



# **An inspection of the UK Visa Section: Pakistan settlement applications**

January – April 2010



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**Independent Chief Inspector of the UK Border Agency**



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# Foreword from John Vine CBE QPM



This is one of three inspection reports which form a comprehensive assessment of the efficiency and effectiveness of the entry clearance operation in the United Arab Emirates and the UK. The inspection examined the hub and spoke model that the UK Border Agency introduced in late 2008, looking specifically at how this approach was applied in relation to Pakistan. This saw virtually all decision making being moved from Pakistan (the spoke) to either the UK Visa Section, located in Croydon (where all settlement applications were considered), or Abu Dhabi in the United Arab Emirates (the hub), where all remaining visa categories were decided.

The work of entry clearance staff is crucial to helping the UK Border Agency address its purpose of securing the border and controlling migration for the benefit of the country. Pakistan is the third largest source (by volume) of applications to enter the UK. As a consequence, there is always a great deal of interest in the UK and Pakistan about the quality and consistency of decision making and its impact on migration from Pakistan to the UK.

The UK Border Agency has had to make significant changes to entry clearance decision making, partly driven by a deteriorating security situation in Pakistan. This major change programme required effective planning, appropriate resourcing and clear management oversight to ensure a good level of service continued to be provided.

It was therefore disappointing that my inspection found serious organisational failings with the way in which the UK Visa Section was being managed. As a result, I found serious deficiencies in the provision of an adequate level of customer service, as well as a lack of rigorous scrutiny being applied to those who wished to settle in the UK.

The picture that emerged from my inspection was of a visa section that lacked any strategic direction, leadership or effective communication between each key location. Consequently, I found that the service provided to customers was extremely poor, with a significant number of cases sampled not being decided correctly. In the worst cases, I found that visas that should have been refused were granted and visas that should have been granted were refused.

In my view, the UK Border Agency had, in this area, failed to fully meet both key strategic objectives of protecting the UK border and making fast and fair decisions. This report represents the poorest performance I have seen in a UK Border Agency business area to date and I have made a number of recommendations for immediate improvement.

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

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

# 1. Executive Summary

1. The inspection of the UK Visa Section examined the UK Border Agency's handling of Pakistan settlement applications. It included a detailed assessment of cases both granted and refused entry clearance. A comparison was then made across both types of cases to determine whether decision making:
  - was efficient, effective and fair;
  - took account of relevant immigration rules and UK Border Agency policy and guidance; and
  - was appropriately supported by risk assessment tools to help entry clearance staff make the right decisions first time.
2. The inspection found that the overall transition of settlement work from Pakistan to the UK had not been managed effectively. We found that while senior management in the UK Border Agency were clear about the overall purpose of moving this work away from Pakistan, they had failed to articulate clearly, at an operational level, how this transfer of work would be carried out.
3. We could find no clear operational plan that translated how this major change initiative would be managed and monitored. We also found that the initial resourcing plan was inadequate and failed to deliver effective services during a period of significant change.
4. We could find no communication plan or formal working protocol that set out clearly how the business relationship between Islamabad and the UK Visa Section would be managed. We consider this was a significant failing because both locations were responsible for managing different parts of the settlement application process (as set out in Figure 6). We consider that such a protocol would have helped ensure that the quality of decision making and customer service levels were maintained and improved in alignment with organisational objectives.
5. Inconsistent decision making was a constant theme throughout our entire file sample and management reviews that were supposed to pick up on poor and inconsistent decision making had proven ineffective. Our sampling of settlement cases identified significant weaknesses in decision making. In some cases we found it almost impossible to determine why visas had been issued, when others had been refused on identical or very similar evidence.
6. During the time period covered by our file sampling, we also found significant weaknesses around the processes being adopted to deter, prevent and detect fraudulent applications for settlement. For example:
  - entry clearance staff had not been trained sufficiently to meet the demands of countering fraud;
  - risk profiles were not being used to support the decision making process which meant that fraud was not being targeted; and
  - there was very limited verification activity to support the decision making process.
7. We consider these failures impacted adversely against the UK Border Agency's strategic objective to protect our border and national interests. We were also concerned that it had failed to deliver on its commitment to deliver excellent customer services as set out in its customer strategy document published in April 2009.

8. We found the UK Visa Section was not managing the appeals process correctly. Appeals allowed by the Asylum and Immigration Tribunal were not managed within the target that had been set and we found similar lengthy delays in cases where Entry Clearance Managers overturned the original refusal decision upon receipt of appeals from customers.
9. We were also concerned that correspondence and complaints about the service provided were not being managed or escalated appropriately in accordance with the UK Border Agency's policy. During the course of our inspection it became clear that customers were not at the heart of the service being provided, despite them paying a significant fee (£585). The process had become the focus and customer service suffered as a result.
10. In conclusion, we found a Visa Section that was neither efficient nor effective.

## 2. Summary of Recommendations

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

1. Implements a business plan to improve the overall performance of the UK Visa Section
2. Ensures settlement decisions made in the UK Visa Section are subject to effective scrutiny, supported by risk profiles and regular verification checks to drive and sustain improvements in decision making
3. Ensures policy and guidance is clear and applied consistently
4. Ensures communications are in place to manage and co-ordinate business processes effectively across all locations
5. Meets the service standards set out in its customer strategy document published in April 2009
6. Manages customer correspondence and complaints efficiently in order to:
  - provide detailed responses where necessary in a timely manner;
  - identify improvement opportunities; and
  - improve the overall levels of service provided.
7. Sets a reasonable target for issuing entry clearance when a refusal is overturned by an Entry Clearance Manager upon receipt of an appeal.

# 3. The Inspection

- 3.1 The Independent Chief Inspector's core inspection criteria<sup>1</sup> were used to assess the effectiveness and efficiency of the UK Visa Section under four broad headings:
- High level outcomes of the business;
  - Processes and procedures including quality of decision making and consistency of approach;
  - Impact on people subject to UK Border Agency services; and
  - Management and Leadership.
- 3.2 The specific criteria under each heading that were selected for the inspection are listed in full at Appendix A.
- 3.3 In developing the Inspectorate's core criteria, it was decided that protecting the public, customer service and diversity would be key themes that all inspections would examine to assess performance. For this inspection, particular attention was paid to the first two themes (protecting the public and customer service), using the core criteria selected.
- 3.4 This inspection also took into account the remit defined by the legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal. It also paid special attention to the services provided by the UK Border Agency to its customers overseas, for example, from the point that a customer:
- accessed information to find out about entry clearance to the United Kingdom;
  - made a visa application for entry clearance to the United Kingdom and attended a visa application centre to provide their biometrics, application form and supporting documents;
  - received their decision in the form of a refusal notice; or
  - submitted correspondence or complaints to the UK Border Agency, or its commercial partner in Pakistan, in relation to their application.
- 3.5 To help us make an informed judgment about the quality (and level) of customer service, we measured the UK Border Agency's performance against the objectives set out in its Customer Strategy document, published in April 2009. This set out four key objectives that the UK Border Agency recognised it needed to achieve in order to realise its vision of delivering excellent customer service. They are:
- learn lessons from customer feedback;
  - modernise our customer contact and change the way our people behave;
  - use a better understanding of our customers to provide more effective services; and
  - consider customers' needs when redesigning our business.

<sup>1</sup> Core Criteria of the Independent Chief Inspector of the UK Border Agency can be found at [http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Criteria\\_for\\_core\\_programme.pdf](http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Criteria_for_core_programme.pdf)



## 4. Background

- 4.1 The information in this section was provided by the UK Border Agency for this inspection. It provides general background information about International Group and the work of the UK Visa Section in Croydon, which is located within International Group's EuroMed region.
- 4.2 The UK Border Agency International Group has 3000 staff in 135 countries working to deliver the government's objective of facilitating trade and travel that benefits the UK and preventing travel which does not. The redesign of its global network of visa sections began in January 2007 as part of a wider programme of change, supported by the introduction of biometrics and commercial partners.
- 4.3 This redesign allowed the UK Border Agency to think about how and where it considered applications, giving it an opportunity to restructure and make better use of its resources overseas. The redesign of the network into a Hub and Spoke business model aimed to deliver three main benefits:
- improved quality and consistency of decision-making;
  - improved efficiency and productivity; and
  - greater resilience and flexibility.
- 4.4 This business model has seen decision making move from small visa sections to larger regional hubs, or processing centres. In early 2007, there were over 150 posts around the world working largely independently and handling all aspects of visa processing, including the receipt of applications and decision making. By late 2009, the number of locations in which an application could be registered had increased to over 250, serviced by fewer than 80 processing centres (hubs).
- 4.5 To manage its work overseas, International Group structured its visa work into six regional locations<sup>2</sup>. They are:
- Africa
  - Americas
  - Asia Pacific
  - Gulf, Iran and Pakistan
  - EuroMed
  - South Asia.

