issued; and
 - points-based applications.
- 4.19 After removing these 115 out-of-scope cases, we sampled the remaining 1,477 case files from 81 posts, as part of our examination of limited appeal right cases. Figure 5 provides a breakdown of the number of cases in each region that were assessed as part of the file sample. Appendix 4 sets out which posts are included in each region.

Figure 5: Cases assessed – regional breakdown

EuroMed	448
Africa	394
Gulf, Iran and Pakistan	238
Asia Pacific	151
South Asia	171
Americas	75
Total	1,477

Quality of decision-making

- 4.20 Figure 6 provides a breakdown of the number of cases in each category that were examined as part of this inspection:

Figure 6: Breakdown of sampled cases

Visit category	Number sampled
Academic Visitor	14
Business Visitor	216
Child Visitor	34
Entertainer Visitor	16
General Visitor (e.g. tourists / those visiting friends)	997
Marriage Visitor	13
Medical Treatment Visitor	12
Sports Visitor	11
Short-term Student Visitor	90
Visitor in Transit	23
Other (e.g. domestic workers, applications made under special concessions in the Immigration Rules)	51
Total	1,477

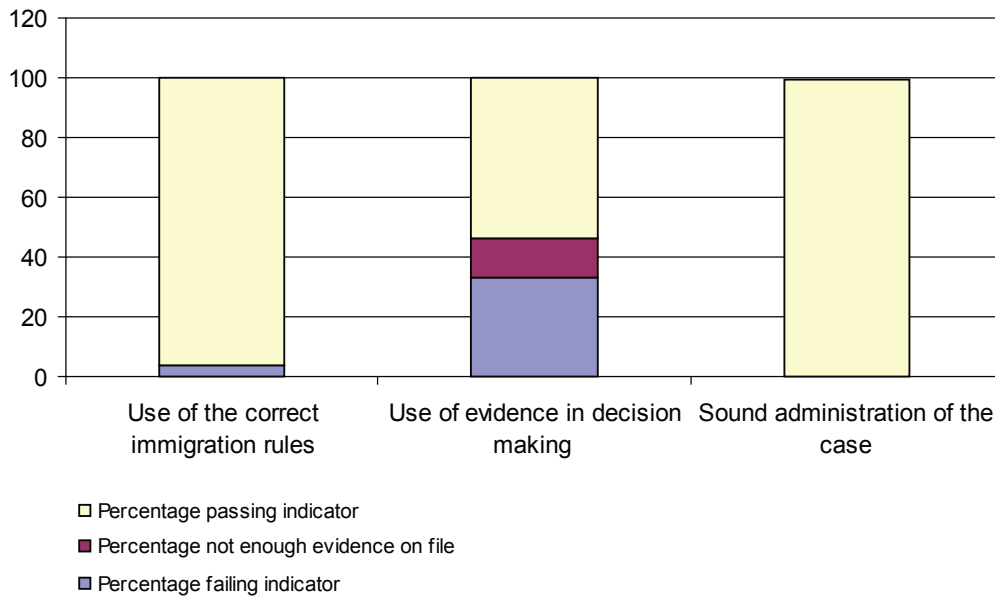
- 4.21 In nine posts¹² (11% of the posts) and 761 cases (52% of the sample) we did not identify any decision-making quality issues. However, our case analysis identified issues relating to the quality of decision-making in the remaining 72 posts (89% of the posts), affecting 515 cases (35% of the sample), which failed one or more decision-making quality indicator. In addition, in a further 201 cases (14%¹³ of the sample), we were unable to assess decision-making quality because insufficient evidence had been retained on file. The percentage of cases failing each decision-making quality indicator is illustrated in Figure 7.

Our case analysis identified issues relating to the quality of decision-making in the remaining 72 posts (89% of the posts), affecting 515 cases (35% of the sample), which failed one or more decision-making quality indicator.

¹² Belgrade, Bucharest, Copenhagen, Dusseldorf, Geneva, Havana, Port Louis, Rabat and Taipei.

¹³ Percentage figures do not add up to 100 due to presentation to one decimal place.

Figure 7: Indicators of decision-making quality



Note: Each case file is assessed against both indicators and can fail against more than one indicator.

4.22 Figure 8 provides a regional level breakdown of the cases that failed one or more decision-making quality indicator.

Figure 8: Regional breakdown of cases that were not assessed against the correct Immigration Rules or failed one or more decision quality indicator

REGION	Incorrect Immigration Rules used		Use of evidence	
	No of cases	Percentage failing indicator	No of cases	Percentage failing indicator
Africa	21	5%	145	37%
Americas	2	3%	11	15%
Asia Pacific	3	2%	52	34%
EuroMed	23	5%	123	27%
Gulf, Iran and Pakistan	3	1%	120	50%
South Asia	7	4%	32	19%
Total	59	4%	483	33%

Note: Each case file is assessed against both indicators and can fail against more than one indicator.

4.23 Appendix 5 provides a more detailed breakdown of the number of cases in each post that failed each decision-making quality indicator.

Use of the Correct Immigration Rules

- 4.24 In 50 decision-making posts (62% of the posts) we found applications were assessed against the correct Immigration Rules. However, this was not the case in the remaining 32 decision-making posts (40% of the posts), where we found 59 cases (4% of the sample) had not been assessed according to the correct Immigration Rules. Typically this included applications which were assessed as General Visitors under paragraph 41, when applicants were in fact Business Visitors and should have been assessed under paragraph 46.
- 4.25 The poorest-performing regions as a percentage of case files assessed were Africa and EuroMed. In each of these regions we identified that 5% of their respective sample had not been assessed against the correct Immigration Rules.
- 4.26 The poorest-performing post as a percentage of case files assessed was Colombo. However, only two files were sampled from this post, with one being assessed against the wrong Immigration Rules. The second poorest-performing post as a percentage of case files assessed was Moscow, where we identified five applications (7% of the sample from Moscow) which had not been assessed against the correct Immigration Rules.

Use of evidence in decision-making

Failure to retain sufficient documentation

- 4.27 In 201 of the cases we examined (14% of the sample), the supporting evidence submitted by the applicant was not retained with the case file. This made it difficult, if not impossible in some cases, for us to assess whether the refusal decision was appropriately informed by the information supplied by the applicant.
- 4.28 Appendix 6 provides a detailed breakdown of the number of cases in each region and each post where insufficient documentation was retained on file.
- 4.29 The poorest-performing region was South Asia, where we found insufficient documentation had been retained on file in 84 cases (49% of the sample from South Asia). Figures 9 and 10 detail the poorest-performing posts:
- by the number of cases in each post failing this indicator; and
 - as a percentage of cases in each post failing this indicator.

In 201 of the cases we examined (14% of the sample), the supporting evidence submitted by the applicant was not retained with the case file.

Figure 9: Insufficient documentation retained on file – poorest-performing post by volume

Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Mumbai	47	71%
Lagos	36	20%
Chennai	19	49%
New Delhi	17	33%
Abu Dhabi	13	8%

Figure 10: Insufficient documentation retained on file – poorest-performing post as a percentage of case files sampled

Post	Percentage of cases failing this indicator	Number of cases failing this indicator
Algiers	100%	8
Mumbai	71%	47
Islamabad	60%	3
Tirana	50%	2
Chennai	49%	19

4.30 Failure to retain sufficient documentation was a particular issue in Algiers, where we found no documentation had been retained on any of the case files we reviewed. This was also a significant issue in Mumbai, where documentation was only retained in cases where the applicant was refused entry clearance under paragraph 320 7(A) or 320 7(B)¹⁴. While we agree that it is important to retain documentation in cases that are refused under paragraph 320, owing to the impact of a refusal on these grounds, we believe that the retention of relevant supporting documentation is necessary in all cases, to:

- support effective audit trails with regard to decision-making;
- support internal quality and external audit mechanisms; and
- maintain public confidence in the immigration system.

4.31 The Independent Monitor stressed, in her last global file-sampling report, the importance of retaining sufficient documentation on file and recommended that the UK Border Agency remind staff of the requirement to retain copies of all relevant supporting documents on file. We have also commented on the Agency's failure to retain copies of documentation in our inspection report on the visa section in Abuja, and made recommendations about this in our inspection reports on the visa sections in Guangzhou, Amman and Istanbul¹⁵.

4.32 Each time, the UK Border Agency has accepted this recommendation. In response to the Independent Monitor's findings and our previous reports, the Agency issued guidance in November 2009 instructing entry clearance staff to retain any document that was relevant to the decision. This guidance pre-dated the majority of our file sample. Our findings indicate that in many cases, entry clearance staff were failing to comply with this instruction and we believe the Agency must now take immediate action to ensure that its staff comply with this guidance. In light of our findings during this inspection, we make a similar recommendation here.

The Agency issued guidance in November 2009 instructing entry clearance staff to retain any document that was relevant to the decision. Our findings indicate that in many cases, entry clearance staff were failing to comply with this instruction.

We recommend that the UK Border Agency:

- Acts immediately to ensure that supporting documents relevant to entry clearance decisions are retained on file, to provide a transparent decision-making process.

¹⁴ Paragraph 320 7(A) of the Immigration Rules requires that applicants must be refused entry clearance if false representations or documents are used or material facts are not disclosed in making a visa application. Paragraph 320 7(B) requires that applicants must be refused entry clearance if they have previously breached the Immigration Rules.

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

4.33 Following our most recent recommendations on this issue in our inspection reports on Amman and Istanbul, the Agency published further guidance to entry clearance staff, instructing them that they must retain copies of supporting documents that are directly relevant to the decision. This further guidance post-dated the period of our global file sample, and we will continue to monitor this issue closely in future inspections.

Use of evidence – overview

4.34 In 793 cases (54% of the sample) we found that evidence had been considered appropriately by Entry Clearance Officers as part of the decision-making process.

4.35 In these cases, we found careful examination of evidence and information provided by the applicant resulted in well-evidenced decision-making, for example through:

- consideration of all the evidence presented, including close attention to detail; for example, in examining bank statements;
- noticing inconsistencies / contradictions in the material submitted, casting doubt on the validity of the application;
- noticing inconsistencies / direct contradictions with evidence presented in previous applications;
- spotting the failure to disclose key information, such as previous entry clearance refusals;
- undertaking additional checks to verify information; for example, checks with other foreign embassies / consulates;
- careful assessment of the credibility of the visit intention; and
- careful application of 320 Paragraph 7(A) in line with guidance.

4.36 Examples of this are illustrated in Figures 11 and 12.

Figure 11: Case study – positive aspects of decision-making in Hanoi

The applicant:

- submitted an application for entry clearance as a General Visitor on 14 May 2010 to visit friends in the UK with the following supporting documentation: i) employment contract; ii) application for annual leave; iii) letter from UK sponsor;
- was refused entry clearance on 9 June 2010 because:
 - no evidence of finances was submitted
 - the Entry Clearance Officer identified discrepancies surrounding the applicants employment; and
 - further investigations / checks carried out by an Entry Clearance Assistant failed to confirm the applicant's employment.

Chief Inspector's comments:

- A detailed report summarising the checks conducted by the Entry Clearance Assistant had been completed and retained on file, which provided evidence of a fair and transparent decision-making process.
- The report was clear and evidenced the attention to detail that the Entry Clearance Assistant had demonstrated. It focused solely on the evidence and helped the Entry Clearance Officer to prepare a well-evidenced refusal notice.

Figure 12: Case study – positive aspects of decision-making in Lagos

The applicant:

- submitted an application for entry clearance as a General Visitor on 23 February 2010 to visit a friend in the UK;
- was refused entry clearance on 1 March 2010 under paragraph 320 7(A):
 - owing to discrepancies regarding their marital status, identified by the Entry Clearance Officer following an interview with the UK sponsor; and
 - for submitting a forged bank statement

Chief Inspector's comments

- This was a good example of an interview being conducted with a UK sponsor, which enabled the Entry Clearance Officer to check their suspicions about the applicant's marital status.
- This case provided a good example of the use of additional checks, which were carried out on the bank statement despite the fact the Entry Clearance Officer already had strong grounds for refusing the application.
- This case provides good evidence of the UK Border Agency ensuring the correct procedures are followed and the appropriate penalties imposed on applicants who attempt to abuse the immigration system.

- 4.37 These cases illustrate positive examples of the use of evidence in decision-making. However, in a third of the cases we sampled (483 cases – 33% of the sample), we identified errors in the way in which evidence was assessed by Entry Clearance Officers. In 135 of these cases (9% of the sample), we were concerned that these errors undermined the basis on which decisions were taken to refuse entry clearance.
- 4.38 The poorest-performing region based on the percentage of errors identified was Gulf, Iran and Pakistan, where we identified errors in the way evidence was assessed in half the cases we examined (120 cases – 50% of the sample from Gulf, Iran and Pakistan). In comparison, the Americas region performed much better with only 11 cases (15% of the sample from the Americas) in which we found evidence had not been appropriately assessed by Entry Clearance Officers.
- 4.39 In 18 decision-making posts we found that evidence was consistently assessed properly by Entry Clearance Officers. However, this was not the case in the remaining 63 decision-making posts. Figures 13 and 14 detail the poorest-performing posts:
- by the number of cases in each post failing this indicator; and
 - as a percentage of cases in each post failing this indicator.

Figure 13: Use of evidence – poorest-performing posts by volume

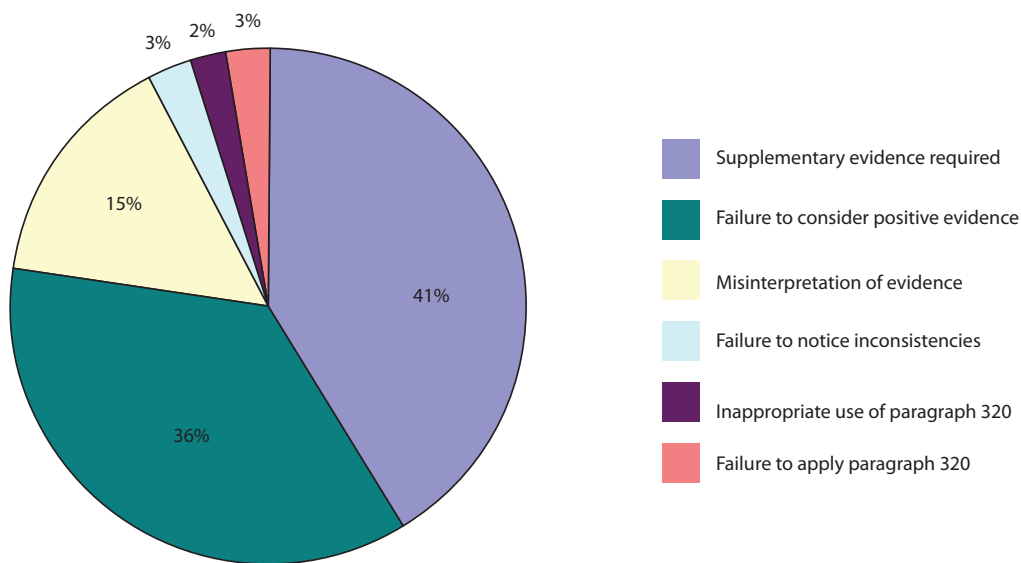
Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Abu Dhabi	93	58%
Lagos	73	41%
Abuja	36	47%
Moscow	26	38%
New Delhi	19	37%

Figure 14: Use of evidence – poorest-performing posts as a percentage of case files sampled

Post	Percentage of cases failing this indicator	Number of cases failing this indicator
Muscat	75%	6
UK Hub	70%	14
Beijing	65%	15
Tbilisi	63%	5
Abu Dhabi	58%	93

4.40 Figure 15 provides a breakdown of cases failing each of the use of evidence quality indicators.

Figure 15: Use of evidence quality indicators



Application of additional information requirements

4.41 In 235 cases (16% of the sample and 49% of the cases where errors in the use of evidence were identified), we found that Entry Clearance Officers refused applications because applicants had failed to provide information that was not set out in the published guidance. Applicants would therefore not have been aware this evidence was required at the time of making their applications. In 82 (35% of these cases), we considered that the errors in regard to the assessment of evidence undermined the basis on which decisions were taken to refuse entry clearance.