### Settlement applications

- 4.6 Applications for settlement in the UK, when granted, initially allow individuals to stay and work in the UK for two years. Towards the end of this period, individuals can apply to stay permanently in the UK, if they continue to meet the requirements of the immigration rules. For example, if their initial application for settlement was as a spouse, and they are still married and intend to continue living together, they can apply to remain permanently in the UK. The UK Border Agency provides further details on who can apply for settlement at <http://www.ukvisas.gov.uk/en/howtoapply/infos/>.

<sup>2</sup> Correct as at 6 April 2010.

- 4.7 Because successful settlement applications lead to permanent settlement in the UK, it is important that the UK Border Agency puts in place effective administration procedures to ensure its decisions:
- are fair;
  - are in accordance with the immigration rules;
  - align with its policy and guidance; and
  - support the achievement of its stated business objectives.
- 4.8 Failing to deliver effectively in these areas means individuals may be granted entry clearance to the UK when they are not entitled to it.

### The UK Visa Section

- 4.9 All applications made in Pakistan for settlement in the UK are sent to the UK Visa Section for consideration. It also considers all applications made in Algiers, although this element of work was out of scope for this inspection.
- 4.10 The UK Visa Section was established in October 2008, and started considering visa applications from Algiers in November of the same year. The decision to move settlement casework from Pakistan to the UK was made in October 2008. It followed advice from the Foreign & Commonwealth Office that all non-essential UK staff should be removed from Pakistan because of the deteriorating security situation.
- 4.11 The UK Visa Section started considering Pakistan settlement applications in January 2009. The section was based initially at the Foreign and Commonwealth Office in London. It transferred in June 2009 to a UK Border Agency office in Croydon.

### Staffing

- 4.12. Figure 1 records the staffing complements of the UK Visa Section at the time of our inspection (excluding seasonal relief).

**Figure 1: Staffing numbers at UK Visa Section**

Regional Manager	1
Operations Manager (SEO)	1
Entry Clearance Manager (HEO)	2 <sup>3</sup>
Entry Clearance Officer (EO)	15.5
Office Manager (EO)	1
Entry Clearance Assistants (AO)	8
<b>TOTAL</b>	<b>28.5</b>

Source: Information supplied by UK Visa Section

### Visa application process

- 4.13 Customers in Pakistan wishing to apply for settlement in the UK submit their applications, supporting documents, visa fees and biometric data at one of four visa application centres. These are located in Islamabad, Lahore, Karachi and Mirpur. The applications are then forwarded with customers' passports to the Visa Section in Islamabad where travel documents (typically passports) and supporting document verification is undertaken.

<sup>3</sup> Two additional Entry Clearance Managers had been recruited and were joining the UK Visa Section in April 2010.

- 4.14 Copies of the application form and all supporting documentation are then sent by private courier to the UK Visa Section, where the decision to issue or refuse entry clearance is made. This decision is then relayed electronically to Islamabad. While the UK Visa Section is considering applications, the Islamabad Visa Section retains customers' passports and original supporting documentation. When the decision is received by the Islamabad Visa Section, it either issues entry clearance visas or produces refusal notices. These are then returned to customers via the respective visa application centres.

### Applications

- 4.15 Figures 2 and 3 show settlement application data and refusal rates for Pakistan settlement applications made in Islamabad and the UK Visa Section before and after the transfer of work. It is noticeable that the refusal rate increased significantly following the transfer.

**Figure 2: Settlement visa applications made at Islamabad**

Calendar year	Applications	*Refusal rate (%)
2008	11,391	22
2009	677	18
2010 (Jan - Mar)	0	4

\* Note, the refusals figure will include applications prior to the calendar year.  
Source: Information supplied by UK Border Agency – International Group

**Figure 3: Settlement visa applications made at the UK Visa Section**

Calendar year	Applications	*Refusal rate (%)
2009	7,265	48
2010 (Jan-Mar)	1,721	44

\* Note, the refusals figure will include applications prior to the calendar year.  
Source: Information supplied by UK Border Agency – International Group

### Customer service standards

- 4.16 The UK Border Agency's customer service standard for processing settlement application states it will complete 95% of applications for settlement visas in not more than 12 weeks and 100% in not more than 24 weeks. The UK Border Agency generally met these targets for Pakistan settlement applications between January 2008 and March 2010, but its performance in relation to the 12-week target dipped significantly for Pakistan settlement applications between August and October 2009. This was a result of a decision to suspend the processing of Pakistan settlement cases in July 2009. Figure 4 details the impact this decision had on the performance of the UK Visa Section over this period.

**Figure 4: UK Visa Section – Performance against customer service standards for Pakistan settlement applications**

Period	% of cases that met 12-week target	% of cases that met 24-week target
Aug 2009	89	99
Sep 2009	20	100
Oct 2009	57	100

Source: UKBA Entry Clearance Statistics 2008/2009

**Inspection methodology**

- 4.17 Prior to our visit to the UK Visa Section, the inspection team randomly selected 49 settlement refusal cases and 51 settlement issue cases from a list of decisions made between 1 September and 30 November 2009.
- 4.18 These files were then assessed to determine:
- the quality of decision making within the spirit of fairness and consistency; and
  - whether the correct immigration rules and procedures were used to reach balanced decisions.
- 4.19 The inspection team also examined the quality of the service provided by the UK Border Agency to its customers overseas. This included assessing whether:
- the information it provided was in plain language, accurate and met customer needs;
  - applications were processed in line with published customer service standards;
  - customers received appropriate, accurate and detailed responses to enquiries and/or complaints that they made; and
  - refusal notices provided a clear and detailed explanation of why the application was refused and explained how customers could appeal.
- 4.20 In addition to file sampling, we conducted a staff survey in advance of our visit to the UK Visa Section. The inspection team sent the survey to 26 members of staff and received 20 responses – a response rate of 77%. While on site, we interviewed the Regional Manager, the Operations Manager and two Entry Clearance Managers. We held two focus groups with Entry Clearance Officers and one with Entry Clearance Assistants. We also observed staff undertaking a range of duties.

## 5. Inspection findings – High level outcomes of the business

### Change management

- 5.1 The decision to move settlement casework to the UK was taken after the Marriott Hotel bombing in Islamabad in September 2008. It followed advice from the Foreign & Commonwealth Office that all non-essential UK based staff should be removed from Pakistan because of the deteriorating security situation.
- 5.2 The UK Border Agency told us it had already been considering transferring visa work away from Pakistan as part of its move to the Hub and Spoke business model. This would see Pakistan becoming the “spoke” and another unnamed location, outside Pakistan, becoming the “hub”. The deteriorating security situation meant this work was escalated, so that work was transferred more quickly. Agreement was reached with the Foreign and Commonwealth Office that Abu Dhabi would become the location for the hub, predominantly because it could accommodate a significant increase in staffing to undertake this work.
- 5.3 However, the sheer size of the Pakistan visa operation (third largest visa application country by volume in 2008/2009), meant Abu Dhabi could not accommodate all of the work. As a result a decision was taken to pilot “on-shore” settlement decision making into the UK Visa Section, initially for a trial period of six months.
- 5.4 The UK Border Agency told us the concept of “on-shoring” more work into the UK was important in helping the organisation to meet the aims of its Hub and Spoke business model, namely to:
  - improve the quality and consistency of decision making;
  - improve efficiency and productivity; and
  - offer greater resilience and flexibility in moving work to staff rather than the other way around.
- 5.5 The UK Border Agency also told us the creation of a Visa Section in the UK had other benefits. This included the option to move work away from countries where a changing security situation meant operating a Visa Section was difficult or impossible to continue, whilst securing / preserving the safety and security of staff.
- 5.6 The UK Border Agency told us the establishment of this section involved developing a completely new business process. This required extensive planning and management and included finding premises to locate the new Visa Section, the recruitment of staff, the installation of IT etc.
- 5.7 We therefore examined how effectively the UK Border Agency managed this significant change programme, because it was much more complicated than implementing the Hub and Spoke model which usually saw work transferring from a spoke to a single hub. For Pakistan, work would transfer to two hubs, one in the United Arab Emirates (Abu Dhabi) and the other in the UK. In addition, the complexity of the operation was increased further because of the decision by the Pakistan authorities not to allow passports of its citizens to be transported outside Pakistan.