In 235 cases (16% of the sample and 49% of the cases where errors in the use of evidence were identified), we found that Entry Clearance Officers refused applications because applicants had failed to provide information that was not set out in the published guidance.

4.42 Examples of the types of additional information that was used to refuse applicants included requirements for applicants to:

- demonstrate the origin of funds in a bank account;
- demonstrate evidence of a subsisting relationship with their UK sponsor; and
- provide additional evidence of employment / funds over and above the documents applicants were advised to submit.

4.43 Appendix 7 sets out the number of cases in each post and each region where additional information was required, which applicants could not have been aware of at the time of submitting their applications and were given no subsequent opportunity to submit. The poorest-performing region based on the percentage of errors identified was Gulf, Iran and Pakistan, where we identified 65 cases where additional information was required (27% of the cases from Gulf, Iran and Pakistan).

4.44 Figures 16 and 17 detail the poorest-performing posts:

- by the number of cases in each post failing this indicator; and
- as a percentage of cases in each post failing this indicator.

Figure 16: Additional information requirements – poorest-performing post by volume

Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Abu Dhabi	54	34%
Lagos	42	23%
Abuja	14	18%
Moscow	11	48%
New Delhi	10	33%

Figure 17: Additional information requirements – poorest-performing post as a percentage

Post	Percentage of cases failing this indicator	Number of cases failing this indicator
Skopje	50%	3
Beijing	48%	11
Chisinau	38%	3
Tbilisi	38%	3
Abu Dhabi	34%	54

4.45 Some examples we identified from our file sample, where additional information requirements were made, are illustrated in the case study in Figure 18.

Figure 18: Case study – additional information requirements in various posts

Case study 1 – Abu Dhabi

The applicant:

- submitted a General Visitor application on 4 May 2010 with supporting documents including: i) a bank statement; ii) a letter from their parents explaining they had recently deposited funds into the applicants account for the trip;
- was refused entry clearance on 6 May 2010 for failing to submit their parents' bank statements as evidence that the funds came from their account.

Chief Inspector's comments:

- There was no requirement at the time when the application was made to evidence the origin of funds. However, in this case the applicant had sought to provide this evidence, by way of his parents' supporting letter, and an even higher evidential threshold was imposed (parents' bank statements).
- While we understand why the Entry Clearance Officer might want to establish that funds are genuinely available, we believe it is important that applicants are provided with an opportunity to meet any such additional requirements if the application process is to be seen as fair and equitable.

Case study 2 – Lagos

The applicant:

- was a self employed business person who submitted a General Visitor application on 10 July 2009 with supporting documents including: i) personal bank statement with a closing balance of £600; ii) business bank statement with a closing balance of over £100,000;
- was refused entry clearance on 18 August 2009 because the Entry Clearance Officer did not believe they had demonstrated evidence of earnings from self-employment.

Chief Inspector's comments:

- The business bank statement was accompanied by a letter signed by the other directors within the applicant's company, naming the applicant as the managing director and confirming that all costs of the visit would be paid for by the company. It is therefore not clear why the business bank statement was not accepted as evidence of earnings.

Figure 18: Case study – additional information requirements in various posts

Case study 3 – Beijing

The applicant:

- was head of their company's foreign trade department;
- submitted a Business Visitor application on 25 September 2009 to attend a conference in the UK with the following evidence: i) company tax certificates and business licences; ii) an employment letter confirming their position, salary, details of the conference and that all expenses were funded by the company;
- was refused entry clearance for failure to provide independent evidence of income and evidence that the company had previously traded overseas.

Chief Inspector's comments:

- There is no requirement that a company show evidence of overseas trading, and in this case the fact the applicant was head of the foreign trade department provided some evidence of this in any event.

Case study 4 – Bangkok:

The applicant:

- submitted a General Visitor application on 13 November 2009, to visit their partner in the UK, with supporting documents including i) evidence of their sponsor's financial circumstances; ii) a letter from their sponsor describing their relationship;
- was refused entry clearance on 18 November 2009 with one of the grounds for refusal cited as failure to demonstrate a subsisting relationship with their sponsor.

Chief Inspector's comments:

- There is no requirement in the Immigration Rules for General Visitors to demonstrate a subsisting relationship with their sponsor.

- 4.46 Although Bangkok was not one of the poorest-performing posts where additional information requirements were made (we identified six cases – 27% of the sample from Bangkok), the case study at Figure 18 illustrates a recurring finding in Bangkok, where Entry Clearance Officers regularly refused applications on the grounds that an applicant had failed to demonstrate a subsisting relationship with their sponsor in the UK. This is not a requirement for General Visitors under the Immigration Rules, nor was it cited as a requirement in the visitor guidance published by the UK Border Agency.
- 4.47 These applicants would not therefore have been aware that they needed to provide this evidence at the time they made their applications. Citing this as a reason for refusal was therefore unfair, as applicants were not:
- informed of this requirement at the time they applied; or
 - given any opportunity to provide this additional information at the time it was imposed during the decision-making process.
- 4.48 Our global file-sampling findings in relation to the imposition of additional information requirements also supported the findings made during our previous inspection of the visa section in Abu Dhabi / Islamabad¹⁶. This inspection identified inconsistent approaches being taken with regard

¹⁶ This inspection report can be found on the Independent Chief Inspector's website at: <http://icinspector.independent.gov.uk/inspections/inspection>

to the weight attached to evidence by Entry Clearance Officers, depending on the nationality of the applicant. We found that applicants from Gulf Cooperation Council countries¹⁷, who provided limited evidence to support their applications, were treated more favourably and granted entry clearance, whereas applicants from Pakistan were subjected to higher evidential requirements, which were not made clear to them at the time they made their applications. We also found that applicants from Pakistan were being refused for not providing enough information, even when such evidence was not stipulated as a requirement in the guidance issued by the UK Border Agency. At this time we reported the UK Border Agency may have been discriminating unlawfully in favour of Gulf Cooperation Council customers and against Pakistanis.

- 4.49 As the global file-sampling inspection only focused on refusal decisions, it was not possible to assess the extent to which this was true of our global file sample of cases from Abu Dhabi. However, we did find that our sample from Abu Dhabi included 110 (69%) applicants from Pakistan, and additional information requirements had been made in 37 (24%) of these cases.
- 4.50 The case study in Figure 19 illustrates an example of a case from Abu Dhabi involving an applicant from Pakistan, in which a number of additional information requirements were imposed during the decision-making process.

Figure 19: Case study – additional information requirements in Abu Dhabi

The applicant:

- submitted a General Visitor application on 22 June 2009 with the supporting documentation including: i) bank statement; ii) letter from employer;
- was refused entry clearance on 26 August 2009 because the Entry Clearance Officer asserted that the applicant: i) failed to produce evidence of their earnings; ii) failed to demonstrate the provenance of funds crediting their account, which were considered to be inconsistent with the account history; iii) provided no evidence of their UK sponsor's ability to provide maintenance and accommodation; iv) failed to provide evidence of their personal circumstances.

Chief Inspector's comments:

- There is no requirement in the Immigration Rules to evidence the provenance of funds, and in this case large deposits in the applicant's account were consistent with the account history over a period of 18 months.
- Although the applicant stated they had a friend in the UK, they clearly indicated they would not be visiting this friend and would be funding the trip themselves; therefore evidence of their friend's ability to maintain and accommodate them was not required.
- The applicant evidenced long employment in Pakistan and indicated they had a spouse and two children in Pakistan and it was not clear why this had not been accepted as evidence of personal circumstances.
- This case called into question the overall effectiveness and fairness of decision-making because:
 - the necessary evidence was submitted by the applicant;
 - there was clear maladministration in the handling of the case, as a check conducted by the UK Border Agency confirmed that the applicant was employed as claimed and verified their salary, it is therefore not clear why the application was refused for failure to produce evidence of earnings; and
 - the applicant was subsequently granted entry clearance in November 2010 despite the fact there were no material changes in their circumstances or regarding the evidence submitted.

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

4.51 Our findings in relation to the global file sample are also supported by our more recent inspection reports on the visa sections in Amman (October 2010), Istanbul (November 2010) and New York (November 2011). In these inspection reports we asserted, (although it would depend on the circumstances in each case), that it was potentially unfair to refuse entry clearance on the basis of a failure to provide information, where it was not clear that it was required by the Agency at the time the applicant made their application. We asserted that, in such cases, applicants should be given an opportunity to provide that information. This practice made it difficult, if not impossible, for applicants to know how to prepare for and participate in the application process.

4.52 The need for decision-makers to observe due process and arrive at decisions in a procedurally 'fair' way is a fundamental principle of just decision-making which is recognised in common law: 'It is a feature of a fair procedure or of a decision-making process that the person affected by it will know in advance how it will operate and so how to prepare for it and participate in it' (extract from Judge Over Your Shoulder, 2006, published by Treasury Solicitors¹⁸). Where the UK Border Agency requires further information from an applicant in order to make a decision and it is not clear from the Immigration Rules or from the published guidance that that information would be required by the applicant when making their application, we believe that it is potentially unfair and contrary to that principle for the Agency to refuse the application on the grounds that that information was not provided. It is important that the Agency adheres to this principle when making decisions, as failure to act in a manner that is procedurally fair could lay decisions open to the risk of legal challenge.

The need for decision-makers to observe due process and arrive at decisions in a procedurally 'fair' way is a fundamental principle of just decision-making which is recognised in common law.

4.53 Similar findings were also apparent while assessing files from the visa section in Amman during this inspection, and we found seven cases (28% of the sample from Amman) where additional information requirements had been made. One of these cases is illustrated in the case study in Figure 20.

Figure 20: Case study – additional information requirements in Amman

The applicant:

- submitted a General Visitor application on 6 April 2010 to visit the UK with their child and spouse (who was also the financial sponsor) with supporting documents including: i) their financial sponsor's bank statements; ii) property deeds; iii) evidence of previous travel to the UK;
- was refused entry clearance on 8 April 2010 because the Entry Clearance Officer asserted the applicant: i) failed to provide sufficient evidence of their financial sponsor's employment, business or income; ii) failed to provide evidence of the origin of funds in their financial sponsor's bank account.

Chief Inspector's comments:

- There was no requirement at the time the applicant applied to evidence the origin of funds and in this case the applicant submitted evidence to show they had sufficient funds to pay for the visit.
- This case called into question the overall effectiveness and fairness of decision-making because:
 - the necessary evidence was submitted by the applicant; and
 - the applicant had returned to Amman after a previous visit to the UK in May 2009.

18 http://www.tsol.gov.uk/Publications/Scheme_Publications/judge.pdf

- 4.54 As with the case study in Figure 20, during our inspection of the Amman visa section we found that Entry Clearance Officers were, in some circumstances, refusing applications for failure to produce specific evidence, when applicants had adhered to guidance published on the UK Border Agency website, and contained in the visa application form, and had submitted all the documents the UK Border Agency advised applicants to submit. At this time we recommended that the UK Border Agency give applicants the opportunity to submit any additional information in cases where they had followed published guidance and Entry Clearance Officers required further information to support the decision-making process. The Agency noted our recommendation, but asserted that it was not practicable to allow applicants to submit additional evidence during the consideration process in every case.
- 4.55 We acknowledge the potential difficulties for the Agency in adopting this approach, and fully accept that, where the applicant has failed to produce evidence, when it was clear from the immigration rules and/or guidance such evidence would be required (i.e. the applicant has produced insufficient evidence), it is not incumbent on the Agency to provide them with a further opportunity to provide such evidence. However, we maintain our view that, in cases where applicants have followed published guidance but entry clearance staff require further information to make a decision, applicants should be given an opportunity to provide this information prior to the refusal of their application. Otherwise, the decision to refuse is potentially unfair.
- 4.56 A good example of this in practice is depicted in the case study in Figure 21. This illustrates a case where an applicant was given an opportunity to provide additional information, prior to the refusal of their application for entry clearance.

Figure 21: Case study – good practice in giving applicants an opportunity to meet additional information requirements in Ottawa

The applicant:

- applied for entry clearance as a General Visitor on 13 September 2009 to attend their daughter’s wedding;
- stated that their daughter was a Canadian national, who intended to get married in the UK.

The UK Border Agency:

- could find no evidence that the applicant’s daughter had applied for a UK Marriage visa;
- contacted the applicant and asked for evidence that their daughter had applied for a Marriage visa;
- also gave the applicant an opportunity to provide additional evidence of funds;
- refused the application for entry clearance on 26 October 2009 because the applicant failed to provide the additional evidence that was requested.

Chief Inspector’s comments:

- This case illustrates good practice in allowing applicants to meet requirements they would not have been aware of at the time the application was made.

- 4.57 We consider this represents a fairer approach to decision-making in cases where additional information / evidence is required. In such cases, we believe that there is a clear responsibility on the Agency to provide applicants with an opportunity to meet the higher evidential burden they are being placed under, to ensure a fair and consistent process. We therefore reiterate the substance of our earlier recommendation from Amman.

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.

Failure to consider positive evidence

- 4.58 In 211 of the cases we assessed (14% of the sample) we found that Entry Clearance Officers had failed to properly consider all of the positive evidence submitted by applicants in support of their application. In these cases, refusal notices stated that applicants had failed to submit evidence to demonstrate that they met particular requirements of the Immigration Rules; for example, evidence of income or employment. However, we found that this evidence had in fact been submitted. In 84 of these cases (40% of the cases where the Entry Clearance Officer failed to consider all of the positive evidence) we were concerned that these errors undermined the basis on which decisions were taken to refuse entry clearance.
- 4.59 Appendix 8 sets out the number of cases in each post and each region where we found that Entry Clearance Officers had failed to properly consider all of the positive evidence submitted by applicants. The poorest-performing region based on the percentage of case files sampled was Gulf, Iran and Pakistan, where we found 65 cases (27% of the cases from Gulf, Iran and Pakistan) where evidence supplied by applicants had not been properly considered.
- 4.60 Figures 22 and 23 detail the poorest-performing posts:
- by the number of cases in each post failing this indicator; and
 - as a percentage of cases in each post failing this indicator.

Figure 22: Failure to consider all positive evidence – poorest-performing post by volume

Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Abu Dhabi	50	31%
Abuja	24	32%
Lagos	20	11%
Moscow	13	19%
New Delhi	11	22%

Figure 23: Failure to consider all positive evidence – poorest-performing post as a percentage

Post	Percentage of cases failing this indicator	Number of cases failing this indicator
Muscat	50%	4
Suva	50%	3
Chisinau	38%	3
Sarajevo	38%	3
Abuja	32%	24

- 4.61 Some examples of cases from these posts, where positive evidence was not properly considered by an Entry Clearance Officer, are illustrated in the case study in Figure 24.

Figure 24: Case study – failure to consider positive evidence in various posts

Case study 1 – Suva

The applicant:

- submitted a General Visitor application on 20 July 2009 to attend a church gathering in the UK with supporting documentation which included an employment letter;
- was refused entry clearance on 22 July 2009 with one of the grounds for refusal cited as a failure to provide evidence of their employment status.

Chief Inspector's comments:

- The Entry Clearance Officer failed to consider the fact that an employment letter was submitted, as the refusal notice did not make reference to this piece of evidence – nor did it set out why the letter was not considered sufficient evidence of the applicant's employment status.

Case study 2 – Abu Dhabi

The applicant:

- submitted a General Visitor application on 9 June 2009 with supporting documentation which included: i) an employment letter; ii) bank statements; iii) tax returns;
- was refused entry clearance on 2 July 2009 because the Entry Clearance Officer asserted that the applicant had no employment, studies or dependents and had therefore failed to provide evidence of intention to leave the UK as required under the Immigration Rules.

Chief Inspector's comments:

- The applicant stated their occupation in the visa application form and submitted an employment letter to support this. The applicant also stated that they had four children in their home country. This information and positive evidence was not considered by the Entry Clearance Officer, as the refusal notice made no mention of the evidence submitted – nor did it set out why the evidence was not deemed sufficient.