- 5.8 To determine the success or otherwise of this change programme we assessed the performance of the UK Border Agency against the following criteria:
- Was there an explicit strategic plan in place setting out how the transfer of work from Pakistan to the UK Visa Section would be managed in order to bridge the gap between the vision (i.e. seamless transfer of work, improving efficiencies and improving quality of decision making etc.) and the original position (prior to the transfer of work taking place)?
  - Had the plan been evaluated to assess whether the purpose had been achieved?
  - Was there a clear operational plan in place, with interim objectives being set to effectively manage the transition of work, setting out what procedures and processes needed to be in place to meet Hub and Spoke objectives and the wider strategic objectives of the UK Border Agency?
- 5.9 At the time of the on-site phase of our inspection, we did not see any plans relating to the transition of Pakistan settlement work from Islamabad to the UK. We were subsequently shown strategic planning documentation and this set out how the initial transition of work was to be carried forward. However, it was not clear to us how widely these plans had been disseminated amongst the staff most directly affected by moving this work from Islamabad to the UK. We were also concerned that the level of senior management oversight of the project appeared to have declined over time, particularly in relation to the move of the UK Visa Section from London to Croydon. More effective oversight would have mitigated the problems that arose.
- 5.10 We reviewed this documentation against the measures set out below to determine how effective the organisation's plans had been in managing the transfer of settlement work from Pakistan to the UK Visa Section and in particular the subsequent transfer of this work from London to Croydon. We specifically looked for:
- an effective resourcing plan that clearly took account of the complexities of the operation (high volumes of settlement applications and appeals, abuse of the system etc.);
  - a high level communication plan that clearly set out the roles and responsibilities of the key players in each location (UK Visa Section, Pakistan & Abu Dhabi), how they should interact (management meetings etc.), and what escalation process was in place to inform senior management about issues or problems that could not be resolved at an operational level; and
  - an operational plan to ensure the use of resources was effectively managed and monitored to deliver against the objectives of Hub and Spoke and the wider strategic objectives of the UK Border Agency.
- 5.11 We found that operational planning was informal and reactive, and was frequently in response to issues that had been allowed to escalate to a point where management action had to be taken. An example of this was given to us by staff who told us of a project that had been undertaken to test the robustness of existing visa decision making in the UK Visa Section. This took place just prior to the on-site phase of our inspection<sup>4</sup>.
- 5.12 Staff told us that the level of abuse identified by this project was significant. Their views were supported by the actions of the UK Border Agency, who almost immediately introduced 100% sponsor verification checks for settlement applications.

<sup>4</sup> The project took place over two weeks, commencing 5 February 2010.

- 5.13 The views of staff about the level of abuse identified by this project were confirmed by our file sampling (our detailed findings are recorded in chapter 8). We were surprised that nearly 14 months had been allowed to elapse (the UK Visa Section commenced settlement work in January 2009) before any consideration, or clear management instructions, were given to UK Visa Section staff concerning abuse of the system. For example, to inform/instruct staff about the types and frequency of verification checks they should undertake and to ensure entry clearance decisions on settlement applications were firm, but fair. We consider that this meant the UK Border Agency had been making entry clearance decisions without due diligence, because it had not satisfied itself that:
- customers applying for settlement to the UK were genuine and applying for entry clearance for the reasons set out in their application forms;
  - sponsors supporting applications were similarly genuine and had honest intentions; and
  - UK immigration law and its policy and guidance was being applied effectively, to help ensure that entry clearance was not being obtained for dishonest or criminal purposes.
- 5.14 Another example of poor management was the clear mismatch between the resource initially allocated to the UK Visa Section and that which was required to perform the work effectively. We could find no evidence that there was a proper assessment of staffing requirements against workload, particularly at the time when the work transferred to Croydon. Staff told us that while resource was now better matched to workloads, concerns remained about the number of Entry Clearance Assistants, which they felt was insufficient to support the operation. Figure 5 sets out a comparison between the original staffing complement and that in place in May 2010.

**Figure 5: Staffing numbers at the UK Visa Section**

Post	Original staffing complement pre June 2009	Staffing complement March 2010	Staffing complement May 2010
Regional Manager	1	1	1
Operations Manager	1 (joined May 2009)	1	1
Entry Clearance Manager	2	2	4
Entry Clearance Officer	9	15.5	13.5
Office Manager	0	1	1
Entry Clearance Assistants	7	8	7
<b>TOTAL</b>	<b>20</b>	<b>28.5</b>	<b>27.5</b>

Source: Information supplied by UK Border Agency

- 5.15 We found this lack of resourcing impacted adversely in a number of operational areas. For example, it affected the:
- quality of decision making, linked in part to the absence of sponsor verification checks and ineffective management reviews;
  - level of customer service provided, caused by the suspension of Pakistan settlement applications and poor correspondence and complaint handling processes; and
  - management of Pakistan appeal cases, including the creation of a backlog.
- 5.16 We also found limited intelligence activity to support the UK Visa Section. This was surprising, particularly in view of the UK Border Agency's stated commitment to *use intelligence led risk profiles in order to improve decision-making over visa decisions*.

- 5.17 We recognise that the introduction of biometrics overseas had strengthened the UK's offshore line of defence, identifying if someone had a previous criminal history or was wanted, in connection with terrorism, or had a previous adverse immigration history in the UK. But many people attempting to come to the UK will not have come to the attention of either the UK Border Agency or the Police beforehand and their intentions, as stated on their applications forms, might not be genuine. It is therefore important that applications are scrutinised and that risk profiles are used to identify those applications that pose greater risks to the UK.
- 5.18 Staff also made the inspection team aware of problems they had encountered with marriage certificates issued by the Azad Jammu and Kashmir region of Pakistan. Initially they were refusing these applications (in the hundreds) because they had been advised by Islamabad that the documents were not recognised as genuine.
- 5.19 This resulted in significant numbers of appeals being received; increasing levels of MPs correspondence and adverse media coverage from amongst the Pakistani community in the UK, all asserting that these marriage certificates were genuine. The UK Visa Section raised these concerns with the Islamabad Visa Section, but it took over three months for Islamabad to confirm these marriage certificates were in fact genuine. We were told this had resulted in significant additional work because refusal decisions had to be and continued to be overturned.
- 5.20 Effective planning would have allowed the UK Border Agency to properly assess the benefits and risks linked to the transition of this work. Its absence meant the UK Visa Section had, in many respects, been "fire-fighting" since its inception, although there was some evidence that a firmer management grip was now being exerted by the EuroMed regional management team. However, we consider that apart from the very poor service afforded to customers, predominantly as a result of poor decision making, the UK Border Agency had failed to meet any of its Hub and Spoke objectives. More seriously we consider that it had also failed in its objective to protect the UK border.
- 5.21 We found little evidence that the UK Border Agency had considered the impact of making the pilot permanent. For example, we found that when the UK Visa Section was created as a pilot, it sat under Network Development, a project team. However, when the pilot was made permanent in June 2009, it remained under this team, with no clear formal linkages being made between it and the Islamabad Visa Section.
- 5.22 Shortly after, the EuroMed region took over responsibility for Algiers visa work which was also carried out by the UK Visa Section. Following this transfer of responsibility, the new management team prioritised Algiers applications, primarily because:
- Algiers came directly under the control of the EuroMed region; and
  - there were insufficient resources to tackle both problems.
- 5.23 As a result, decision making for Pakistan applications was suspended between July and September 2009. In October 2009, however, the EuroMed region also assumed responsibility for settlement applications from Pakistan.
- 5.24 Allocating the Pakistan settlement work to a management team responsible for visa work was a positive step. However, prior to this, we found that little proactive work had taken place to develop a strong and effective working relationship between the UK and Islamabad Visa Sections. And the problem of both sections reporting into two different line management teams remained (EuroMed and South Asia & Gulf region<sup>5</sup>).

<sup>5</sup> The South Asia & Gulf Region was split into two on 6 April 2010, with Pakistan falling under the Gulf, Iran and Pakistan region.



5.25 We believe much more work should have taken place at the outset to develop and implement a formal working protocol between both locations. This would have helped to ensure that quality of decision making and customer service levels were maintained and improved in alignment with organisational objectives. This was particularly true as both locations were heavily reliant on each other for managing different parts of the settlement application process. Figure 6 sets out the key actions that each Visa Section performed in connection with settlement applications made in Pakistan.

**Figure 6: Key processes undertaken in both visa sections in relation to settlement applications made in Pakistan**

Islamabad Visa Section	UK Visa Section
Examining travel documentation	Undertaking further checks as necessary (predominantly against other UK Border Agency IT systems)
Completing the Decision making Tool (an IT programme put in place to aid Entry Clearance Officers in making more effective decisions)	Considering the evidence submitted by customers (information on application forms and supporting documentation)
Conducting verification checks on supporting documents considered suspicious	Making entry clearance decisions
Risk profiling and providing intelligence alerts	Managing appeals relating to settlement cases
Printing off refusal notices or inserting entry clearance visas into customers passports	Managing correspondence and complaints, including MPs correspondence.
Dealing with cases where the original refusal decision was overturned and advising the UK Visa Section in such cases when travel documents were returned by customers for visas to be issued.	

5.26 We have already highlighted the business failures that occurred as a result of this confused management oversight. Apart from the obvious impact this had on settlement customers and their sponsors, there were significant weaknesses in the UK Border Agency's performance in protecting the border.

### Joint working

5.27 We found the UK Visa Section had limited involvement or interaction with stakeholders in the UK. This was predominantly because key stakeholder groups, including Pakistan and UK businesses and the education sector had their visa decisions taken in Abu Dhabi. We report our inspection findings in some detail in relation to these stakeholders in our inspection report on the Abu Dhabi and Islamabad visa sections.

5.28 However, we did visit the Pakistan High Commission in London. We met with the High Commissioner to establish his views about the visa service provided by the UK Border Agency to Pakistani citizens. He expressed concerns over a range of issues, including the:

- lack of consultation over introducing the current Hub and Spoke model;
- loss of Pakistani passports by the UK Border Agency;
- significant delays encountered by all categories of Pakistan customers applying for visas, particularly as their passports were retained during this process; and
- insufficient weight given to evidence in support of applications.