Case study 3 – Muscat

The applicant:

- submitted a Business Visitor application on 14 December 2009 with the following supporting documentation: i) bank statement; ii) employment letter; iii) letter of invitation from UK sponsor;
- was refused entry clearance on 16 December 2009 with the Entry Clearance Officer asserting the applicant's salary was not reflected in their bank statement as one of the grounds for refusal.

Chief Inspector's comments:

- This case illustrates an example of an Entry Clearance Officer failing to properly consider all the positive evidence, because the applicant's salary could be seen crediting their bank account each month.

4.62 In all three cases, Entry Clearance Officers made statements in the refusal notice relating to the omission of evidence by an applicant, which we found to be untrue.

4.63 Although we sampled only eight cases from Muscat, we found positive evidence was disregarded in half of these cases. This was in keeping with our overall assessment of cases from Muscat, where we identified evidence of poor quality decision-making in six (75% of the sample from Muscat) of the cases we assessed.

- 4.64 The case study in Figure 25 also illustrates a case where an Entry Clearance Officer failed to properly consider all of the positive evidence when assessing the application.

Figure 25: Case study – failure to consider positive evidence in Lagos

The applicant:

- submitted a Business Visitor application on 17 July 2009 with the following supporting documentation: i) letter from employer; ii) payslips; iii) bank statement;
- was refused entry clearance on 23 July 2009 because the Entry Clearance Officer was not satisfied their income was as claimed.

Chief Inspector's comments:

- This case illustrates an example of an Entry Clearance Officer failing to consider all of the positive evidence, as a number of the credits made into the applicant's bank statement were commensurate with their claimed income.
- This case called into question the overall effectiveness and fairness of decision-making because:
 - the necessary evidence was submitted by the applicant; and
 - the applicant's employer confirmed that they would bear all the costs of the visit, therefore it is unclear why an employment letter was not considered satisfactory evidence of personal circumstances, especially as the UK Border Agency website suggests this as evidence of an applicant's intention to leave the UK.

- 4.65 The case studies in Figures 24 and 25 clearly illustrate examples where Entry Clearance Officers either did not notice or chose to disregard important evidence. We believe that this unfairly disadvantaged applicants who had submitted the necessary evidence. We believe that it is important for Entry Clearance Officers to fully consider all of the evidence submitted by an applicant, to ensure that the decision-making process is effective and fair.

Misinterpretation of evidence

- 4.66 In 85 of the cases we assessed (6% of the sample) we found that Entry Clearance Officers had misinterpreted the evidence submitted by applicants in support of their applications, to the detriment of the applicants. This commonly included cases where Entry Clearance Officers misinterpreted or misread evidence regarding the level of funds available for a visit.
- 4.67 In 29 of these cases (34% of the cases where evidence was misinterpreted by the Entry Clearance Officer) we were concerned that these errors undermined the basis on which decisions were taken to refuse entry clearance.
- 4.68 Appendix 9 sets out the number of cases in each post and each region where we found that Entry Clearance Officers had misinterpreted the evidence submitted by applicants. The poorest-performing region based on the percentage of case files sampled was Gulf, Iran and Pakistan, where we found this was the case in 23 cases (10% of the cases from Gulf, Iran and Pakistan). Figures 26 and 27 detail the poorest-performing posts:

- by the number of cases in each post failing this indicator; and
- as a percentage of cases in each post failing this indicator.

Figure 26: Misinterpretation of evidence – poorest-performing post by volume

Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Lagos	16	9%
Abu Dhabi	15	9%
New Delhi	5	10%
Moscow	4	6%

Figure 27: Misinterpretation of evidence – poorest-performing post as a percentage

Post	Percentage of cases failing this indicator	Number of cases failing this indicator
Doha	25%	2
Jakarta	25%	2
Reykjavik	25%	2
Tashkent	25%	2
Kuala Lumpur	22%	2

4.69 The case studies in Figure 28 illustrate examples of cases in some of these posts where evidence had been misinterpreted by Entry Clearance Officers.

Figure 28: Case study – misinterpretation of evidence in various posts

Case study 1 – Abu Dhabi

The applicant:

- was a self employed business person who applied for entry clearance on 18 August 2009 to visit the UK as a Business Visitor for seven days with supporting documentation, including a business bank statement as evidence their company could finance the visit;
- was refused entry clearance on 21 October 2009 because the Entry Clearance Officer was not satisfied the funds in the business bank account were available for anything other than running a business, and was therefore not satisfied funds were available for maintenance and accommodation.

Chief Inspector's comments:

- The Entry Clearance Officer misinterpreted the information and evidence submitted in support of the application.
- This was a business visit therefore it seems reasonable that funds in a business bank account would be used to fund the visit.
- The applicant submitted a letter from their company confirming funding for the visit, therefore the business bank statement should have been accepted as evidence of the company's ability to do so.

Case study 2 – Abu Dhabi

The applicant:

- submitted a General Visitor application on 23 February 2010 with supporting documentation including utility bills as evidence of their sponsor's ability to provide accommodation;
- was refused entry clearance on 9 March 2010 because the Entry Clearance Officer was not satisfied their sponsor had provided sufficient evidence to show they could assist with travel costs, support and accommodation.

Chief Inspector's comments:

- Although the applicant stated that their sponsor would provide accommodation in the UK, they also made it clear they would pay all other costs themselves. The Entry Clearance Officer misunderstood the information provided.

Case study 3 – Lagos

The applicant:

- submitted a General Visitor application on 10 July 2009 with supporting documentation which included a letter of support from their sponsor (spouse);
- was refused entry clearance on 16 July 2009 because: i) the Entry Clearance Officer had doubts concerning the credibility of the application; ii) the Entry Clearance Officer stated that the applicant's claim to have two children born two months apart was biologically impossible.

Chief Inspector's comments:

- The letter from the applicant's sponsor clearly stated that one of the two children named in the application was the applicant's stepdaughter. This information was clearly misinterpreted by the Entry Clearance Officer.

- 4.70 In all of these cases, there were other grounds for refusal, which meant we did not have concerns with the overall effectiveness of the decision. However, Entry Clearance Officers misinterpreted or misread evidence leading to inconsistent decision-making, which was unfair on applicants.
- 4.71 The case study in Figure 29 illustrates a case where evidence had been misinterpreted by an Entry Clearance Officer in Moscow. Although we identified only four cases from Moscow (6% of the sample from Moscow), where evidence had been misinterpreted by an Entry Clearance Officer, the case study below is a particularly poor example of this. In this case we were also concerned that the errors we identified undermined the basis on which a decision was taken to refuse entry clearance.

Figure 29: Case study – misinterpretation of evidence in Moscow

The applicant:

- submitted an application on 26 February 2010 to visit the UK as a Student Visitor for four weeks with the following supporting documentation: i) letter from school in the UK confirming the course fees, travel and accommodation had been paid in full; ii) employment letter; iii) letter from financial sponsor; iv) bank statements;
- was refused entry clearance on 2 March 2010 because the Entry Clearance Officer was not satisfied that: i) there had been any changes in the applicant's circumstances since their previous application, which was also refused; ii) the estimated costs for the visit were proportionate to the applicant's and sponsor's income; iii) the benefits of the applicant's proposed course of study were commensurate with the proposed expenditure; iv) the applicant had sufficient family and social ties to Moscow.

Chief Inspector's comments:

- The Entry Clearance Officer misinterpreted the information provided by the applicant, and incorrectly stated the cost of the trip was higher than the applicant had stated in their visa application form.
- The Refusal Notice stated that *some* course fees had been paid but the Entry Clearance Officer misinterpreted the evidence provided, as the letter from the school confirmed that course fees, flights and accommodation had been paid in full.
- This case called into question the overall effectiveness and fairness of decision-making because:
 - the applicant submitted sufficient evidence to address points made in a previous refusal notice;
 - the applicant submitted a bank statement showing sufficient funds were available for the visit and the letter from the UK school confirmed the visit had been paid for in full;
 - implicit value judgements were made regarding the applicants choice of school in the UK and their reasons for undertaking the course; and
 - it is not clear why the applicant's employment letter was not considered satisfactory evidence of their ties to Moscow and therefore intention to leave the UK at the end of the visit.

- 4.72 We believe it is important for Entry Clearance Officers to ensure that all evidence is properly interpreted, considered and understood in order to ensure that fair and consistent decisions are made. A crucial part of an Entry Clearance Officer's role relates to the proper interpretation of evidence. Failure to do this can lead to inconsistent, unfair and inaccurate decision-making.

Failure to notice inconsistencies

- 4.73 In 20 cases (1% of the sample) we found that Entry Clearance Officers had failed to notice inconsistencies or contradictions in the evidence submitted by applicants. This included inconsistencies between information provided by an applicant in their visa application form and in the supporting documents 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 believe it is important for Entry Clearance Officers to ensure that any inconsistencies are acknowledged, in order to fully assess an applicant's credibility and where appropriate, strengthen any grounds for refusal.
- 4.74 Appendix 10 sets out the number of cases in each post and each region where we found that Entry Clearance Officers had failed to notice inconsistencies in the information and evidence submitted by applicants. The poorest-performing region, based on the percentage of case files sampled, was Gulf, Iran and Pakistan, where we found that this had occurred in six cases (3% of the cases from Gulf, Iran and Pakistan).
- 4.75 Figures 30 and 31 detail the poorest-performing posts:
- by the number of cases in each post failing this indicator; and
 - as a percentage of cases in each post failing this indicator.

Figure 30: Failure to notice inconsistencies – poorest-performing post by volume

Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Abu Dhabi	5	3%
Abuja	2	3%
Moscow	2	3%

Figure 31: Failure to notice inconsistencies – poorest-performing post as a percentage

Post	Percentage of cases failing this indicator	Number of cases failing this indicator
Almaty	13%	1
Muscat	13%	1
Tashkent	13%	1
Tehran	13%	1

- 4.76 The case study in Figure 32 illustrates an example of a case where the Entry Clearance Officer failed to notice inconsistencies in the information and evidence submitted by the applicant.

Figure 32: Case study – failure to notice inconsistencies in Moscow

The applicant:

- submitted an application on 1 December 2009 to visit the UK as a General Visitor for 10 days;
- was refused entry clearance on 11 December 2009 for failure to submit original supporting documents.

Chief Inspector's comments:

- The Entry Clearance Officer failed to notice that details of the applicant's earnings stated in their application form were inconsistent with salary details reflected in their tax statement.
- Although there were other grounds for refusal in this case, this inconsistency undermined the credibility of the application and should therefore have been noted as grounds for refusal in the refusal notice.

Inappropriate use of paragraph 320 7(A) and 320 7(B)

- 4.77 Paragraph 320 7(A) and 320 7(B) of the Immigration Rules sets out some of the grounds for refusal of entry clearance to the UK. As part of our assessment under inspection criterion number two, we looked at how effectively the Agency prevented, detected and investigated immigration offences using paragraph 320¹⁹ of the Immigration Rules.
- 4.78 Paragraph 320 7(A) of the Immigration Rules requires that applicants must be refused entry clearance if false representations or documents are used or material facts are not disclosed in making a visa application. Refusal in accordance with this paragraph carries a prohibition of up to 10 years in respect of entry clearance to the UK and requires a higher burden of proof for refusal on such grounds.
- 4.79 Paragraph 320 7(B) of the Immigration Rules requires that applicants must be refused entry clearance if they have previously breached the Immigration Rules. For example, by entering the UK illegally, staying in the UK beyond the period of leave issued to them or using deception in an application for entry clearance.
- 4.80 We identified 11 cases (less than 1% of the sample) where paragraph 320 had been applied when it was not appropriate to do so. The table in Figure 33 provides a post-level breakdown of these cases.

Figure 33: Inappropriate application of paragraph 320

Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Chongqing	2	25%
Freetown	1	17%
Muscat	1	13%
Paris	2	9%
Accra	1	3%
Abu Dhabi	3	2%
Lagos	1	1%

¹⁹ Paragraph 320 covers various general grounds for refusal of entry clearance. This report only looked at paragraph 320 7(A) and 320 7(B).

- 4.81 The poorest-performing post as a percentage of case files sampled was Chongqing, where two cases (25% of the sample from Chongqing) were refused under paragraph 320 when it was not appropriate to do so.
- 4.82 In three cases which were refused under paragraph 320 when it was not appropriate to do so, we had concerns regarding whether the decision to refuse entry clearance was correct. The case study in Figure 34 illustrates one such case.

Figure 34: Case study – inappropriate application of paragraph 320 7(A) in Paris

The applicant:

- submitted a General Visitor application on 28 April 2010 with supporting documentation including: i) invitation letter from their UK sponsor; ii) bank statements; iii) employment letter; iv) payslips;
- was refused entry clearance on 6 May 2010 under paragraph 320 7(A) for failure to declare a previous refusal of entry clearance to the UK.

Chief Inspector's comments:

- This was an inappropriate refusal under paragraph 320 7(A).
- The previous refusal was recorded in the applicant's current passport; therefore, the Entry Clearance Officer would have seen this at the time the evidence was considered.
- This case called into question the overall effectiveness of decision-making because the Entry Clearance Officer noted that the applicant had submitted sufficient evidence of employment and accommodation in the UK, and there were no additional grounds for refusal.
- The case was reviewed by an Entry Clearance Manager who should have identified this mistake.

- 4.83 Guidance in place from 20 November 2009 stated that where it appeared that an applicant had made an innocent mistake in failing to declare a previous entry clearance refusal, paragraph 320 should not be applied. This guidance indicated that an innocent mistake would include cases where applicants had ticked a box on the application form to indicate that they had not been refused entry clearance before, but their passport, submitted with the application, showed that entry clearance had previously been refused. In all such cases Entry Clearance Officers were instructed to treat the applicant's failure to tick the correct box on the application form as an innocent mistake.
- 4.84 The case study in Figure 34 illustrates an example of an innocent mistake. In this case, and seven other cases we assessed, applicants were refused entry clearance for failing to declare a previous entry clearance refusal. However, in all eight cases their refusals should have been recorded in their passports, which were submitted with their visa applications. We were particularly concerned to find that, in the case study case, the Entry Clearance Manager had failed to identify this error when reviewing the case. The effectiveness of Entry Clearance Managers' reviews is assessed in more detail later in this report.
- 4.85 Our assessment of paragraph 320 cases also highlighted four cases that were not reviewed by an Entry Clearance Manager. UK Border Agency guidance in place at the time of this inspection required Entry Clearance Managers to review all refusal decisions under paragraph 320. We believe that Entry Clearance Manager reviews are important in ensuring that entry clearance decisions are accurate, fair and support consistent decision-making. This is particularly important in cases that are refused under paragraph 320, owing to the severity of the penalties imposed on applicants refused entry clearance on these grounds.

Failure to apply paragraph 320

4.86 We identified 17 cases (less than 1% of the sample) in which Entry Clearance Officers had failed to apply paragraph 320 when it was appropriate to do so. For example, failing to notice that an applicant had previously been refused under paragraph 320 7(A), which warranted a refusal under paragraph 320 7(B). Figure 35 provides a post-level breakdown of these cases.

Figure 35: Failure to apply paragraph 320		
Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Chongqing	1	13%
Lusaka	1	13%
Reykjavik	1	13%
UK Hub	2	10%
Shanghai	1	8%
Paris	1	5%
Istanbul	1	4%
Abuja	2	3%
Lagos	3	2%
Mumbai	1	2%
Moscow	1	1%
Abu Dhabi	2	1%

4.87 Figure 36 illustrates examples of some of these cases.

Figure 36: Case study – failure to apply paragraph 320 in various posts

Case study 1 – Lagos

The applicant:

- submitted an application on 7 December 2009, to visit the UK as a General Visitor;
- was refused entry clearance on 23 December 2009 because a number of unexplained recent large deposits could be seen crediting their bank account.

Chief Inspector's comments:

- Notes on the Agency's case-working IT system show that the Entry Clearance Officer acknowledged the fact that the applicant failed to declare a previous refusal for entry clearance in 2008 and provided a different date of birth when applying for entry clearance in 2008.
- The Entry Clearance Officer recognised that deception had been used in the application, but did not mention this in the refusal notice and failed to apply paragraph 320 7(A) accordingly.

Case study 2 – Abuja

The applicant:

- submitted a General Visitor application on 3 December 2009;
- was refused entry clearance on 8 December 2009 because checks conducted with a hotel in the UK confirmed their hotel reservation had been cancelled as their credit card was declined.

Chief Inspector's comments:

- Notes on the Agency's case-working IT system indicate that the hotel confirmed the applicant attempted to make the reservation using a fraudulent credit card; therefore paragraph 320 7(A) should have been applied.

Case study 3 – Shanghai

The applicant:

- submitted a General Visitor application on 11 September 2009;
- was refused entry clearance on 24 September 2009 because checks carried out by the Agency revealed that they were not employed as claimed.

Chief Inspector's comments:

- The applicant in this case made false representations about their employment, therefore the application should have been refused under paragraph 320 7(A).

4.88 Failure to apply paragraph 320 in cases where it is appropriate to do so means that applicants who have previously sought to circumvent the immigration system may subsequently be granted entry clearance, when they should in fact have been subject to an automatic refusal. For example, in the Abuja case study in Figure 36, the applicant was subsequently granted entry clearance. This would not have happened had they have been correctly refused under paragraph 320, as the subsequent application would have automatically been refused under paragraph 320 7(B).

4.89 The case study in Figure 37 illustrates a particularly concerning case from Lagos, where the Entry Clearance Officer failed to apply paragraph 320.

Figure 37: Case study – failure to apply paragraph 320 in Lagos

The applicant:

- was an adult who submitted a General Visitor application on 15 June 2010;
- was refused entry clearance on 28 June 2010 because: i) the Entry Clearance Officer incorrectly assessed the applicant as a Child Visitor and was not satisfied suitable arrangements had been made for their reception and care in the UK; ii) the bank statement submitted as evidence of funds was found to be a forged document.

Chief Inspector's comments:

- The Entry Clearance Officer incorrectly assessed the applicant as a Child Visitor.
- The Entry Clearance Officer acknowledged the fact that the applicant had submitted a forged document, and it is not clear why the applicant was not refused under paragraph 3207(A).
- The case was reviewed by an Entry Clearance Manager who failed to notice the errors the Entry Clearance Officer had made.

4.90 We were particularly concerned to find that the case study in Figure 37 was reviewed by an Entry Clearance Manager who failed to notice this error. Once again, this called into question the effectiveness of Entry Clearance Manager reviews.

4.91 We believe that it is important for Entry Clearance Officers to apply paragraph 320 when it is appropriate to do so, in order to achieve the UK Border Agency objective to protect the UK from abuse of the immigration system. This also sends out a clear message that abuse of the UK immigration system will not be tolerated.

Sound administration of the case

4.92 In five cases (less than 1% of the sample) we identified maladministration in the handling of the case. Maladministration refers to an administrative failing which is so serious as to adversely affect the decision outcome, such as cases where processing delays mean that the reason for the application is no longer valid (e.g. attendance at a particular event) although the customer applied in good time.

4.93 Figure 38 details all the posts where we identified maladministration in the handling of the case.

Figure 38: Maladministration

Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Baku	1	13%
Madrid	1	7%
Accra	1	3%
Abu Dhabi	2	1%

4.94 In all of these cases we had concerns as to whether the overall decision was correct. One of these cases is illustrated in the case study in Figure 19, while Figure 39 illustrates another of these cases.

Figure 39: Case study – maladministration in Abu Dhabi

Case study 1 – Abu Dhabi

The applicant:

- submitted a Business Visitor application on 22 July 2009 to attend an export exhibition in the UK, with supporting documentation including a company bank statement as evidence of funding for the visit;
- was refused entry clearance on 12 August 2009 because: i) the Entry Clearance Officer was not satisfied that they were employed as claimed; ii) they had never attended the exhibition before and no explanation was provided as to why they wanted to attend; iii) no evidence was submitted to show that they had access to the funds shown on the company bank statement.

Chief Inspector's comments:

- Maladministration in the handling of this case was identified because one of the grounds for refusal related to concerns about the applicant's employment status. However, evidence on file indicates that a check was carried out with the applicant's claimed employer, at which time the employment details provided by the applicant were verified as genuine. Failure to apply the evidence from these checks was an administrative error which contributed to the incorrect refusal of this application.
- The case was reviewed by an Entry Clearance Manager who should have spotted the errors that had been made by the Entry Clearance Officer.
- This case called into question the overall effectiveness and fairness of decision-making because:
 - the applicant submitted the necessary evidence;
 - the company was registered with the Export Promotion Organisation, which went some way to explaining why the applicant wished to attend an export exhibition; and
 - the applicant was travelling to the UK with the managing director of the company who was named on the company business accounts – further evidence that company funds would be available for the visit.

4.95 We believe that it is essential for applications to be administered correctly, as failure to do so can often have an adverse impact on the applicant. Maladministration also demonstrates poor customer service, and is unfair to customers who have paid a fee to have their applications administered correctly.

Entry Clearance Manager case reviews

4.96 Entry Clearance Managers are required to review decisions made by Entry Clearance Officers, to ensure good quality and consistent decision-making in each post.

4.97 Case reviews were carried out by Entry Clearance Managers in 475 cases (32% of the sample). This was in keeping with the Agency's target to review 25% of all decisions to refuse entry clearance.

4.98 Our file-sampling identified some examples of effective Entry Clearance Manager case reviews. One of these cases is illustrated in the case study in Figure 40.

Figure 40: Case study – effective Entry Clearance Manager review in the UK Hub

The applicant:

- submitted a Business Visitor application on 29 April 2010 to attend a conference in the UK;
- had their application considered by an Entry Clearance Officer who decided to issue entry clearance
- had their application reviewed by an Entry Clearance Manager who revoked the Entry Clearance Officer’s decision to issue entry clearance, because the applicant had provided no evidence to demonstrate their financial circumstances
- was refused entry clearance on 14 May 2010 because: i) they did not provide any evidence to demonstrate their financial circumstances or their ability to pay for the trip; ii) it came to light that the conference they intended to attend had been cancelled

Chief Inspector’s comments:

- This was a good example of an Entry Clearance Manager conducting an effective review of a case, which led to the refusal of entry clearance to an applicant who would otherwise have been allowed to enter the UK, despite not meeting the requirements of the Immigration Rules.

4.99 Despite identifying some examples of effective internal reviews, overall, we had significant concerns regarding the effectiveness of these reviews. In 144 cases we found evidence of poor-quality decision-making, which was not picked up by the reviewing Entry Clearance Manager. This represented nearly a third of the cases reviewed by Entry Clearance Managers. This included 34 cases (7% of cases reviewed by Entry Clearance Managers and 2% of the overall file sample) where we were concerned that the errors we identified undermined the basis on which a decision was taken to refuse entry clearance, and one case where we identified maladministration in the handling of the case, which was detailed in Figure 39.

4.100 Appendix 11 sets out the number of cases in each post and each region where we identified ineffective Entry Clearance Manager reviews. The poorest-performing region, based on the percentage of case files sampled, was Gulf, Iran and Pakistan where we identified ineffective reviews in 35 cases (15% of the cases from Gulf, Iran and Pakistan). Figures 41 and 42 detail the poorest-performing posts:

- by the number of cases in each post where we identified ineffective case reviews; and
- as a percentage of cases in each post where we identified ineffective case reviews.

Figure 41: Ineffective Entry Clearance Manager reviews by volume

Post	Number of cases reviewed, in which we identified evidence of poor-quality decision-making	Percentage of cases in which we identified evidence of poor-quality decision-making
Abu Dhabi	24	15%
New Delhi	11	22%
Lagos	7	4%
Nairobi	7	17%
Accra	6	20%
Moscow	6	9%
Shanghai	6	46%

Figure 42: Ineffective Entry Clearance Manager reviews as a percentage

Post	Percentage of cases reviewed, in which we identified evidence of poor-quality decision-making	Number of cases in which we identified evidence of poor-quality decision-making
Shanghai	46%	6
Sarajevo	38%	3
Tashkent	38%	3
Tehran	38%	3
Yerevan	38%	3

4.101 The case study in Figure 43 illustrates some of the cases where we had concerns with the effectiveness of Entry Clearance Manager reviews.

Figure 43: Case study – ineffective Entry Clearance Manager reviews in various posts

Case study 1 – Lagos

The applicant:

- submitted an application for entry clearance on 5 August 2009 to visit the UK as a General Visitor with supporting documentation that included a bank statement;
- was refused entry clearance on 13 August 2009 because the Entry Clearance Officer did not consider they had submitted sufficient evidence of earnings.

Chief Inspector's comments

- The Entry Clearance Officer failed to notice that the applicant's salary was clearly reflected in the bank statement submitted as evidence.
- An Entry Clearance Manager reviewed this case, but failed to notice the Entry Clearance Officer's error.

Case study 2 – Sarajevo

The applicant:

- submitted an application for entry clearance on 13 April 2010 to visit the UK as a Business Visitor for 15 days;
- was refused entry clearance on 19 April 2010 for failure to declare that they had previously been refused entry clearance to the UK.

Chief Inspector's comments

- The applicant's previous entry clearance refusal was recorded in the passport submitted with the application and should therefore have been considered an 'innocent mistake,' in line with UK Border Agency internal guidance in place at the time the application was made.
- The case was reviewed by an entry clearance Manager who upheld the decision to refuse the application; despite the fact an error had been made in the initial consideration of the case.

Case study 3 Abuja

The applicant:

- was a child applying for entry clearance as a General Visitor on 4 August 2009 to visit the UK with their mother and sister;
- was refused entry clearance on the grounds that no satisfactory documentary evidence of their relationship to their mother was submitted.

Chief Inspector's comments

- The Entry Clearance Officer failed to notice the applicant had in fact submitted a birth certificate as evidence that they were related as claimed to their mother.
- Of particular concern was the fact that this case was reviewed by an Entry Clearance Manager, who also failed to notice that a birth certificate was submitted, and upheld the refusal decision.

4.102 Owing to the implications of a refusal under paragraph 320, Entry Clearance Manager case reviews for these types of cases are particularly important. We were therefore concerned to find that Entry Clearance Managers had reviewed seven cases in which paragraph 320 had been applied when it was not appropriate to do so. One of these cases was illustrated earlier in this report in Figure 34. Another of these cases is illustrated in the case study in Figure 44 below.

Figure 44: Case study – ineffective Entry Clearance Manager review in Accra

The applicant:

- submitted a Visitor in Transit application on 18 March 2010;
- was refused entry clearance on 9 April 2010 for failure to provide evidence sufficient funding was available for the visit;
- was also refused entry clearance under paragraph 320 7(B), and subject to an automatic refusal of any subsequent entry clearance applications for nine months, as the Entry Clearance Officer asserted that they had previously breached UK immigration law.

Chief Inspector's comments

- The applicant was previously refused leave to enter the UK; however, this does not constitute a breach of UK immigration law under paragraph 320 7(B).
- This case was reviewed by an Entry Clearance Manager, who failed to notice the Entry Clearance Officer's error and upheld the refusal decision.

4.103 This case again highlights our concerns regarding the quality assurance of decisions. We consider that there needs to be a much stronger focus on the quality of reviews undertaken, given the doubts raised about the effectiveness of the review process through our case file analysis.

4.104 A similar concern was reported by the Independent Monitor in her last global file-sampling report, at which time she emphasised the importance of Entry Clearance Managers conducting thorough reviews using targeted, risk-based sampling, in order to improve decision quality. This was consistent with our findings during our inspections of the visa sections in Istanbul and Amman, at which time we recommended that the UK Border Agency needed to improve the effectiveness of Entry Clearance Manager reviews and to examine whether current targets were impacting negatively on the quality of reviews undertaken. Our recommendation post-dates the period of our global file sample, so we will continue to monitor this during future inspections. However, in light of our findings we make a similar recommendation again here:

We recommend that the UK Border Agency:

- Strengthens the quality-assurance methods currently used by Entry Clearance Managers, to create a more effective and robust decision-making process.

Appropriateness of checks

4.105 We found examples in our case file analysis of extra checks (beyond routine checks²⁰) being undertaken by entry clearance staff. Checks included interviews with applicants or their sponsors, checks to verify applicants' employment status, and checks to verify the authenticity of supporting documentation; for example, bank statements. These extra checks are beneficial as they enable Entry Clearance Officers to:

²⁰ Applicants are required to provide fingerprints and are photographed on submitting an application (commonly referred to as biometrics). The UK Border Agency uses this biometric information to check whether the applicant has committed previous immigration or criminal offences in the UK.

- assess the validity of supporting documents, particularly in cases where there are concerns about the documentation under examination;
- verify information provided by applicants, particularly where there are inconsistencies in the information or evidence submitted; and
- better inform decision-making.

4.106 Additional checks were undertaken in 209 cases (14% of the sample). This included 22 cases (1% of the sample) in which an interview was carried out. This is a significant increase in the number of checks identified by the Independent Monitor in her last global file sample, at which time she reported that additional checks were carried out in 9% of the sample.

Additional checks were undertaken in 209 cases (14% of the sample). This is a significant increase in the number of checks identified by the Independent Monitor in her last global file sample.

4.107 We assessed the quality and appropriateness of checks that were carried out by entry clearance staff. Figure 45 illustrates some examples of cases where we identified good evidence of checks.

Figure 45: Case study – good evidence of checks in various posts

Case study 1 – Hanoi

The applicant:

- submitted an application to visit the UK for six months as a Student Visitor;
- was refused entry clearance under paragraph 320 7(A) because: i) the Entry Clearance Officer noticed that a school report submitted as evidence was issued prior to the date they claimed to have attended the school; ii) checks were conducted which confirmed the school report was not genuine.

Case study 2 – Abuja

The applicant:

- submitted an application to visit the UK with their spouse and three children for 15 days, with evidence of a confirmed booking for a hotel in London;
- was refused entry clearance on the grounds that no accommodation was available for the visit because checks with the hotel in London confirmed their hotel booking had been cancelled as they failed to provide credit card details.

Case study 3 – Abu Dhabi

The applicant:

- submitted a General Visitor application on 15 April 2010 to visit the UK for 10 weeks with supporting documentation, which included: i) tax documents; ii) a bank statement; iii) a letter from their sponsor;
- was refused entry clearance under paragraph 320 7(A) on 17 May 2010 because: i) the Entry Clearance Officer noticed there was no account name on the bank statement and contacted the bank who confirmed the bank statement was not genuine; ii) an additional check on the tax documents confirmed their tax number were also not genuine.

Chief Inspector's comments:

- All these cases demonstrate evidence of the UK Border Agency's commitment in preventing immigration offences and protecting the border by conducting additional checks.

4.108 These cases provided evidence that Entry Clearance Officers were challenging supporting documents in cases where they had concerns about the applications they were examining, thereby contributing to the UK Border Agency's strategic objective to protect the border. Figure 46 outlines another good example of a case where effective checks were conducted in Düsseldorf.

Figure 46: Case study – good evidence of checks in Düsseldorf

The applicant:

- applied for entry clearance as a Business Visitor on 2 November 2009, to attend a trade fair in the UK;
- was refused entry clearance under paragraph 320 7(A) – for using deception in their application for entry clearance, and for not satisfactorily establishing nationality and identity – because biometric checks revealed that they may have previously applied for, and been refused, asylum in the UK using a different identity, including a different nationality, and subsequent checks carried out by the Entry Clearance Officer confirmed this was true.
- was refused entry clearance under paragraph 320 7(B) as they had entered the UK illegally at the time their application for asylum was made, which constituted a breach of UK immigration law.

Chief Inspector's comments:

- This case is a good example of extra checks being carried out to maintain the integrity of the border.

4.109 This case study demonstrates how a thoroughness of approach in undertaking checks led to appropriate refusal grounds. However, our file-sampling indicated there were further opportunities to increase the number of checks and in 120 cases (8% of the sample) we found a check was not undertaken when, in our view, it was required to inform the decision-making process, including:

- checks not being conducted despite inconsistencies between different pieces of evidence submitted;
- checks not being conducted, although the evidence submitted was of a poor quality (e.g. contained a number of spelling mistakes); and
- Entry Clearance Officers casting doubt on the credibility of documents submitted by applicants, without carrying out checks to confirm their suspicions.