- 5.29 Although we noted these concerns and covered them in detail during our inspection visits to Abu Dhabi and Pakistan, they were more difficult to assess in relation to the UK Visa Section. However, we did use our file sampling to assess whether evidence being supplied by customers was being considered fairly. We cover this in greater detail in the chapters on *Processes and procedures including quality of decision making and consistency of approach and Impact on people subject to UK Border Agency services*.
- 5.30 We found significant weaknesses in relation to joint working between the UK Visa Section, the Islamabad Visa Section and the Risk and Liaison Overseas Network. They included the fact that there was no clear pro-active management structure to decide upon and escalate emerging performance issues, before they started to impact negatively against organisational objectives and the Hub and Spoke model. For example, the:
- IT problems relating predominantly to applications for children under five;
  - communication problems that resulted in long delays in issuing visas following appeal determinations overturning original refusal decisions;
  - absence of clear intelligence processes to support settlement decision making (risk profiling and the Risk and Liaison Officer Network were both based in Islamabad);
  - problems encountered around genuine marriage certificates from the Azad Jammu and Kashmir region of Pakistan (these had not been recognised as genuine for a number of months); and
  - uncertainty staff felt in the UK Visa Section about the processes followed in the Islamabad Visa Section with regards to settlement applications (covered in greater detail on the section on Management and Leadership).
- 5.31 Taken together, these issues contributed significantly to a Visa Section that was simply failing to deliver an efficient, secure and fair visa system.

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

- Implements a business plan to improve the overall performance of the UK Visa Section
- Ensures communications are in place to manage and co-ordinate business processes effectively across all locations.

#### **Performance targets**

- 5.32 Targets for settlement applications are clearly set out by the UK Border Agency on its website. They are to complete:
- 95% of applications for settlement visas in not more than 60 working days (or 12 weeks); and
  - 100% of applications for settlement visas in not more than 120 working days (or 24 weeks).
- 5.33 Following the suspension of Pakistan settlement cases between July and September 2009, a target was set for each Entry Clearance Officer to complete 20 settlement applications a day. We were told this target was set to deal with incoming applications, whilst at the same time clear the backlog, which numbered 2600 cases at the end of September 2009.
- 5.34 Entry Clearance Officers with overseas experience considered the target to complete 20 settlement cases a day was achievable, but not with the level of support that was being provided by Entry Clearance Assistants at the time of the inspection. They stated Entry Clearance Assistants overseas typically completed much more work prior to the case being passed to an Entry Clearance Officer for a decision to be made.

- 5.35 They added that in the UK Visa Section, Entry Clearance Officers outnumbered Entry Clearance Assistants, which was the opposite of what happened overseas, where the ratio of Entry Clearance Assistants to Entry Clearance Officers was far higher. Entry Clearance Officers told us this meant they spent a lot of their time undertaking activities which could have been more effectively performed by Entry Clearance Assistants.
- 5.36 Following the project to test the robustness of existing visa decision making in the UK Visa Section, the target was reduced to ten cases a day. Management and staff told us the target was lowered so that 100% sponsor verification checks could be undertaken. Due to the problems we identified with poor quality decision making, we believe the UK Border Agency needs to do more work to determine what a challenging but realistic target looks like.

# 6. Inspection Findings – Processes and procedures including quality of decision making and consistency of approach

6.1 This section gives the detailed results and analysis of the files we examined from the UK Visa Section. We requested 100 cases which were chosen randomly from decisions made between 1 September and 30 November 2009, split between refusals (49) and issues (51). While the following sections in this chapter provide our detailed findings in respect of both types of cases, we did draw some key conclusions overall. We found that:

- decision making was poor, to such an extent, that it was almost impossible in some cases to determine why visas had been issued, when others had been refused on identical or very similar evidence;
- sponsor checks were not undertaken to assess whether the supporting documentation, provided by the sponsor, was genuine. For example, employment and earnings; and
- targeted checks were not undertaken with other government agencies to assess whether:
  - sponsors were in receipt of public funds
  - sponsors tax records confirmed self employment earnings
  - customers with no entitlement to National Health Services had used a previous UK visit to access such services
- intelligence activity was not used to support decision makers in their work.

## **Inspection results of the sample of settlement refusals**

6.2 Data accuracy was good, with 43 of the 49 refusal decisions sampled being recorded accurately on the case management system used by the UK Border Agency. The remaining six files were out of scope because in:

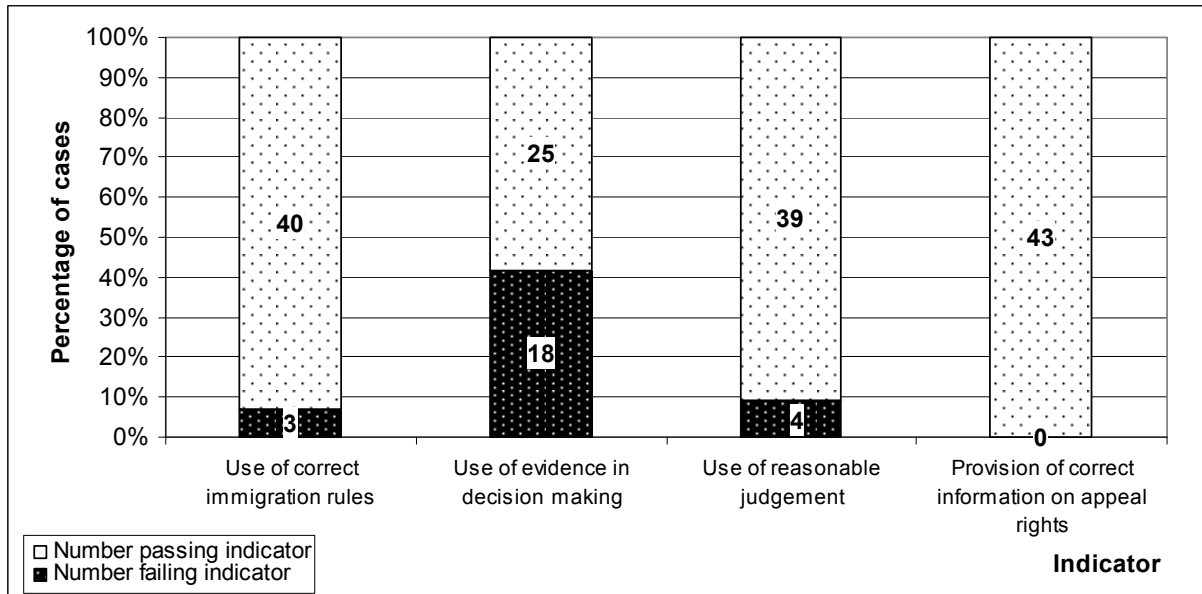
- three cases, refusal decisions were subsequently overturned by the UK Border Agency, following confirmation that marriage certificates from the Azad Jammu and Kashmir region in Pakistan were genuine;
- one case the original refusal decision was overturned when further documentation, submitted as part of an appeal, was considered;
- one case an administrative error was made relating to the visa application reference number; and
- one case the application related to an Algerian customer which had been wrongly classified as a Pakistan settlement application.

6.3 We reviewed the 43 remaining cases against a four point scale to assess whether the decision and refusal notice was lawful and reasonable (a reasonable refusal notice is one which is in accordance with the immigration rules and is based on the evidence provided, with correct information on appeal rights). The four point scale is set out below:

- Was the decision to refuse entry clearance assessed against the correct immigration rules?
- Was the decision to refuse the application in accordance with the evidence provided by the customer?
- Was the Entry Clearance Officer's judgement reasonable?
- Was the correct information given on appeal rights?

6.4 Figure 7 shows the results of our file sampling of refusal cases.

**Figure 7: Refusal cases assessed against indicators of decision making quality**



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

### Correct use of immigration rules

6.5 We found that in three of the cases we reviewed (7% of the sample), the correct immigration rules had not been applied. In all three cases, the refusal notices cited that customers did not have sufficient knowledge of either the English language or about life in the UK, a requirement that was not applicable in these cases. The UK Border Agency agreed to send out revised refusal notices in these cases.

### Use of evidence / reasonable judgement

6.6 We examined refusal notices under these categories to assess whether an Entry Clearance Officer's decision had taken into account all of the evidence provided. For example, a decision that did not take into consideration material evidence obtained at interview or in supporting documents. We were concerned to find that 18 cases (42% of the sample) were not made in accordance with the evidence. They are broken down as follows:

- fourteen cases where evidence was disregarded or the validity of supporting documentation doubted by Entry Clearance Officers, without any further requisite checks being made to support their judgements;
- one case where an Entry Clearance Officer misinterpreted evidence to the detriment of the customer;
- two cases where additional evidential requirements were made by Entry Clearance Officers, when existing evidence provided was sufficient; and
- one case where the application of paragraph 320(7A) had been used when it was not appropriate to do so.