4.110 Appendix 12 sets out the number of cases in each post and each region where we considered checks would have been beneficial to help inform decision-making.

4.111 The poorest-performing region, as a percentage of case files sampled, was Gulf Iran and Pakistan, where we identified 31 cases (13% of the sample from Gulf Iran and Pakistan) where we considered checks should have been carried out to inform decision-making. The tables in Figures 47 and 48 detail the poorest-performing posts:

- by the number of cases in each post failing this indicator; and
- as a percentage of cases in each post failing this indicator.

Figure 47: Failure to conduct checks – poorest-performing post by volume

Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Abu Dhabi	27	17%
Lagos	19	11%
Abuja	12	16%
Moscow	7	10%
Accra	6	20%

Figure 48: Failure to conduct checks – poorest-performing post as a percentage

Post	Percentage of cases failing this indicator	Number of cases failing this indicator
Guangzhou	27%	3
Addis Ababa	25%	2
Shanghai	23%	3
Accra	20%	6
Abu Dhabi	17%	27
Luanda	17%	1
Nicosia	17%	2

- 4.112 During our earlier inspection of the visa section in Abuja²¹, we found evidence that pressure to meet performance targets was preventing Entry Clearance Officers from carrying out additional verification checks. During this inspection we identified 12 cases (16% of the cases from Abuja) where checks were not conducted when this would have helped to inform decision-making. As the majority of our file-sampling period post-dated the time of our inspection of the visa section in Abuja, we would have hoped to have identified better performance in this regard.
- 4.113 In our inspection report on the visa section in Abu Dhabi, we reported a significant level of checks of visa applicants' circumstances were being completed. This was also apparent during this inspection, where we found checks were carried out in 27 cases (17% of the sample from Abu Dhabi), one of which is illustrated in the case study at Figure 45. Our findings do, however, illustrate that significant opportunities remain for the Abu Dhabi visa section to improve the robustness of decision-making by further increasing the number of additional checks.
- 4.114 Our findings during this inspection also support earlier findings made during our inspection of the visa section in Guangzhou, at which time we identified seven other visitor refusal cases (14% of the sample) where we believed checks should have been carried out to support the decision-making process.
- 4.115 Figure 49 illustrates one example of a case where we believed additional checks should have been carried out to support the decision-making process.

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

Figure 49: Case study – failure to conduct checks in Guangzhou

The applicant:

- submitted a Business Visitor application on 25 February 2010 to visit a factory in Birmingham with supporting documents, which included: i) an employment letter stating the costs for the visit would be paid for by their employer; ii) a letter from the company they would be visiting in the UK stating the costs for the visit would be paid for by them; iii) a bank statement; iv) a reservation for a hotel in London;
- was refused entry clearance on 2 March 2010 because: i) the Entry Clearance Officer was not satisfied sufficient evidence of personal funds had been submitted; ii) the Entry Clearance Officer questioned the origin of funds in their bank account.

Chief Inspector's comments:

- The applicant submitted inconsistent evidence relating to the funding for the visit with one letter indicating that their employer would be funding the visit and another indicating funding would be provided by the company in the UK. Checks should therefore have been carried out to confirm whether both pieces of evidence were genuine.
- Checks should have been carried out to confirm the applicant's proposed plans for the visit, in light of the fact they intended to stay in London but visit a factory in Birmingham.

4.116 In this case, the Entry Clearance Officer failed to conduct checks despite the fact that the applicant had submitted inconsistent evidence relating to the funding for the visit. We believe that detailed checks should be completed when evidence accompanying visa applications is considered doubtful or suspicious. Such action helps the UK Border Agency to:

- identify fraudulent applications for entry clearance;
- refuse applications under Paragraph 320 7(A)²² of the Immigration Rules; and
- reinforce its message that abuse of the immigration system will not be tolerated.

4.117 Appropriate checks are particularly important in Child Visitor cases, as the Agency has a responsibility to act in accordance with the Children's Act, which places an expectation on the Agency to safeguard and promote the welfare of children. As part of our assessment under inspection criterion number seven, we looked at how effectively the Agency carried out its functions in this regard. We did not identify any Child Visitor applications where we were concerned the Agency was failing to act in accordance with the Children's Act, and overall we were satisfied that Entry Clearance Officers had demonstrated a good level of awareness about the need to protect children.

4.118 In 34 cases (17% of the sample of cases in which checks were carried out) we found a check was carried out, but a record of these checks had not been retained. We believe it is important to keep a record of any checks to ensure that an adequate audit trail exists to fully support any refusal grounds and for internal and external quality assurance purposes.

²² Paragraph 320 7(A) is a general ground for refusal, which means that cases involving deception have to be established to a higher standard than refusals under category-specific Immigration Rules. Where deception is identified, applicants may be subject to an automatic refusal of any subsequent applications for entry clearance, for a set period of time.

5. Inspection Findings: Customer Service

5.1 This section sets out an assessment of performance against the following two inspection criteria in Figure 50.

Figure 50: Inspection Criteria used in this inspection

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.

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

5.2 This section also gives the detailed results and analysis of the files we examined, to enable us to assess the level of customer service provided by visa sections across the world, taking account of:

- whether Entry Clearance Officers adopted a consistent approach to decision-making; and
- the objectives set out by the UK Border Agency on its UK Visas website regarding its customer commitments, which set out the level of customer service visa applicants can expect.

5.3 We paid particular attention to the following customer commitments:

- 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; and
- if we refuse your application, for us to give you a clear and detailed explanation of why we refused it and details of how you can appeal.

Consistency of approach

5.4 We found that the application process was made more difficult for applicants, owing to the inconsistent approach adopted by different Entry Clearance Officers. We believe that this had a significant impact on the level of customer service provided to applicants.

5.5 Consistency of approach was assessed through an assessment of the cases where an applicant was refused entry clearance for one reason, reapplied with information or evidence to address any concerns raised by the Entry Clearance Officer in the original refusal notice, and was subsequently refused entry clearance on different grounds. Some examples of this are illustrated in the case studies at Figures 51 and 52.

Figure 51: Case study – illustrating inconsistent decision-making in Accra

The applicant:

- applied for entry clearance as a General Visitor on 1 June 2010;
- stated their sponsor would meet all of the costs of the visit;
- was refused entry clearance on 4 June 2010 because there was no evidence their sponsor would meet all the costs of the visit;
- reapplied for entry clearance as a General Visitor on 24 September 2010, with evidence to show their UK sponsor would meet all the costs of their stay in the UK;
- was refused entry clearance by a different Entry Clearance Officer on 27 September 2010 for failure to provide evidence of their personal financial circumstances – something that was not mentioned as grounds for refusal following the earlier application, despite the fact this evidence was not submitted with the earlier application.

Chief Inspector's comments

- The applicant was subsequently refused on grounds which were not mentioned in the original refusal notice, and would therefore have not been aware that evidence of personal financial circumstances was required – particularly as their sponsor was funding the visit.
- It is unfair that the applicant was subsequently refused on grounds which they were not made aware of as part of the original refusal decision.

- 5.6 This case illustrates inconsistency between different Entry Clearance Officers within the same visa section. UK Border Agency internal guidance in place at the time of this inspection required Entry Clearance Officers to refer to all grounds for refusal in a refusal notice. Failure to do so makes it difficult for applicants to know what information and evidence they are expected to provide when submitting an application for entry clearance. An inconsistent approach also makes it difficult for applicants to fully understand how to participate in the application process; for example, which application form they need to submit. One example of this is illustrated in Figure 52.

Figure 52: Case study – illustrating an inconsistent approach to decision-making in Mumbai

The applicant:

- applied for entry clearance as a Student Visitor on 25 February 2010 to sit some medical exams and attend exam preparatory courses in the UK;
- had previously been granted entry clearance as a Student Visitor on 9 September 2009 to sit the first set of exams and attend preparatory courses at the same college;
- despite no material changes in their circumstances since the earlier application was issued, was refused entry clearance on 2 March 2010 because their intended course of study was not considered to be a recognised course by an accredited body in accordance with the Immigration Rules for Student Visitors;
- reapplied for entry clearance as a General Visitor on 10 March 2010 and was issued entry clearance.

Chief Inspector's comments

- The applicant was granted entry clearance as a Student Visitor in September 2009 to sit the first set of medical exams.
- The previous issuance of a Student Visitor visa gave the applicant a legitimate expectation that they had applied under the correct visa application category.

- 5.7 Although this case was assessed in accordance with the evidence submitted by the applicant, we believe that a better level of customer service would have been provided if the applicant had been advised which application form to complete prior to the refusal of the application, particularly as they were previously issued entry clearance on the basis of a very similar application and supporting documentation.
- 5.8 In some posts we were pleased to see additional guidance being offered to applicants to facilitate the application process. For example, we found the visa application centre in Rome was giving applicants advice about the visa application process. This included one case where we noted that the visa application centre reminded the applicant to submit original documentation at the time the application was made. We noted that this case post-dated the period of our inspection of the visa section in Rome, which demonstrated the Agency's commitment to implementing our earlier recommendation to remove conflicting information about supporting documents so that customers are clear about what they need to provide. This case represented good practice, and is something other posts should encourage visa application centres to do in order to improve the quality of service provided.

Information available to applicants

- 5.9 The UK Border Agency customer commitment emphasises the need for information to be in plain language, accurate and meet applicants' needs. We believe this is important to ensure that applicants are fully aware how to prepare for and participate in the application process.
- 5.10 When assessing decision-making quality, we found it was often difficult to establish what supporting documents applicants were expected to provide because conflicting information about which supporting documents were required could be found through a number of different sources, for example:
- the visa application form supporting documents guidance;
 - Visa Application Centre supporting documents checklists;
 - UK Border Agency/UK Visas website; and
 - commercial partners' websites.
- 5.11 A similar finding was made by the former Independent Monitor in her last global file-sampling report. At this time she reported concerns about the varying requirements regarding what supporting documents were required, and highlighted concerns about the varying local requirements. The report also emphasised the importance of 'good pre-application information' to ensure that applicants were fully informed when participating in the application process.
- 5.12 It was not possible for us to fully assess the extent to which this would have had a detrimental impact on applicants during the application process for the applications we considered as part of this exercise, as the file-sampling exercise took place some time after the date when the applications were submitted, and a number of changes had taken place to these websites. However, these findings supported earlier findings we have made during previous overseas inspections. Our earlier recommendations, along with the UK Border Agency's response and actions taken are detailed in the table in Figure 53.

Figure 53: Previous recommendations relating to the provision of information²³

Post	Recommendation	Progress made
Rome	Removes conflicting information about supporting documents so that customers are clear about what they need to provide.	<ul style="list-style-type: none"> • These recommendations were accepted by UKBA. • The UK Border Agency introduced standardised, category-specific supporting document guidance for non-points-based system visa categories on 20 September 2010. • This guidance was published on ukvisas.gov.uk. • Both commercial partners' websites provide links to this guidance.
Abuja	Reviews and clarifies information on provision of supporting documentation so that customers are aware of what they need to provide.	
Kuala Lumpur	Standardises document checklists at all overseas posts.	
Chennai	Standardises document checklists at all overseas Visa Sections and incorporates them into its commercial partners' websites.	
Abu Dhabi and Islamabad	Ensures that guidance issued to customers sets out clearly the supporting documentation they need to provide in support of their applications.	
Amman	Provides applicants with clear information and guidance in advance of their application, about the requirements they need to meet for their visa application to be successful.	<ul style="list-style-type: none"> • The UK Border Agency noted this recommendation but maintained that it was not practical to issue detailed guidance covering every category of visa application.

5.13 We reviewed the new, standardised, category-specific supporting document guidance, available on the UK Border Agency website. We found that it contained clear, detailed guidance for applicants. As the introduction of this guidance post-dates the period of our file sample, we were unable to assess the impact of the introduction of this guidance on applicants during the application process, and whether it conflicted with information provided locally. However, this is something we will review during future inspections.

5.14 More recently, the Agency has been working to introduce one single website which will contain all information required by applicants during the application process. This website aims to provide a unified, coherent online process, which intends to streamline and simplify the online journey for applicants. This demonstrates the Agency's commitment to simplifying the application process, and is a significant step forward in improving the level of service offered to applicants.

We reviewed the new, standardised category-specific supporting guidance, available on the UK Border Agency website. We found that it contained clear, detailed guidance for applicants.

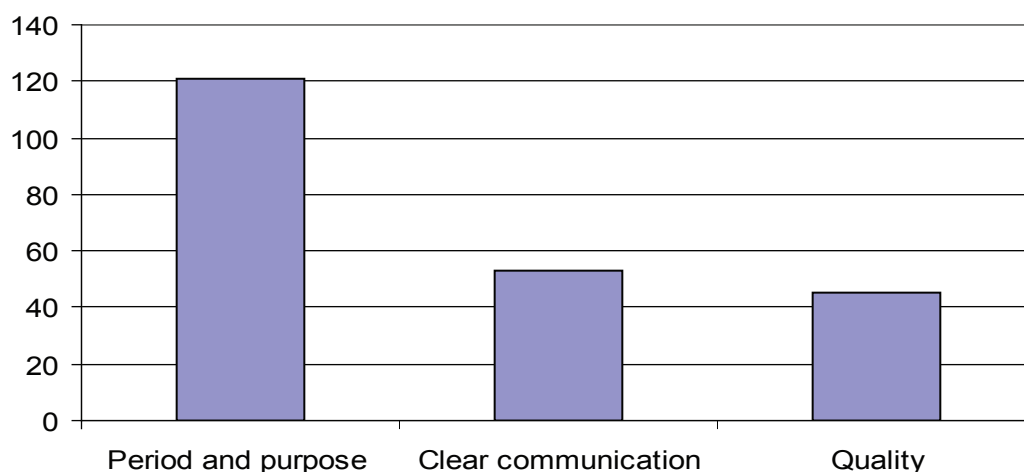
Quality of refusal notices

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

²³ All these inspection reports can be found on the Independent Chief Inspector's website at: <http://icinspector.independent.gov.uk/inspections/inspection-reports/>

- 5.16 To assess the quality of refusal notices, we used the following quality pointers:
- Period and purpose – does the refusal notice include the purpose of the visit and the length of stay?
 - Clear communication – does the refusal notice clearly set out why the application has been refused and is it easy to understand the grounds for refusal?
 - Quality – is the refusal notice well-presented and free from spelling or grammatical errors?
- 5.17 Appendix 13 provides a breakdown of the number of cases in each region that failed each of the refusal notice quality indicators. Appendix 14 provides a breakdown of the number of cases in each post that failed each of the refusal notice quality indicators.
- 5.18 In 25 posts (31% of the posts) and 1,285 cases (87% of the sample) we did not have any concerns with the quality of refusal notices. However, the case file analysis revealed 192 cases (13% of the sample) in the remaining 56 posts (69% of the posts) failed one or more of the above refusal notice quality indicators. Figure 54 provides a breakdown of the number of cases failing each of these indicators.

Figure 54: Indicators of refusal notice quality



Note: Each case file is assessed against the three indicators and can fail against more than one indicator.

Period and purpose

- 5.19 In 122 cases (8% of the sample) the refusal notice sent to applicants did not quote the correct purpose of the visit and the applicant’s intended length of stay. The poorest-performing region was EuroMed, where we identified 58 cases (13% of the sample from EuroMed) where the refusal notice did not state the correct period and purpose. Figures 55 and 56 detail the poorest-performing posts:
- by the number of cases in each post failing this indicator; and
 - as a percentage of cases in each post failing this indicator.