- 6.7 We reported our concerns to the UK Border Agency in connection with these 18 cases. They reviewed these cases and accepted our findings in relation to them. They then took the following actions:
- refusal decisions were overturned in four cases and entry clearance was granted;
  - refusal notices in eight cases were revised and re-issued setting out correct refusal reasons, including application of paragraph 320 (7A)<sup>6</sup> in one case; and
  - suspended taking action in six cases because they had been listed for an appeal hearing.
- 6.8 To illustrate the concerns we had with the quality of decision making in relation to these 18 cases, we set out two case studies as shown in Figures 8 and 9.

### Figure 8: Case study 1 – Spouse settlement application

#### The customer:

- submitted an application on 20 August 2009, together with various supporting documentation, including a marriage certificate, photos and a registration of birth for a linked application relating to a child; and
- was refused entry clearance on 13 November 2009 (as was the child) on the grounds that neither a marriage certificate or evidence of a subsisting relationship had been provided.

#### Chief Inspector’s comments:

- a marriage certificate was provided;
- evidence of a subsisting relationship was provided in the form of a marriage certificate, photos and a registration of birth for a child; and
- the child’s refusal notice referred to “a claimed” relationship with the parent, when supporting evidence in the form of a registration of birth demonstrated a clear relationship with the parent.

#### UK Border Agency response:

- accepted the basis of the refusal notice was incorrect;
- conducted a check on the marriage certificate which revealed it was genuine;
- accepted evidence of a subsisting relationship had been provided; and
- overturned the decision and issued two entry clearances.

<sup>6</sup> Rule 320 (7A) is a general ground for refusal that applies where false documents or information have been submitted or material facts not disclosed. Deception in an entry clearance application will lead to any subsequent application being refused for ten years, and because of this a higher standard of proof is applied (to a higher balance of probabilities) than refusals under the category specific immigration rules.

## Figure 9: Case study 2 – Spouse settlement application

### The customer:

- submitted an application on 12 August 2009, together with various supporting documentation, including a marriage certificate and an electronic travel ticket that confirmed the sponsor had arranged travel to Pakistan between 22/7/09 and 13/8/09; and
- was refused entry clearance on 5 October 2009 on the grounds that:
  - the marriage certificate was not valid
  - that the date of the marriage stated by the sponsor was different from that stated on the marriage certificate
  - there was no evidence the sponsor was in Pakistan at the time of the marriage

### Chief Inspector's comments:

- there was no evidence to suggest the marriage certificate was not genuine, other than the assertion of the Entry Clearance Officer;
- the date of marriage referred to by the sponsor was the same as that stated on the marriage certificate; and
- there was evidence the sponsor had travelled to Pakistan at the time of the marriage.

### UK Border Agency response:

- agreed the evidence provided by the customer had not been examined properly by the Entry Clearance Officer;
- accepted the marriage certificate was genuine;
- accepted there was evidence that the customer had travelled to Pakistan at the time of the wedding; and
- overturned the decision and issued an entry clearance.

- 6.9 We were concerned that although Entry Clearance Officers had raised issues about the validity of supporting documents in some of the cases we examined, no attempts were made to either interview customers or sponsors, or refer documents for formal verification checks. These steps would have assisted Entry Clearance Officers in making an informed judgement about supporting documentation, or helped determine whether customers circumstances (as described in application forms) were genuine or not.
- 6.10 We therefore reviewed all 43 cases and established that none of the customers had been interviewed, nor had any attempts been made to refer supporting documents for verification checks. We consider these failures resulted in poor decision making and poor customer service. We also note that because these were refusal decisions, the failure to perform more detailed checks did not pose risks to the UK Border Agency's first strategic objective, *protecting our border and national interests*. However, we were concerned that its failure to properly consider customers applications had impacted adversely against its third strategic objective, to *implement fast and fair decisions*. We comment on this further in the section on settlement grants of entry clearance.

## We recommend that the UK Border Agency:

- Ensures settlement decisions made in the UK Visa Section are subject to effective scrutiny, supported by risk profiles and regular verification checks to drive and sustain improvements in decision making

### **Correct information on appeal rights**

6.11 We found that in all 43 cases customers had been given the correct information on appeal rights.

### **Quality of refusal notices**

6.12 Customers pay a fee for the application process, typically £585 for a settlement visa, unless the application relates to a family reunion when the fee is waived (appendix B refers to visa fees). They are non-refundable, unless payment had been made and the application was not submitted, or the customer refused to provide biometric details with their application. In these cases the UK Border Agency will refund the fee.

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

6.14 To assist our assessment of the quality of refusal notices we used five quality pointers set out below:

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

6.15 All the cases sampled included the correct immigration rules in the refusal notice. They also correctly outlined the purpose of the intended stay. In 24 cases (56% of the sample) we considered that the refusal notices were not balanced in setting out where customers met the immigration rules and where they did not. In 16 of these cases, we also noted that the refusal decision failed to take into account all of the evidence provided by customers in support of their applications. We consider this lack of balance detracted from the overall quality of decision making.

6.16 In four cases (9% of the sample) we found refusal notices contained either grammatical errors, repetitive sentences or erroneously made reference to the British Embassy in Algiers. This impacted negatively on the credibility and professionalism of the Agency.

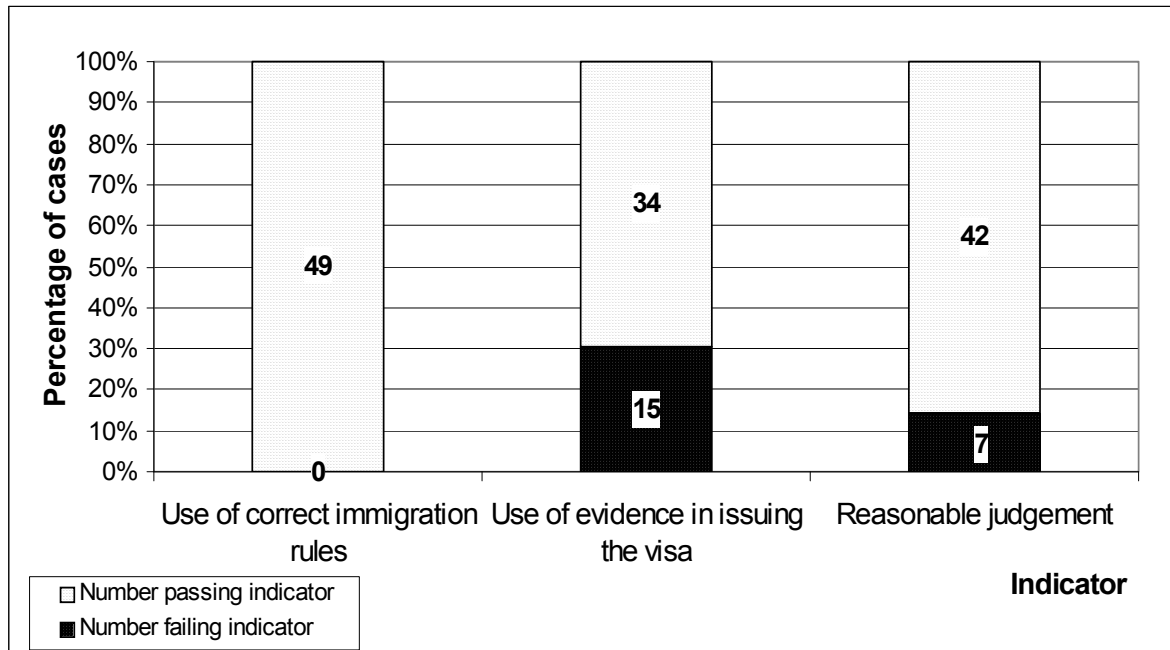
### **Inspection results of the sample of settlement grants of entry clearance**

6.17 Data accuracy was good, with 49 of the 51 decisions to grant entry clearance sampled being recorded accurately on the case management system used by the UK Border Agency. The two remaining files were out of scope because the customers were of Algerian nationality. We examined the remaining 49 cases using the following criteria:

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

6.18 Figure 10 shows the results of our sampling of cases that were granted entry clearance.



**Figure 10: Granted cases assessed against indicators of decision making quality**

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

### Correct use of immigration rules

6.19 We found all 49 cases were assessed against the correct immigration rules. In these cases we also noted that the visas had been issued with the correct endorsement and period of validity.

### Use of evidence / reasonable judgement

6.20 We examined decisions under these categories to assess whether an Entry Clearance Officer's decision to grant entry clearance was balanced, taking account of:

- customer's and sponsor's circumstances as set out in settlement application forms; and
- supporting documentation provided in support of applications.

6.21 We found 15 cases (31% of the sample) where we considered that the decision to grant entry clearance was not in accordance with the evidence. They are broken down as follows:

- nine cases where evidence provided in relation to finances should have been checked, for example, large unexplained cash deposits; and
- six cases where evidence provided in relation to employment should have been checked, for example, poor presentation or grammar, or conflicting information.

6.22 To illustrate the concerns we had with the quality of decision making in relation to these 15 cases, we set out two case studies in Figures 11 and 12.

**Figure 11: Case study 3 – Spouse settlement application****The customer:**

- submitted an application on 21 July 2009, together with various supporting documentation, including an employment reference letter and bank statements; and
- was granted entry clearance on 20 October 2009 (as was a linked application concerning a child).

**Chief Inspector's comments:**

- the employment reference letter contained spelling mistakes which suggested it might not be genuine;
- the contact telephone number stated in the body of the employment reference letter did not correspond with the company telephone number stated in the letterhead;
- the telephone dialling code given in the body of the employment reference letter corresponded to the location where the sponsor lived (it did not correspond to the dialling code provided in the company letterhead);
- the employment reference letter was dated 30 January 2009, but the visa application was not made until 21 July 2009, some six months later;
- the bank statements showed large unexplained cash deposits; and
- despite these irregularities, document verification checks had not been undertaken.

**UK Border Agency response:**

- accepted it should have completed document verification checks on the employment reference letter and bank statements at the time of application (for the reasons outlined above), but had failed to do so;
- subsequently conducted a documentation verification check on the employment reference letter – this revealed it had been manipulated to show employment when employment had in fact ceased in November 2006; and
- accepted entry clearances in both cases had been obtained through deception.

## Figure 12: Case study 4 – Spouse settlement application

### The customer:

- submitted an application on 3 September 2009, together with various supporting documentation, including an employment reference letter; and
- was granted entry clearance on 18 November 2009.

### Chief Inspector's comments:

- the phone number shown on the employment reference letter was different from that recorded on the company's website;
- the sponsor was in receipt of council-tax benefit; and
- document verification checks had not been undertaken.

### UK Border Agency response:

- accepted it should have conducted further checks on the sponsor at the time of application, in respect of the employment reference letter and on the issue of access to public funds;
- subsequently conducted a documentation verification check on the employment reference letter – this revealed the sponsor was not employed as claimed;
- subsequently established the sponsor was in receipt of working tax credit, child tax credit, child benefit, housing benefit and council tax benefit; and
- accepted entry clearances had been obtained through deception.

- 6.23 We found similar outcomes in relation to four further cases where we raised concerns about the use of evidence applied by Entry Clearance Officers. In each case the UK Border Agency subsequently established that deception had been used. All four cases related to employment and were as follows:
- two cases where the sponsor was not employed as claimed (one with a linked application for a child);
  - one case where the sponsor was not employed at the time the application for entry clearance was made by the customer in Pakistan; and
  - one case related to concerns that were identified in relation to claimed self employment earnings.
- 6.24 The UK Border Agency told us that visas were granted between November 2009 and January 2010 in all six cases (the four cases above and the two case studies). They added that the details of all six cases had been passed to Enforcement within Immigration Group and that personal details of each customer had been added to the UK Border Agency watch-list.
- 6.25 As we worked through the file sampling on applications that had been granted and refused, we identified other problems. For example, we saw some cases where the evidence produced was accepted by Entry Clearance Officers and entry clearance granted, when in other cases the same types of evidence were not accepted by Entry Clearance Officers and entry clearance was refused. Figure 13 provides a comparison between two such cases.

**Figure 13: Case study 5 – Settlement cases evidence comparison**

ENTRY CLEARANCE GRANTED	ENTRY CLEARANCE REFUSED
Marriage certificate	Marriage certificate
Marriage photographs	Marriage photographs
Phone cards	Phone cards
Accommodation report	Accommodation report
Letter from sponsor's father confirming their child's spouse can live in the family home rent free	Letter from sponsor's father confirming their child's spouse can live in the family home rent free
Employment reference letter	Employment reference letter
Sponsor's payslips	Sponsor's payslips
Sponsor P60	Sponsor P45
Sponsor's bank statements	Sponsor's bank statements
Mortgage statements (for father's property)	Sponsor's copy of British passport
Sponsor's National Insurance Card.	Overseas express post receipt in name of sponsor.

- 6.26 This example details two cases where the evidence submitted by customers was almost identical, but very different outcomes resulted. We saw other similar cases, predominantly (but not exclusively) linked to proving a subsisting relationship<sup>7</sup>. In these cases Entry Clearance Officers frequently came to different conclusions, based on similar evidence submissions.
- 6.27 For example, in refusal cases, Entry Clearance Officers often cited a lack of sufficient evidence of contact in the form of “letters, emails, photos or cards for special occasions such as birthdays”. Entry Clearance Officers very often asserted that this cast doubt on a couple's intention to live together in the UK. However, we came across a number of cases in our sample where entry clearance had been issued without any such evidence and Entry Clearance Officers had been satisfied with a marriage certificate and wedding photographs.
- 6.28 We were concerned about the interpretation and application of paragraph 281(iii) of the Immigration Rules by Entry Clearance Officers. This states *each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting*. Therefore we examined the guidance the UK Border Agency provided to customers to satisfy this criteria and found it was limited to the following:
- *you both intend to live together permanently as husband and wife or as civil partners;*
  - *you have met each other before;*
  - *your original marriage certificate; and*
  - *letters from you and your sponsor that are relevant to your application.*
- 6.29 We could find no reference in the guidance advising customers that they should provide photographs or other evidence of contact to demonstrate a marriage took place or that a relationship was subsisting. However we did note in some refusal notices that Entry Clearance Officers cited a starred determination<sup>8</sup> made by the Deputy President of the Asylum and Immigration Tribunal and two other Senior Immigration Judges.<sup>9</sup>

7 The requirement in paragraph 281 of the Immigration Rules that a marriage be “subsisting” is not limited to considering whether there has been a valid marriage which formally continues. The word requires an assessment of the current relationship between the parties and a decision as to whether in the broadest sense it comprises a marriage properly described as “subsisting”.

8 A starred determination is one which arises out of claims that raise an important point of law and are binding on the Asylum and Immigration Tribunal itself. Such determinations are to be treated as authoritative by the Asylum and Immigration Tribunal and can only be departed from where it is inconsistent with other authority binding on the Asylum and Immigration Tribunal.

9 [GA (“Subsisting” marriage) Ghana \* [2006] UKAIT 00046]

- 6.30 This judgement determined that *the requirement in paragraph 281 that a marriage be “subsisting” is not limited to considering whether there has been a valid marriage which formally continues. The word requires an assessment of the current relationship between the parties and a decision as to whether in the broadest sense it comprises a marriage properly described as “subsisting”.*
- 6.31 We found some Entry Clearance Officers interpreted this judgement to mean that it was reasonable to expect that in a genuine subsisting relationship, there would be significant evidence of regular contact, signs of companionship, emotional support, affection and an abiding interest in each other’s welfare and well-being. They then refused entry clearance because customers had failed, in their judgement, to meet this requirement, predominantly because they had failed to provide:
- photographs demonstrating an ongoing relationship;
  - written communications, including emails and cards for special occasions; and/or
  - itemised phone bills.
- 6.32 Our key concern here is not that the Entry Clearance Officer’s interpretation of the starred judgement is wrong. It is primarily the fact that:
- there was an inconsistent understanding of what evidence customers needed to provide to demonstrate a subsisting relationship and this resulted in conflicting decisions being made against similar evidence;
  - more detailed guidance (particularly in light of the starred judgement referred to) was not provided by the UK Border Agency to ensure Entry Clearance Officers applied paragraph 281 in a consistent manner; and
  - the need to provide additional evidence had not been communicated to customers.
- 6.33 The last point meant customers were not aware of these higher evidential requirements when making their applications, which for spouses and civil partners cost £585. If there were linked applications, for example, children, customers would also incur additional costs of £585 for each child, so the costs of applying for settlement were not insignificant.
- 6.34 We referred in previous inspection reports on Rome and Abuja about the need to ensure that information provided to customers about the types of supporting documentation they should produce is clear. In our Kuala Lumpur report we found document checklists had been designed to clearly set out information requirements and we considered this was best practice. As a result, we recommended that standardised checklists should be put in place in all overseas posts and the UK Border Agency accepted this recommendation.
- 6.35 The UK Border Agency has taken this work forward and following a review is currently piloting a standardised document checklist at one of its overseas posts. It told us it would launch this standardised document checklist globally at all of its overseas posts, subject to successful completion of the current pilot.
- 6.36 We consider the UK Border Agency should ensure that a standardised document checklist for settlement applications is also introduced, if this has not already been factored into its current pilot. This will ensure its website (and those of its commercial partners) and guidance leaflets, in this case INF4 – *Husbands, wives and partners*, are clear and inform customers of the types of supporting documentation they should submit at the time they make their application.

- 6.37 Improving guidance for customers and entry clearance staff will help improve standards, to ensure that:
- customers will complete better applications for settlement; and
  - entry clearance staff will:
    - have more evidence to base their decisions on; and
    - be better able to apply immigration rules and policy in a consistent manner, thereby improving overall decision making.
- 6.38 Clearer guidance would help to reduce the significant numbers of appeals that are made by Pakistan settlement customers, many of which are frequently upheld by the Asylum & Immigration Tribunal.