Figure 55: Failure to state correct period and purpose – poorest-performing post by volume

Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Lagos	19	11%
Cairo	15	58%
Amman	8	32%
Accra	6	20%
Almaty	6	75%

Figure 56: Failure to state correct period and purpose – poorest-performing post as a percentage

Post	Percentage of cases failing this indicator	Number of cases failing this indicator
Almaty	75%	6
Cairo	58%	15
Ashgabat	57%	4
Baku	50%	4
Taipei	50%	4
Tirana	50%	2

- 5.20 It is important that refusal notices clearly set out the period and purpose, because this shows that Entry Clearance Officers have a clear idea of what they are looking for in deciding whether to refuse an application. For example, the financial needs for a Tourist or Business Visitor are very different, even though all are considered under the same Immigration Rules. We also consider that, if Entry Clearance Officers do not have a period and purpose firmly in their mind, it is easier to make mistakes in weighing and assessing evidence against the correct Immigration Rules.

Clear communication

- 5.21 In 1,424 cases (96% of the sample) we found that refusal notices clearly set out the reasons for refusal. In the remaining 53 cases (4% of the sample), we found that refusal notices did not clearly set out why the application was refused. There were no significant regional variances regarding performance against this indicator of refusal notice quality, with the exception of the Americas region, where we identified clear communication of refusal grounds in all of the cases assessed – a good performance.
- 5.22 Figures 57 and 58 detail the poorest-performing posts:
- by the number of cases in each post failing this indicator; and
 - as a percentage of cases in each post failing this indicator.

Figure 57: Failure to clearly communicate the reasons for refusal – poorest-performing post by volume

Post	Number of cases failing this indicator	Percentage of cases failing this indicator
Tbilisi	8	100%
Abu Dhabi	6	4%
Reykjavik	4	50%
Abuja	4	5%
Taipei	3	38%

Figure 58: Failure to clearly communicate the reasons for refusal – poorest-performing post by as a percentage

Post	Percentage of cases failing this indicator	Number of cases failing this indicator
Tbilisi	100%	8
Reykjavik	50%	4
Taipei	38%	3
Algiers	25%	2
Rangoon	25%	1

5.23 Failure to clearly communicate the grounds for refusal meant that it was difficult to fully understand the reasons for refusal and what evidence applicants would be required to provide to support any subsequent applications. Although the number of cases that failed this indicator represented only 4% of the overall sample, we believe it is important that refusal reasons are clearly communicated in all refusal notices to ensure that:

- refusal grounds are clear and help applicants understand exactly why their application has failed; and
- the Agency meets the expectations it has set out in its customer commitments.

Quality

5.24 In 1,432 cases (97% of the sample) we were satisfied with the overall quality of the refusal notice. However, in 45 cases (3% of the sample) we found that the overall quality of the refusal notice was poor; for example, owing to spelling or grammatical errors. We also noted that almost half of these cases (20 cases) were from the EuroMed region (4% of the sample from EuroMed).

5.25 New operational policy guidance on the structure of refusal notices was circulated on 14 May 2010 as part of the UK Border Agency's review of refusal notices. Because the majority of our file-sampling pre-dated the new guidance, we were unable to assess whether this had improved accuracy and the overall quality of refusal notices. However, we assessed the quality of refusal notices issued after 14 May during our short notice inspection of the visa section in Istanbul and our inspection of the visa section in New York in March 2011. In both posts we identified notable improvements with the quality of refusal notices, which were clear, well structured and easier to understand. This is an area the Chief Inspector will continue to review in future inspections.

Application processing times

5.26 We assessed whether or not the UK Border Agency was meeting its customer service targets for processing applications, by looking at the time taken to assess applications during the period of our sample.

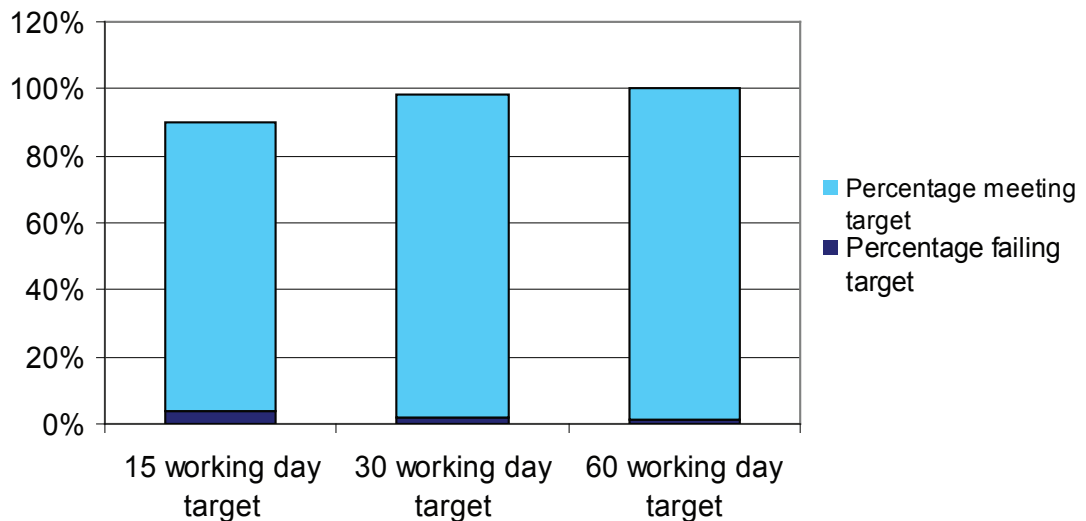
5.27 From 1st April 2010, the UK Border Agency measured its performance assessing limited appeal right cases against the following customer service standards:

- *To complete 90% of visa applications in not more than 15 working days;*
- *To complete 98% of visa applications in not more than 30 working days;*
- *To complete 100% of visa applications in not more than 60 working days.*

5.28 We therefore assessed the Agency's performance in line with these customer service standards, because they covered the majority of our file-sampling period.

5.29 We found 46 posts (56% of all posts) met all of their customer service targets. Figure 59 details the percentage of cases that met each of these customer service targets.

Figure 59: Application processing times



5.30 In total we found:

- 1,269 cases (86% of the sample) met the 15 working day target;
- 1,422 cases (96% of the sample) met the 30 working day target; and
- 1,468 cases (99% of the sample) met the 60 working day target.

5.31 Although our findings illustrated that the Agency did not meet its customer service targets in a small proportion of cases, we were pleased to see that in the vast majority of cases, customer service targets were met.

Complaints and correspondence

Correspondence

- 5.32 Correspondence was received in 101 cases (7% of the sample). The table in Figure 60 details the number of cases in which we identified correspondence, and the types of correspondence identified.

Figure 60: Correspondence – breakdown

Reason for correspondence	Number received	Response addressed the specific points raised by the applicant	Response did not address the specific points raised by the applicant	Enquiry not yet concluded/ unable to determine whether a satisfactory response had been sent ²⁴
Appeal	10	8	1	1
Request for review of decision	52	32	15	5
Request for withdrawal	2	0	1	1
Complaint	5	5	0	0
MP representation	3	2	0	1
Progress update	13	8	4	1
Other customer query	16	9	3	4
TOTAL	101	64	24	13

- 5.33 In total 101 (7%) case files contained correspondence. We were satisfied with the responses sent to correspondence in 64 of these cases (63%), but we had concerns with the responses to correspondence sent in 24 cases (24%). In the remaining cases, the enquiry had not yet been concluded, or we were unable to determine from the evidence on file or the UK Border Agency case-working IT system whether a satisfactory response had been sent because; for example, a copy of the response had not been retained on file.
- 5.34 The case study in Figure 61 illustrates one example where we had concerns with the quality and content of the response sent to the applicant.

²⁴ In some cases the enquiry had not yet been concluded, or it was not possible to tell whether a satisfactory response had been sent, e.g. a copy of the response was not retained on file.

Figure 61: Case study – illustrating an unsatisfactory response to correspondence in Lagos

The applicant:

- applied for entry clearance as a General Visitor on 12 October 2009, having previously been refused entry clearance on 2 September 2009 and 7 October 2009;
- was refused entry clearance on 15 October 2009 for failure to evidence the origin of funds in their bank account;
- wrote to the UK Border Agency on 4 November 2009: i) explaining the origin of funds in their account; ii) questioning why the origin of funds was not raised as a grounds for refusal in an earlier refusal notices;
- received a response from the UK Border Agency on 9 November 2009 noting their correspondence and indicating that they were free to submit a new application.

Chief Inspector's comments

- The UK Border Agency's response failed to address the points raised by the applicant in their correspondence.
- This case also illustrates an example of the UK Border Agency failing to give an applicant the opportunity to provide the information required, which was supplementary to that recommended in the published guidance (origin of funds).

5.35 This case demonstrated poor customer service because inconsistent decision-making and the requirement to provide evidence of the origin of funds – a requirement which was not set out in the guidance at the time the applicant applied – made it difficult, if not impossible, for the applicant to know what documents were required to support their application. In addition to this, the UK Border Agency's response to the applicant's correspondence was generic rather than specific to their enquiry and failed to demonstrate the Agency's customer commitment to provide applicants with a detailed response to an enquiry or complaint.

Complaints

5.36 Our file-sampling identified only five complaints (less than 1% of the sample). In all five cases we were satisfied with the quality and content of the responses sent. However, we noted that one of these cases missed the 20-day customer service target for complaints. In this case it took the Agency 71 days to respond to the complaint.

5.37 The number of complaints identified was lower than the number identified by the previous Independent Monitor in her last global file-sampling report, where 25 files (2.8% of the sample) contained a complaint. This caused us to question whether or not complaints were being retained on file and properly recorded on the UK Border Agency case-working IT system – something we found was not routinely happening during our previous overseas inspections of the UK Visa Section, the United Arab Emirates and Amman. We believe proper recording of complaints is vital as it enables the UK Border Agency to:

- identify and understand problems that applicants encounter with the service it provides;
- take remedial action to deal effectively with individual complaints; and
- take action to identify common complaint themes in order to implement wider corporate initiatives to continuously improve the services it provides.

Appendix 1

Information on visas and visa fees

Visa fees can be found at <http://www.ukvisas.gov.uk/en/howtoapply/visafees/>. All fees are quoted in pounds sterling, but are usually payable in local currency.

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.

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 biometric details with their application, then the UK Border

Agency will refund the fee.

Fees are listed by category: Visit, Study, Work, Settlement, Transit, Others and Exempt.

The fees are effective for all visa applications made from **6 April 2011**.

Fees are subject to periodic review.

Appendix 2

Inspection Criteria

The Independent Chief Inspector of the UK Border Agency's inspection criteria are listed below. The specific criteria used in this inspection are in bold.

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, in accordance with the law.**
5. Decisions to detain people must be lawful.
6. Enforcement powers should be carried out in accordance with the law and by members of staff authorised for that purpose.
- 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 UK Border Agency should be identified, monitored and mitigated.

For more information on our inspection criteria, visit our website:
<http://icinspector.independent.gov.uk/inspections/inspection-programmes/>

Appendix 3

Files requested and received

POST	FILES REQUESTED	FILES MISSING/ IDENTIFIED AS OUT OF SCOPE PRIOR TO THE DISPATCH OF FILES	REPLACEMENT FILES RECEIVED	TOTAL FILES RECEIVED
Abu Dhabi	177	5	5	177
Abuja	93	8	0	85
Accra	35	0	0	35
Addis Ababa	8	1	1	8
Algiers	8	3	3	8
Almaty	8	0	0	8
Amman	26	0	0	26
Ashgabat	8	0	0	8
Baku	8	0	0	8
Bandar Seri Begawan	8	0	0	8
Bangkok	23	1	1	23
Banjul	14	0	0	14
Beijing	23	3	3	23
Beirut	8	0	0	8
Belgrade	8	0	0	8
Bogota	8	2	2	8
Bucharest	8	0	0	8
Cairo	26	1	1	26
Canberra	8	0	0	8
Chennai	40	0	0	40
Chicago	8	0	0	8
Chisinau	8	0	0	8
Chongqing	8	0	0	8
Colombo	8	0	0	8
Copenhagen	8	0	0	8
Dhaka	13	0	0	13
Doha	8	0	0	8
Dubai	15	1	0	14
Dublin	15	0	0	15
Düsseldorf	17	0	0	17
Freetown	8	3	3	8
Geneva	8	1	0	7
Guangzhou	12	0	0	12

Hanoi	8	1	1	8
Havana	8	0	0	8
Islamabad	8	1	0	7
Istanbul	25	0	0	25
Jakarta	8	0	0	8
Kiev	25	0	0	25
Kingston	10	3	3	10
Kuala Lumpur	9	0	0	9
Kuwait City	11	0	0	11
Lagos	185	0	0	185
Los Angeles	8	0	0	8
Luanda	8	1	1	8
Lusaka	8	0	0	8
Madrid	15	0	0	15
Manila	22	0	0	22
Minsk	8	0	0	8
Moscow	70	3	2	69
Mumbai	74	0	0	74
Muscat	8	0	0	8
Nairobi	44	1	1	44
New Delhi	54	2	1	53
New York	21	0	0	21
Nicosia	12	0	0	12
Ottawa	8	0	0	8
Paris	22	0	0	22
Port Louis	8	4	4	8
Pretoria	24	0	0	24
Rabat	8	0	0	8
Rangoon	8	1	0	7
Reykjavik	8	0	0	8
Rio de Janeiro	8	0	0	8
Riyadh	28	1	1	28
Rome	12	0	0	12
Sana'a	8	8	0	0
Sarajevo	8	0	0	8
Shanghai	13	0	0	13
Skopje	8	0	0	8
Stockholm	9	0	0	9
Suva	8	0	0	8
Taipei	8	0	0	8
Tashkent	8	0	0	8
Tbilisi	8	1	1	8
Tehran	8	0	0	8
Tirana	8	0	0	8
Tripoli	8	1	1	8

Tunis	8	0	0	8
UK Hub	21	4	4	21
Warsaw	12	0	0	12
Wellington	1	0	0	1
Yerevan	8	1	1	8
TOTAL	1,616	62	40	1,594

Appendix 4

Posts in each region

Region	Posts included within the region	
Africa	Abuja Accra Addis Ababa Banjul Freetown Lagos	Luanda Lusaka Nairobi Port Louis Pretoria
Americas	Bogota Chicago Havana Kingston	Los Angeles New York Ottawa Rio de Janeiro
Asia Pacific	Bandar Seri Begawan Bangkok Beijing Canberra Chongqing Guangzhou Hanoi	Jakarta Kuala Lumpur Manila Rangoon Shanghai Suva Taipei
EuroMed	Algiers Almaty Amman Ashgabat Baku Beirut Belgrade Bucharest Cairo Chisinau Copenhagen Dublin Dusseldorf Geneva Istanbul Kiev Madrid Minsk	Moscow Nicosia Paris Rabat Reykjavik Rome Sarajevo Skopje Stockholm Tashkent Tbilisi Tirana Tripoli Tunis UK Hub Warsaw Yerevan
Gulf, Iran and Pakistan	Abu Dhabi Doha Dubai Islamabad	Kuwait City Muscat Riyadh Tehran
South Asia	Chennai Colombo Dhaka	Mumbai New Delhi

Appendix 5

Cases failing each decision-making quality indicator – post-level breakdown

Table 1: Use of the correct Immigration Rules

POST	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Colombo	50%	1
Tirana	50%	2
Tripoli	29%	2
Rangoon	25%	1
Islamabad	20%	1
Luanda	17%	1
Dhaka	15%	2
Bandar Seri Begawan	14%	1
Bogota	14%	1
Accra	13%	4
Addis Ababa	13%	1
Algiers	13%	1
Kiev	13%	3
Lusaka	13%	1
Ottawa	13%	1
Tashkent	13%	1
Tbilisi	13%	1
Tehran	13%	1
Yerevan	13%	1
Paris	9%	2
Amman	8%	2
Cairo	8%	2
Madrid	7%	1
Moscow	7%	5
Abuja	5%	4
Chennai	5%	2
Nairobi	5%	2
Beijing	4%	1
Lagos	4%	8
Mumbai	2%	1
New Delhi	2%	1
Abu Dhabi	1%	1
Almaty	0%	0