### We recommend that the UK Border Agency:

- Ensures policy and guidance is clear and applied consistently

- 6.39 In our sample of cases where entry clearance had been granted, we found a further 30 cases where various supporting documentation was supplied and accepted as genuine. However, no additional checks had been made or interviews conducted (in relation to these 45 cases), to assess whether customer statements were truthful or the validity of supporting documentation provided by customers and their sponsors was valid.
- 6.40 We commented previously about a lack of proper scrutiny being applied to customers and their supporting documents in refusal cases, but consider the implications of not doing so was potentially more serious in cases granted entry clearance. For example, the Agency would need to assess whether the customer and their sponsor were seeking:
- to claim benefits that they would not otherwise be entitled to;
  - to access treatment on the National Health Service that they would not otherwise be entitled to;
  - to circumvent immigration controls on access to the labour market; and/or
  - to bring an applicant over to the UK in order to commit crime.
- 6.41 The findings from our sample of entry clearance cases are clear. The UK Border Agency had, in our view, failed to fully meet its first strategic objective – *we will protect our border and our national interests*.
- 6.42 However, just prior to the on-site phase of our inspection the UK Border Agency completed a short project to test the robustness of existing visa decision making in the UK Visa Section. Staff told us this exercise identified a significant level of forgery and falsification amongst documents submitted by UK sponsors. The UK Border Agency implemented 100% checking of sponsor's documents as a result. We have commented on this aspect more fully under *High Level Outcomes of the Business*.
- 6.43 In addition to the sponsor verification checking procedures introduced in the UK Visa Section, the UK Border Agency also issued an Operational Instruction to all its posts overseas on 6 April 2010. It set out that all settlement applications should routinely have a number of sponsor checks performed, including employment.
- 6.44 We understand why this Operational Instruction was issued, but believe the UK Border Agency should have considered more carefully the possible resource implications it would have on visa sections overseas. For example, in visa sections where settlement applications are significant, posts may simply not have the resource to undertake the required checks, or they may implement them at the expense of not completing checks on other types of visa categories.

6.45 We make this point because during our inspection visit to Islamabad, we were told this instruction would have resulted in approximately 600 additional verification checks being undertaken by the document verification team. However, this figure represented the entire team's (25 staff) weekly output at the time of our inspection, so clearly it would have caused a significant operational problem if it had been implemented. Fortunately, in this case, the UK Visa Section had agreed to perform these checks. But that option would not realistically be open to other visa sections.

### Other checks completed as part of the application process

6.46 When a customer applies for any type of entry clearance to the UK, they are required to provide their fingerprints<sup>10</sup> and photograph (commonly referred as their biometrics), when submitting their application. The UK Border Agency then uses this biometric information to check whether the customer has committed previous immigration or criminal offences in the UK. Any adverse history is then considered by an Entry Clearance Officer, along with the information provided by the customer in their application form and supporting documentation.

### Processing times

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

- to complete 95% of applications for settlement visas in not more than 60 working days (or 12 weeks); and
- to complete 100% of applications for settlement visas in not more than 120 working days (or 24 weeks).

6.48 Using the above interpretation, we examined the 92 cases in our file sample. Figure 14 shows the application processing times against both of these targets.

**Figure 14: Application processing times of settlement visas**

	Number of cases processed in 60 working days or under	Number of cases processed in 120 working days or under
Target number of cases to be processed	87*	92
Cases processed	36	89
Shortfall from target	51	3

\* Note, that the figure here is 95% of the total number of cases sampled, 92.

6.49 Figure 14 shows the UK Visa Section missed its target slightly in relation to processing cases within 120 working days. However, it missed its 60 working day target by a significant margin. Staff told us this was a result of a decision to suspend processing settlement applications in July 2009. We comment on the reasons for this suspension in greater detail in the section on *Management and Leadership*.

### Entry Clearance Manager Reviews

6.50 At the time of inspection the UK Border Agency had set targets for Entry Clearance Managers to review 10% of cases that were issued with entry clearance and 25% of cases that were refused. Our file sampling showed that Entry Clearance Managers had conducted reviews in:

- ten cases where entry clearance had been granted (20% of the sample); and
- sixteen refusal cases (37% of the sample).

<sup>10</sup> Fingerprints are not a requirement for children aged under five or heads of state.

- 6.51 We therefore examined the cases where Entry Clearance Managers had reviewed the initial decision. We did this to establish whether these reviews had picked up the issues we subsequently identified as part of our file sampling. We found five refusal cases and one granted case were affected. In all five refusal cases the Entry Clearance Manager accepted the concerns we raised and took action to:
- overturn the refusal in one case and grant entry clearance;
  - revise the refusal notice in two cases; and
  - suspend taking action in two cases to await the outcome of appeal hearings<sup>11</sup>.
- 6.52 We note the initial reviews performed by Entry Clearance Managers on the five refusal cases did not identify the issues that our sampling did. It is important that Entry Clearance Managers do their job properly if the review process is to be of value. The appointment of two additional Entry Clearance Manager posts in the UK Visa Section will help it to improve the quality of the reviews that it conducts.

### Appeals

- 6.53 During the course of the on-site phase of our inspection, we became aware of the significant problems the UK Visa Section had experienced in relation to Pakistan appeal cases. These problems led to a significant backlog of work that was eventually cleared in January 2010. We were told the problem initially stemmed from a decision to suspend working on Pakistan appeal cases in May 2009, prior to the work being relocated to Croydon. Staff were not aware of the reasoning behind this decision, because most joined the section following its relocation to Croydon in June 2009.
- 6.54 This was then compounded by the decision to suspend decision making for Pakistan cases between July and September 2009, because although this initially reduced the levels of appeals being received, once the backlog was cleared (by bringing in additional Entry Clearance Officers to make decisions), the number of appeals received increased proportionately as a result.
- 6.55 We were told that the suspension of appeal casework, initiated in May 2009, continued when the UK Visa Section moved to Croydon in June 2009, because of the focus on Algiers casework, coupled with the limited staff resources that were available. So, although appeals were recorded as received, no further action was taken to progress this work. We were told the Appeals backlog for Pakistan settlement cases numbered approximately 2500 cases by the time resource was allocated to this work in September 2009.
- 6.56 Following significant political and stakeholder concerns about the problems affecting the visa operation and its impact on Pakistan customers, the UK Border Agency made a commitment to the Home Secretary in October 2009 to clear the backlog in all Pakistan visa applications and appeals applications by January 2010. The UK Visa Section told us it had delivered against this commitment.
- 6.57 Staff told us that in order to clear the appeal backlog, a number of business processes were not followed. Perhaps the most serious compromise made was the decision to allow Entry Clearance Officers to conduct reviews on appeal cases rather than Entry Clearance Managers. This meant that appeals made by customers were not reviewed by Entry Clearance Managers, who remain separate from the front-line decision making process (and are more impartial as a result); are accountable for the appeals process and have the clear authority to overturn initial refusal decisions.
- 6.58 The role of Entry Clearance Managers is therefore an important safeguard in helping to ensure that the grounds of appeals and supporting documents are considered correctly. This is recognised by the UK Border Agency in its guidance on the Appeals Procedure. This guidance sets out that *all appealed decisions must be reviewed by an Entry Clearance Manager*. It notes an Entry Clearance Officer can draft an appeal review statement, but the Entry Clearance Manager *must quality assure and sign each draft indicating they are content for the decision to be maintained*.

<sup>11</sup> One of these appeals was subsequently allowed by the Asylum and Immigration Tribunal.



- 6.59 We interviewed UK Visa Section staff to establish how the appeal backlog was managed. They told us that in order to clear the backlog by January 2010 (in line with the Ministerial commitment), weekend overtime for Entry Clearance Officers was authorised in November 2009. On the first Saturday, each Entry Clearance Officer cleared about 50 appeals. However, management recognised this would not be sufficient to clear the backlog by January 2010.
- 6.60 To speed up the process, a generic explanatory letter template was created and affixed to the front of the appeal bundle. As a result, the following weekend Entry Clearance Officers doubled (100) and some nearly trebled (150) the amount of appeal cases they each did on overtime. However, we were told the consequence of this new process was appeals were not reviewed properly. We consider the views staff expressed were supported by the number of appeals that the UK Border Agency lost at the Asylum and Immigration Tribunal. Figure 15 refers.

**Figure 15: Appeals dismissed by the Asylum and Immigration Tribunal – 2009/2010**

Quarter 1 April – June	*0%
Quarter 2 July – September	33%
Quarter 3 October – December	25%
Quarter 4 January – March	34%

Note\* There was no work in quarter one – hence 0%

Source: This data is based on UK Border Agency management information. It is provisional and subject to change.