Ashgabat	0%	0
Baku	0%	0
Bangkok	0%	0
Banjul	0%	0
Beirut	0%	0
Belgrade	0%	0
Bucharest	0%	0
Canberra	0%	0
Chicago	0%	0
Chisinau	0%	0
Chongqing	0%	0
Copenhagen	0%	0
Doha	0%	0
Dubai	0%	0
Dublin	0%	0
Dusseldorf	0%	0
Freetown	0%	0
Geneva	0%	0
Guangzhou	0%	0
Hanoi	0%	0
Havana	0%	0
Istanbul	0%	0
Jakarta	0%	0
Kingston	0%	0
Kuala Lumpur	0%	0
Kuwait City	0%	0
Los Angeles	0%	0
Manila	0%	0
Minsk	0%	0
Muscat	0%	0
New York	0%	0
Nicosia	0%	0
Port Louis	0%	0
Pretoria	0%	0
Rabat	0%	0
Reykjavik	0%	0
Rio de Janeiro	0%	0
Riyadh	0%	0
Rome	0%	0
Sarajevo	0%	0
Shanghai	0%	0
Skopje	0%	0
Stockholm	0%	0
Suva	0%	0
Taipei	0%	0

Tunis	0%	0
UK Hub	0%	0
Warsaw	0%	0
TOTAL	4%	59

Table 2: Use of evidence

POST	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Muscat	75%	6
UK Hub	70%	14
Beijing	65%	15
Tbilisi	63%	5
Abu Dhabi	58%	93
Kuala Lumpur	56%	5
Lusaka	50%	4
Minsk	50%	4
Reykjavik	50%	4
Skopje	50%	3
Suva	50%	3
Tashkent	50%	4
Tunis	50%	4
Abuja	47%	36
Shanghai	46%	6
Kuwait City	44%	4
Stockholm	44%	4
Accra	43%	13
Nairobi	32%	13
Lagos	41%	73
Amman	40%	10
Addis Ababa	38%	3
Chisinau	38%	3
Chongqing	38%	3
Doha	38%	3
Moscow	38%	26
Ottawa	38%	3
Sarajevo	38%	3
Tehran	38%	3
Yerevan	38%	3
New Delhi	37%	19
Nicosia	33%	4
Bangkok	32%	7
Dubai	31%	4
Tripoli	29%	2
Rome	27%	3
Riyadh	26%	7

Baku	25%	2
Canberra	25%	2
Hanoi	25%	2
Jakarta	25%	2
Manila	25%	4
New York	25%	5
Rangoon	25%	1
Dhaka	23%	3
Paris	23%	5
Madrid	21%	3
Cairo	19%	5
Guangzhou	18%	2
Warsaw	18%	2
Freetown	17%	1
Kiev	17%	4
Luanda	17%	1
Ashgabat	14%	1
Almaty	13%	1
Beirut	13%	1
Chicago	13%	1
Kingston	13%	1
Los Angeles	13%	1
Chennai	10%	4
Mumbai	9%	6
Istanbul	8%	2
Dublin	7%	1
Pretoria	5%	1
Algiers	0%	0
Bandar Seri Begawan	0%	0
Banjul	0%	0
Belgrade	0%	0
Bogota	0%	0
Bucharest	0%	0
Colombo	0%	0
Copenhagen	0%	0
Dusseldorf	0%	0
Geneva	0%	0
Havana	0%	0
Islamabad	0%	0
Port Louis	0%	0
Rabat	0%	0
Rio de Janeiro	0%	0
Taipei	0%	0
Tirana	0%	0
TOTAL	33%	483

Appendix 6

Insufficient documentation retained on file

Table 1: Insufficient documentation retained on file – regional breakdown

REGION	% CASES – INSUFFICIENT DOCUMENTATION RETAINED	NO CASES – INSUFFICIENT DOCUMENTATION RETAINED
South Asia	49%	84
Africa	16%	63
Gulf, Iran and Pakistan	11%	27
Americas	7%	5
EuroMed	4%	18
Asia Pacific	3%	4
TOTAL	14%	201

Table 2: Insufficient documentation retained on file – post-level breakdown

POST	% CASES – INSUFFICIENT DOCUMENTATION RETAINED	NO CASES – INSUFFICIENT DOCUMENTATION RETAINED
Algiers	100%	8
Mumbai	71%	47
Islamabad	60%	3
Tirana	50%	2
Chennai	49%	19
Lusaka	38%	3
Rio de Janeiro	38%	3
Luanda	33%	2
New Delhi	33%	17
Dubai	31%	4
Pretoria	29%	6
Doha	25%	2
Rangoon	25%	1
Lagos	20%	36
Nicosia	17%	2
Banjul	15%	2
Nairobi	15%	6
Bandar Seri Begawan	14%	1
Beirut	13%	1
Tehran	13%	1
Kuwait City	11%	1
Riyadh	11%	3
Stockholm	11%	1

Abuja	11%	8
New York	10%	2
Beijing	9%	2
Abu Dhabi	8%	13
Dhaka	8%	1
Paris	5%	1
Amman	4%	1
Istanbul	4%	1
Cairo	4%	1
Accra	0%	0
Addis Ababa	0%	0
Almaty	0%	0
Ashgabat	0%	0
Baku	0%	0
Bangkok	0%	0
Belgrade	0%	0
Bogota	0%	0
Bucharest	0%	0
Canberra	0%	0
Chicago	0%	0
Chisinau	0%	0
Chongqing	0%	0
Colombo	0%	0
Copenhagen	0%	0
Dublin	0%	0
Dusseldorf	0%	0
Freetown	0%	0
Geneva	0%	0
Guangzhou	0%	0
Hanoi	0%	0
Havana	0%	0
Jakarta	0%	0
Kiev	0%	0
Kingston	0%	0
Kuala Lumpur	0%	0
Los Angeles	0%	0
Madrid	0%	0
Manila	0%	0
Minsk	0%	0
Moscow	0%	0
Muscat	0%	0
Ottawa	0%	0
Port Louis	0%	0
Rabat	0%	0
Reykjavik	0%	0

Rome	0%	0
Sarajevo	0%	0
Shanghai	0%	0
Skopje	0%	0
Suva	0%	0
Taipei	0%	0
Tashkent	0%	0
Tbilisi	0%	0
Tripoli	0%	0
Tunis	0%	0
UK Hub	0%	0
Warsaw	0%	0
Yerevan	0%	0
TOTAL	14%	201

Appendix 7

Additional information requirements

Table 1: Additional information required – regional breakdown

REGION	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Gulf, Iran and Pakistan	27%	65
Africa	20%	77
Asia Pacific	18%	27
EuroMed	12%	52
Americas	9%	7
South Asia	4%	7
TOTAL	16%	235

Table 2: Additional information required – post-level breakdown

POST	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Skopje	50%	3
Beijing	48%	11
Chisinau	38%	3
Tbilisi	38%	3
Abu Dhabi	34%	54
Accra	33%	10
Kuala Lumpur	33%	3
UK Hub	30%	6
Amman	28%	7
Bangkok	27%	6
Minsk	25%	2
Muscat	25%	2
Tunis	25%	2
Yerevan	25%	2
Lagos	23%	42
Kuwait City	22%	2
Abuja	18%	14
Rome	18%	2
Nairobi	17%	7
Luanda	17%	1
Nicosia	17%	2
Suva	17%	1
Dubai	15%	2
Shanghai	15%	2

New York	15%	3
Riyadh	15%	4
Addis Ababa	13%	1
Baku	13%	1
Beirut	13%	1
Chicago	13%	1
Chongqing	13%	1
Doha	13%	1
Hanoi	13%	1
Kiev	13%	3
Kingston	13%	1
Los Angeles	13%	1
Lusaka	13%	1
Ottawa	13%	1
Moscow	12%	8
Stockholm	11%	1
Guangzhou	9%	1
Paris	9%	2
Warsaw	9%	1
Cairo	8%	2
Dhaka	8%	1
Manila	6%	1
New Delhi	6%	3
Pretoria	5%	1
Istanbul	4%	1
Mumbai	3%	2
Chennai	3%	1
Algiers	0%	0
Almaty	0%	0
Ashgabat	0%	0
Bandar Seri Begawan	0%	0
Banjul	0%	0
Belgrade	0%	0
Bogota	0%	0
Bucharest	0%	0
Canberra	0%	0
Colombo	0%	0
Copenhagen	0%	0
Dublin	0%	0
Dusseldorf	0%	0
Freetown	0%	0
Geneva	0%	0
Havana	0%	0
Islamabad	0%	0
Jakarta	0%	0

Madrid	0%	0
Port Louis	0%	0
Rabat	0%	0
Rangoon	0%	0
Reykjavik	0%	0
Rio de Janeiro	0%	0
Sarajevo	0%	0
Taipei	0%	0
Tashkent	0%	0
Tehran	0%	0
Tirana	0%	0
Tripoli	0%	0

Appendix 8

Failure to consider positive evidence

Table 1: Failure to consider positive evidence – regional breakdown

REGION	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Gulf, Iran and Pakistan	27%	65
Africa	15%	60
Asia Pacific	14%	21
EuroMed	11%	48
South Asia	8%	14
Americas	4%	3
TOTAL	14%	211

Table 2: Failure to consider positive evidence – post-level breakdown

POST	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Muscat	50%	4
Suva	50%	3
Chisinau	38%	3
Sarajevo	38%	3
Abuja	32%	24
Abu Dhabi	31%	50
Dubai	31%	4
Beijing	30%	7
Addis Ababa	25%	2
Canberra	25%	2
Lusaka	25%	2
Minsk	25%	2
Rangoon	25%	1
Tunis	25%	2
UK Hub	25%	5
Kuwait City	22%	2
New Delhi	22%	11
Madrid	21%	3
Accra	20%	6
Islamabad	20%	1
Moscow	19%	13
Nicosia	17%	2
Dhaka	15%	2
Nairobi	15%	6

Bangkok	14%	3
Almaty	13%	1
Baku	13%	1
Doha	13%	1
Hanoi	13%	1
Ottawa	13%	1
Tashkent	13%	1
Tbilisi	13%	1
Amman	12%	3
Cairo	12%	3
Lagos	11%	20
Kuala Lumpur	11%	1
Riyadh	11%	3
Stockholm	11%	1
New York	10%	2
Guangzhou	9%	1
Rome	9%	1
Warsaw	9%	1
Shanghai	8%	1
Dublin	7%	1
Manila	6%	1
Kiev	4%	1
Chennai	3%	1
Algiers	0%	0
Ashgabat	0%	0
Bandar Seri Begawan	0%	0
Banjul	0%	0
Beirut	0%	0
Belgrade	0%	0
Bogota	0%	0
Bucharest	0%	0
Chicago	0%	0
Chongqing	0%	0
Colombo	0%	0
Copenhagen	0%	0
Dusseldorf	0%	0
Freetown	0%	0
Geneva	0%	0
Havana	0%	0
Istanbul	0%	0
Jakarta	0%	0
Kingston	0%	0
Los Angeles	0%	0
Luanda	0%	0
Mumbai	0%	0

Paris	0%	0
Port Louis	0%	0
Pretoria	0%	0
Rabat	0%	0
Reykjavik	0%	0
Rio de Janeiro	0%	0
Skopje	0%	0
Taipei	0%	0
Tehran	0%	0
Tirana	0%	0
Tripoli	0%	0
Yerevan	0%	0
TOTAL	14%	211

Appendix 9

Misinterpretation of evidence

Table 1: Misinterpretation of evidence – regional breakdown

REGION	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Gulf, Iran and Pakistan	10%	23
Asia Pacific	6%	9
Africa	5%	21
South Asia	5%	9
EuroMed	5%	21
Americas	3%	2
TOTAL	6%	85

Table 2: Misinterpretation of evidence – post-level breakdown

POST	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Doha	25%	2
Jakarta	25%	2
Reykjavik	25%	2
Tashkent	25%	2
Kuala Lumpur	22%	2
Kuwait City	22%	2
Luanda	17%	1
Nicosia	17%	2
Skopje	17%	1
Ashgabat	14%	1
Canberra	13%	1
Minsk	13%	1
Muscat	13%	1
Ottawa	13%	1
Tbilisi	13%	1
Tehran	13%	1
UK Hub	10%	2
New Delhi	10%	5
Abu Dhabi	9%	15
Bangkok	9%	2
Warsaw	9%	1
Lagos	9%	16
Beijing	9%	2
Dhaka	8%	1
Riyadh	7%	2

Dublin	7%	1
Moscow	6%	4
Chennai	5%	2
New York	5%	1
Paris	5%	1
Kiev	4%	1
Amman	4%	1
Accra	3%	1
Abuja	3%	2
Nairobi	2%	1
Mumbai	2%	1
Addis Ababa	0%	0
Algiers	0%	0
Almaty	0%	0
Baku	0%	0
Bandar Seri Begawan	0%	0
Banjul	0%	0
Beirut	0%	0
Belgrade	0%	0
Bogota	0%	0
Bucharest	0%	0
Cairo	0%	0
Chicago	0%	0
Chisinau	0%	0
Chongqing	0%	0
Colombo	0%	0
Copenhagen	0%	0
Dubai	0%	0
Dusseldorf	0%	0
Freetown	0%	0
Geneva	0%	0
Guangzhou	0%	0
Hanoi	0%	0
Havana	0%	0
Islamabad	0%	0
Istanbul	0%	0
Kingston	0%	0
Los Angeles	0%	0
Lusaka	0%	0
Madrid	0%	0
Manila	0%	0
Port Louis	0%	0
Pretoria	0%	0
Rabat	0%	0
Rangoon	0%	0

Rio de Janeiro	0%	0
Rome	0%	0
Sarajevo	0%	0
Shanghai	0%	0
Stockholm	0%	0
Suva	0%	0
Taipei	0%	0
Tirana	0%	0
Tripoli	0%	0
Tunis	0%	0
Yerevan	0%	0
TOTAL	6%	85

Appendix 10

Failure to notice inconsistencies

Table 1: Failure to notice inconsistencies – regional breakdown

REGION	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Gulf, Iran and Pakistan	3%	6
South Asia	2%	3
EuroMed	1%	6
Asia Pacific	1%	2
Africa	1%	3
Americas	0%	0
TOTAL	1%	20

Table 2: Failure to notice inconsistencies – post-level breakdown

POST	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Almaty	13%	1
Muscat	13%	1
Tashkent	13%	1
Tehran	13%	1
Guangzhou	9%	1
Rome	9%	1
Shanghai	8%	1
Amman	4%	1
Riyadh	4%	1
Abu Dhabi	3%	5
Moscow	3%	2
Abuja	3%	2
New Delhi	2%	1
Lagos	1%	1
Accra	0%	0
Addis Ababa	0%	0
Algiers	0%	0
Ashgabat	0%	0
Baku	0%	0
Bandar Seri Begawan	0%	0
Bangkok	0%	0
Banjul	0%	0
Beijing	0%	0
Beirut	0%	0
Belgrade	0%	0

Bogota	0%	0
Bucharest	0%	0
Cairo	0%	0
Canberra	0%	0
Chennai	0%	0
Chicago	0%	0
Chisinau	0%	0
Chongqing	0%	0
Colombo	0%	0
Copenhagen	0%	0
Dhaka	0%	0
Doha	0%	0
Dubai	0%	0
Dublin	0%	0
Dusseldorf	0%	0
Freetown	0%	0
Geneva	0%	0
Hanoi	0%	0
Havana	0%	0
Islamabad	0%	0
Kiev	0%	0
Kuala Lumpur	0%	0
Kuwait City	0%	0
Lusaka	0%	0
Manila	0%	0
Minsk	0%	0
Mumbai	0%	0
Nairobi	0%	0
New York	0%	0
Nicosia	0%	0
Ottawa	0%	0
Paris	0%	0
Reykjavik	0%	0
Stockholm	0%	0
Suva	0%	0
Tbilisi	0%	0
Tunis	0%	0
UK Hub	0%	0
Warsaw	0%	0
Yerevan	0%	0
Istanbul	0%	0
Jakarta	0%	0
Kingston	0%	0
Los Angeles	0%	0
Luanda	0%	0

Madrid	0%	0
Port Louis	0%	0
Pretoria	0%	0
Rabat	0%	0
Rangoon	0%	0
Rio de Janeiro	0%	0
Sarajevo	0%	0
Skopje	0%	0
Taipei	0%	0
Tirana	0%	0
Tripoli	0%	0
TOTAL	1%	20

Appendix 11

Ineffective ECM reviews

Table 1: Ineffective ECM reviews – regional breakdown

REGION	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Gulf, Iran and Pakistan	15%	35
Asia Pacific	13%	20
Americas	9%	7
EuroMed	9%	41
South Asia	8%	13
Africa	7%	28
TOTAL	10%	144

Table 2: Ineffective ECM reviews – post-level breakdown

POST	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Shanghai	46%	6
Sarajevo	38%	3
Tashkent	38%	3
Tehran	38%	3
Yerevan	38%	3
Addis Ababa	25%	2
Canberra	25%	2
Chisinau	25%	2
Jakarta	25%	2
Ottawa	25%	2
Rangoon	25%	1
Reykjavik	25%	2
Beijing	22%	5
New Delhi	22%	11
Madrid	21%	3
Accra	20%	6
UK Hub	20%	4
Riyadh	19%	5
Nairobi	17%	7
Geneva	17%	1
Skopje	17%	1
Abu Dhabi	15%	24
New York	15%	3
Ashgabat	14%	1

Bogota	14%	1
Almaty	13%	1
Chicago	13%	1
Lusaka	13%	1
Muscat	13%	1
Tunis	13%	1
Kuala Lumpur	11%	1
Kuwait City	11%	1
Stockholm	11%	1
Bangkok	9%	2
Guangzhou	9%	1
Paris	9%	2
Warsaw	9%	1
Moscow	9%	6
Nicosia	8%	1
Istanbul	8%	2
Dubai	8%	1
Dublin	7%	1
Abuja	5%	4
Chennai	5%	2
Pretoria	5%	1
Kiev	4%	1
Amman	4%	1
Lagos	4%	7
Algiers	0%	0
Baku	0%	0
Bandar Seri Begawan	0%	0
Banjul	0%	0
Beirut	0%	0
Belgrade	0%	0
Bucharest	0%	0
Cairo	0%	0
Chongqing	0%	0
Colombo	0%	0
Copenhagen	0%	0
Dhaka	0%	0
Doha	0%	0
Dusseldorf	0%	0
Freetown	0%	0
Hanoi	0%	0
Havana	0%	0
Islamabad	0%	0
Kingston	0%	0
Los Angeles	0%	0
Luanda	0%	0

Manila	0%	0
Minsk	0%	0
Mumbai	0%	0
Port Louis	0%	0
Rabat	0%	0
Rio de Janeiro	0%	0
Rome	0%	0
Suva	0%	0
Taipei	0%	0
Tbilisi	0%	0
Tirana	0%	0
Tripoli	0%	0
TOTAL	10%	144

Appendix 12

Cases in which checks should have been carried out

Table 1: Checks required – regional breakdown

REGION	% CASES WHERE CHECKS WERE REQUIRED	NUMBER OF CASES WHERE CHECKS WERE REQUIRED
Gulf, Iran and Pakistan	13%	31
Africa	11%	45
Asia Pacific	7%	11
EuroMed	6%	26
South Asia	3%	5
Americas	3%	2
TOTAL	8%	120

Table 2: Checks required – post-level breakdown

POST	% CASES WHERE CHECKS WERE REQUIRED	NUMBER OF CASES WHERE CHECKS WERE REQUIRED
Guangzhou	27%	3
Addis Ababa	25%	2
Shanghai	23%	3
Accra	20%	6
Abu Dhabi	17%	27
Luanda	17%	1
Nicosia	17%	2
Abuja	16%	12
Madrid	14%	2
Port Louis	14%	1
Baku	13%	1
Canberra	13%	1
Chisinau	13%	1
Hanoi	13%	1
Muscat	13%	1
Taipei	13%	1
Tashkent	13%	1
Yerevan	13%	1
Cairo	12%	3
Kuala Lumpur	11%	1
Kuwait City	11%	1
Stockholm	11%	1

Lagos	11%	19
Moscow	10%	7
New York	10%	2
UK Hub	10%	2
Nairobi	10%	4
Kiev	8%	2
Riyadh	7%	2
Dublin	7%	1
Beijing	4%	1
Amman	4%	1
Istanbul	4%	1
New Delhi	4%	2
Mumbai	3%	2
Chennai	3%	1
Algiers	0%	0
Almaty	0%	0
Ashgabat	0%	0
Bandar Seri Begawan	0%	0
Bangkok	0%	0
Banjul	0%	0
Beirut	0%	0
Belgrade	0%	0
Bogota	0%	0
Bucharest	0%	0
Chicago	0%	0
Chongqing	0%	0
Colombo	0%	0
Copenhagen	0%	0
Dhaka	0%	0
Doha	0%	0
Dubai	0%	0
Dusseldorf	0%	0
Freetown	0%	0
Geneva	0%	0
Havana	0%	0
Islamabad	0%	0
Jakarta	0%	0
Kingston	0%	0
Los Angeles	0%	0
Lusaka	0%	0
Manila	0%	0
Minsk	0%	0
Ottawa	0%	0
Paris	0%	0
Pretoria	0%	0

Rabat	0%	0
Rangoon	0%	0
Reykjavik	0%	0
Rio de Janeiro	0%	0
Rome	0%	0
Sarajevo	0%	0
Skopje	0%	0
Suva	0%	0
Tbilisi	0%	0
Tehran	0%	0
Tirana	0%	0
Tripoli	0%	0
Tunis	0%	0
Warsaw	0%	0
TOTAL	8%	120

Appendix 13

Refusal notice quality indicators – regional breakdown

Table 1: Period and purpose not stated

REGION	% FAILING THIS INDICATOR	NUMBER FAILING THIS INDICATOR
EuroMed	13%	58
Asia Pacific	9%	14
Africa	9%	36
South Asia	4%	7
Gulf, Iran and Pakistan	3%	6
Americas	1%	1
TOTAL	8%	122

Table 2: Clear communication

REGION	% FAILING THIS INDICATOR	NUMBER FAILING THIS INDICATOR
Asia Pacific	6%	9
EuroMed	6%	26
Gulf, Iran and Pakistan	3%	7
South Asia	2%	4
Africa	2%	7
Americas	0%	0
TOTAL	4%	53

Table 3: Overall quality

REGION	% FAILING THIS INDICATOR	NUMBER FAILING THIS INDICATOR
EuroMed	4%	20
South Asia	3%	5
Gulf, Iran and Pakistan	3%	6
Americas	3%	2
Africa	2%	9
Asia Pacific	2%	3
TOTAL	3%	45

Appendix 14

Refusal notice quality indicators – post-level breakdown

Table 1: Period and purpose not stated		
POST	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Almaty	75%	6
Cairo	58%	15
Ashgabat	57%	4
Baku	50%	4
Taipei	50%	4
Tirana	50%	2
Bandar Seri Begawan	43%	3
Algiers	38%	3
Amman	32%	8
Port Louis	29%	2
Tripoli	29%	2
Chisinau	25%	2
Kuwait City	22%	2
Accra	20%	6
Guangzhou	18%	2
Freetown	17%	1
Luanda	17%	1
Dhaka	15%	2
Dubai	15%	2
Copenhagen	14%	1
Addis Ababa	13%	1
Beirut	13%	1
Chongqing	13%	1
Minsk	13%	1
Ottawa	13%	1
Reykjavik	13%	1
Tbilisi	13%	1
Lagos	11%	19
Bangkok	9%	2
Nicosia	8%	1
Banjul	8%	1
Shanghai	8%	1
Riyadh	7%	2
Dublin	7%	1
Madrid	7%	1

Dusseldorf	6%	1
Chennai	5%	2
Nairobi	5%	2
Paris	5%	1
Beijing	4%	1
Abuja	4%	3
New Delhi	4%	2
Moscow	3%	2
Mumbai	2%	1
Abu Dhabi	0%	0
Belgrade	0%	0
Bogota	0%	0
Bucharest	0%	0
Canberra	0%	0
Chicago	0%	0
Colombo	0%	0
Doha	0%	0
Geneva	0%	0
Hanoi	0%	0
Havana	0%	0
Islamabad	0%	0
Istanbul	0%	0
Jakarta	0%	0
Kiev	0%	0
Kingston	0%	0
Kuala Lumpur	0%	0
Los Angeles	0%	0
Lusaka	0%	0
Manila	0%	0
Muscat	0%	0
New York	0%	0
Pretoria	0%	0
Rabat	0%	0
Rangoon	0%	0
Rio de Janeiro	0%	0
Rome	0%	0
Sarajevo	0%	0
Skopje	0%	0
Stockholm	0%	0
Suva	0%	0
Tashkent	0%	0
Tehran	0%	0
Tunis	0%	0
UK Hub	0%	0
Warsaw	0%	0

Yerevan	0%	0
TOTAL	8%	122

Clear communication		
POST	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Tbilisi	100%	8
Reykjavik	50%	4
Taipei	38%	3
Algiers	25%	2
Rangoon	25%	1
Manila	19%	3
Freetown	17%	1
Luanda	17%	1
Ashgabat	14%	1
Baku	13%	1
Minsk	13%	1
Sarajevo	13%	1
Kuwait City	11%	1
Stockholm	11%	1
Amman	8%	2
Dhaka	8%	1
Madrid	7%	1
Abuja	5%	4
UK Hub	5%	1
Bangkok	5%	1
Beijing	4%	1
Kiev	4%	1
Istanbul	4%	1
Abu Dhabi	4%	6
Mumbai	3%	2
Chennai	3%	1
Moscow	1%	1
Lagos	1%	1
Accra	0%	0
Addis Ababa	0%	0
Almaty	0%	0
Bandar Seri Begawan	0%	0
Banjul	0%	0
Beirut	0%	0
Belgrade	0%	0
Bogota	0%	0
Bucharest	0%	0
Cairo	0%	0
Canberra	0%	0
Chicago	0%	0

Chisinau	0%	0
Chongqing	0%	0
Colombo	0%	0
Copenhagen	0%	0
Doha	0%	0
Dubai	0%	0
Dublin	0%	0
Dusseldorf	0%	0
Geneva	0%	0
Guangzhou	0%	0
Hanoi	0%	0
Havana	0%	0
Islamabad	0%	0
Jakarta	0%	0
Kingston	0%	0
Kuala Lumpur	0%	0
Los Angeles	0%	0
Lusaka	0%	0
Muscat	0%	0
Nairobi	0%	0
New Delhi	0%	0
New York	0%	0
Nicosia	0%	0
Ottawa	0%	0
Paris	0%	0
Port Louis	0%	0
Pretoria	0%	0
Rabat	0%	0
Rio de Janeiro	0%	0
Riyadh	0%	0
Rome	0%	0
Shanghai	0%	0
Skopje	0%	0
Suva	0%	0
Tashkent	0%	0
Tehran	0%	0
Tirana	0%	0
Tripoli	0%	0
Tunis	0%	0
Warsaw	0%	0
Yerevan	0%	0
TOTAL	4%	53

Overall quality		
POST	% FAILING INDICATOR	NUMBER FAILING INDICATOR
Algiers	63%	5
Rangoon	25%	1
Luanda	17%	1
Skopje	17%	1
Banjul	15%	2
Bogota	14%	1
Baku	13%	1
Muscat	13%	1
Ottawa	13%	1
Reykjavik	13%	1
Tbilisi	13%	1
Stockholm	11%	1
UK Hub	10%	2
Warsaw	9%	1
Kiev	8%	2
Manila	6%	1
New Delhi	6%	3
Beijing	4%	1
Moscow	4%	3
Amman	4%	1
Abuja	4%	3
Cairo	4%	1
Riyadh	4%	1
Accra	3%	1
Chennai	3%	1
Abu Dhabi	3%	4
Mumbai	2%	1
Lagos	1%	2
Addis Ababa	0%	0
Almaty	0%	0
Ashgabat	0%	0
Bandar Seri Begawan	0%	0
Bangkok	0%	0
Beirut	0%	0
Belgrade	0%	0
Bucharest	0%	0
Canberra	0%	0
Chicago	0%	0
Chisinau	0%	0
Chongqing	0%	0
Colombo	0%	0
Copenhagen	0%	0

Dhaka	0%	0
Doha	0%	0
Dubai	0%	0
Dublin	0%	0
Dusseldorf	0%	0
Freetown	0%	0
Geneva	0%	0
Guangzhou	0%	0
Hanoi	0%	0
Havana	0%	0
Islamabad	0%	0
Istanbul	0%	0
Jakarta	0%	0
Kingston	0%	0
Kuala Lumpur	0%	0
Kuwait City	0%	0
Los Angeles	0%	0
Lusaka	0%	0
Madrid	0%	0
Minsk	0%	0
Nairobi	0%	0
New York	0%	0
Nicosia	0%	0
Paris	0%	0
Port Louis	0%	0
Pretoria	0%	0
Rabat	0%	0
Rio de Janeiro	0%	0
Rome	0%	0
Sarajevo	0%	0
Shanghai	0%	0
Suva	0%	0
Taipei	0%	0
Tashkent	0%	0
Tehran	0%	0
Tirana	0%	0
Tripoli	0%	0
Tunis	0%	0
Yerevan	0%	0
TOTAL	3%	45

Appendix 15

Glossary

Term	Description
Agency	Refers to the UK Border Agency.
Audit Trail	Chronological list of events.
Biometrics	All customers are now routinely required to provide 10 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 under five.
Border and Immigration Agency (BIA)	The name of the agency responsible for immigration functions prior to creation of the UK Border Agency.
British Citizenship	A person who holds British citizenship has the right to apply for a British passport, live in the UK permanently and leave and re-enter the UK at any time.
Case Work	The UK Border Agency term for the decision-making process used to resolve applications (for example applications for asylum or British citizenship).
Complaint	Defined by the UK Border Agency as <i>'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'</i> .
Customer	Defined by the UK Border Agency as <i>'anyone who uses the services of the Agency, including people seeking to enter the United Kingdom, people in detention and MPs'</i> .
Customer Strategy	A strategy document launched in April 2009, setting out the UK Border Agency's customer service standards.
Direct Airside Transit Visas	<p>The requirement for the nationals of some countries and holders of non-national documents to hold a visa may be waived for passengers arriving by air, whose sole intention is to pass in direct transit through the UK. This concession may only apply where:</p> <ul style="list-style-type: none"> • they have a confirmed booking on a flight departing within 24 hours to their country of destination; • they have entry facilities for that country and transit visas for any country en route which requires them. <p>The visa waiver concession does not apply to the nationals of certain countries. These nationals require a Direct Airside Transit Visa even when transiting airside without passing through the immigration control.</p>

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 Manager	Manages the visa application process within a visa section.
Entry Clearance Officer	Processes visa applications making the decision whether to grant or refuse entry clearance.
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>
European Economic Area (EEA) Family Permits	A European Economic Area (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.
Foreign and Commonwealth Office (FCO)	UK Government department responsible for promoting British interests overseas and supporting British citizens and businesses around the world.
Home Office	The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police.

<p>Hub and Spoke</p>	<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 that 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>
<p>Independent Chief Inspector of the UK Border Agency</p>	<p>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.</p>
<p>Independent Monitor and legislation</p>	<p>The legislation that 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-relation 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.
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 application would have been otherwise issued but is refused because a delay in processing the application means the conference has already finished.
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.
Other Visitor	Visitor cases that only attract limited appeal rights.
Paragraph 320 (7a) – Deception Rules	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.
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>
Removal	The process by which a person or persons voluntarily, through assistance or through enforcement by UK Border Agency staff, physically leave the UK after a failed asylum application.
Settlement Application	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.
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. UK Visas was previously responsible for visa operations at overseas locations.

<p>United Kingdom Border Agency (UKBA)</p>	<p>The agency of the Home Office responsible for border control, enforcing immigration and customs regulations. It also considers applications for permission to enter and stay in the UK, including nationality and asylum applications. The UK Border Agency has been a full executive agency of the Home Office since April 2009.</p>
<p>Visa Nationals</p>	<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.

Appendix 16

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