- 6.61 This shows that in the last quarter of 2009/2010, two out of every three appeals heard by the Asylum and Immigration Tribunal were allowed. This against a global UK Border Agency target for posts to achieve a 75% appeal dismissal rate. This indicates a high probability of significant and fundamental underlying problems with the quality of:
- the original refusal decisions made by Entry Clearance Officers (as evidenced by our file sampling); and
  - reviews conducted upon receipt of appeals.
- 6.62 We consider the failure to conduct appeal reviews thoroughly, in accordance with the guidance issued, has impacted against customers significantly, particularly as many had to wait much longer for their entry clearance to be granted. But we similarly understand there was not enough Entry Clearance Manager resource in the UK Visa Section to deal with all the work they were supposed to deal with.
- 6.63 However, the volume of appeal work should not have surprised anyone in the UK Border Agency. Pakistan generates more appeals than any other country and the UK Visa Section ranks sixth globally in relation to the number of appeals it receives. The evidence we found on the appeals process supports our earlier finding that the management of moving Pakistan settlement applications to the UK and its subsequent implementation, was fundamentally flawed from the outset.
- 6.64 Staff told us that in January 2010 an appeals team was created. It was made up of three Entry Clearance Officers and two Entry Clearance Assistants. We were told that this had improved the way in which appeal cases were handled, including closer scrutiny of appeal paperwork. We consider this is a positive step forward, but noted that Entry Clearance Managers were still not conducting reviews in all cases in accordance with the appeals guidance. We were told this would be rectified following the appointment of two additional Entry Clearance Managers in April 2010.
- 6.65 We identified another significant problem during our inspection with the way in which appeals were managed in the UK Visa Section. It concerned appeals made by customers where the initial refusal decision was overturned by the Entry Clearance Manager or was subsequently allowed by the Asylum and Immigration Tribunal. In both cases our concerns revolved around the lengthy delays (typically three to four months or even longer) that were occurring in issuing entry clearance visas following a refusal decision being overturned by an Entry Clearance Manager or a successful appeal.

- 6.66 The UK Border Agency had set a target for cases allowed by the Asylum and Immigration Tribunal. This set out that visas should be issued within eight weeks of receipt of allowed appeal determinations from the Asylum and Immigration Tribunal. However, we found there was no similar target for appeal cases where the decision to overturn the original refusal decision was made by the Entry Clearance Manager upon receipt of the appeal bundle.
- 6.67 We consider this was a failing because it meant this work was not prioritised – particularly important when a poor initial refusal decision was overturned by an Entry Clearance Manager. The UK Border Agency should set a target for this work and the target should be in alignment with the target set for allowed appeals (e.g. eight weeks).
- 6.68 During our inspection we found little action was being taken to prioritise appeals work where the original decision to refuse had been overturned, either by the Asylum and Immigration Tribunal or an Entry Clearance Manager. This despite an operational instruction issued to entry clearance staff on the 18 December 2009, setting out the importance of meeting the eight-week deadline in relation to allowed appeals, because of ongoing stakeholder concerns about the performance of the UK Border Agency in this area.
- 6.69 We were also concerned about the significant impact delays were having on customers, many of whom were closely related (spouses and children). Figure 17 sets out one case affecting a married couple. We comment on this poor level of customer service further in the section on *Impact on People subject to UK Border Agency Services*.
- 6.70 We asked staff what was causing these delays. They told us they were primarily caused by the Islamabad Visa Section, who were not advising the UK Visa Section (in a timely manner) when they received customers passports for an entry clearance visa to be issued. Instead they appeared to be collecting such passports and only notifying the UK Visa Section periodically about them, usually in the form of a long list of visa application reference numbers. Staff told us that when they received these lists, they sometimes numbered 100 to 150 cases. This meant it took them longer to process these cases and issue visas, which would not have been the case if they were informed daily.
- 6.71 We saw examples of these lists while on inspection in the UK Visa Section. We also raised this issue with staff during our inspection visit in Islamabad (this took place six weeks after the on-site phases of the UK Visa Section inspection). Staff in Islamabad confirmed they had been compiling lists of passports that had been returned by customers following successful appeals, prior to notifying the UK Visa Section. Staff acknowledged this process had resulted in delays, as typically these lists were emailed to the UK irregularly.
- 6.72 We consider these administrative delays were unacceptable and demonstrated that the UK Border Agency was failing to meet the commitments it made in its customer service strategy published in April 2009. However, staff in Islamabad also told that they had recently started to notify the UK Visa Section, on a daily basis, of passports that had been returned to the Islamabad Visa Section.
- 6.73 We established that the UK Visa Section did not conduct any formal evaluation of appeal determinations to identify individual or team training needs or poor individual performance. We were told this was because of resource constraints. However, local management considered that evaluating appeal determinations was key to improving initial decision making.

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

- Sets a reasonable target for issuing entry clearance when a refusal is overturned by an Entry Clearance Manager upon receipt of an appeal

## **Risk & Liaison Overseas Network (RALON) UK Visa Section**

- 6.74 We will issue a separate and detailed report on the work of the RALON network in Abu Dhabi and Pakistan. This report will therefore only cover our key findings in relation to the UK Visa Section and Pakistan settlement work. Our overall finding is that RALON had not provided support to the UK Visa Section through the production of risk profiles and forgery expertise. For a section dealing with settlement applications, this was clearly a serious concern.
- 6.75 Staff told us they had not seen a settlement risk profile<sup>12</sup> until just prior to the on-site phase of our inspection in March 2010. They questioned the value of the profile they had now been sent, stating it was at least ten months out-of-date. RALON staff in Islamabad confirmed they had not updated risk profiles for over a year and we noted this coincided closely with a decision taken in April 2009 (in Islamabad) to stop completing the risk profile tab on the Decision Support Tool, a web paged based IT programme used to record visa application details and assist with the identification of risk.
- 6.76 We were told that the risk profile tab was not being completed because of the time the Decision Support Tool took to complete, coupled with the significant IT issues in the Islamabad Visa Section at that time (April 2009 onwards). However, we were informed that Entry Clearance Officers would have access to hard copies of risk profiles, to ensure they took account of relevant risk profiling information, when considering applications for entry clearance. We found that the failure to ensure risk profiles were available was compounded by the fact that there was no physical RALON presence in the UK Visa Section. This meant UK Visa Section staff had to refer issues back to the RALON office in Islamabad if they required help or assistance. However:
- there were no formal mechanisms in place to support this activity;
  - there was no single point of contact for UK Visa Section staff to facilitate and expedite requests or simply ask for advice / guidance; and
  - no formal awareness training had been provided by RALON staff to close any knowledge gaps that Entry Clearance Officers might have had – this was particularly relevant for UK Visa Section staff, because many were newly appointed to the role in July 2009 or shortly thereafter.
- 6.77 Staff told us that they had seen an improvement in the relationship with RALON during the first quarter of 2010, which included the delivery of two separate awareness sessions by RALON Officers (one for Algiers and one for Pakistan). They told us they found both valuable in understanding the role that RALON played in supporting the visa process.
- 6.78 We were told a RALON officer had worked in the UK Visa Section for two weeks just prior to the on-site phase of our inspection. This was done to assess the needs of the section from an intelligence perspective. We were told this work had identified a need for a full-time RALON Officer to be embedded within the section and that agreement had been reached on this proposal. We consider this is a positive step and will help to ensure risk is identified, properly assessed and acted upon accordingly.

<sup>12</sup> Risk profiles are developed through the use of compliance exercises to identify areas of risk. It should highlight areas of concern so that a focussed review of a visa application can take place and help mitigate risks that existed. A risk profile itself does not decide if a visa should be issued or refused, rather it is an aid to Entry Clearance Officers when making visa decisions.

## 7. Inspection Findings – Impact on people subject to UK Border Agency services

- 7.1 The UK Border Agency published its customer service strategy in April 2009. In it the organisation set out that: *we firmly believe that offering excellent customer service helps us in our role of protecting the public. Delivering excellent service saves us money and releases funds to help us achieve our aims.*
- 7.2 To help us make an informed judgment about the level of customer service provided by the UK Visa Section, we measured its performance against the objectives set out in its customer service strategy document, published in April 2009. This set out four key objectives that the UK Border Agency recognised it needed to achieve in order to realise its vision of delivering excellent customer service.
- They are:
- *learn lessons from customer feedback;*
  - *modernise our customer contact and change the way our people behave;*
  - *use a better understanding of our customers to provide more effective services; and*
  - *consider customers' needs when redesigning our business.*
- 7.3 We also paid particular attention to the following statements the UK Border Agency made in its customer service strategy relating to customer service:
- *For our staff and our business partners' staff, whether in the UK or overseas, to be thorough, polite and professional;*
  - *For the information we provide to be in plain language, accurate and meet your needs;*
  - *For us to process applications in line with our published delivery standards;*
  - *For us to provide you with a detailed response to an enquiry or complaint;*
  - *If we refuse your application, for us to give you a clear and detailed explanation of why we refused it and details of if and how you can appeal; and*
  - *For us to give you the opportunity to give us feedback on our services and to complain if necessary.*
- 7.4 The customer service strategy also acknowledged that *customers of government services increasingly expect services to be designed to meet their needs. Complaints tell us about our customers' needs and expectations and our own shortcomings.*

### Visa Application Centre

- 7.5 In order to assess the impact on people subject to UKBA services, we inspected one of the visa application centres in Pakistan (Islamabad) from which applications were routed to the UK Visa Section (via the Islamabad Visa Section). Islamabad was one of four visa application centres in Pakistan. All were operated by a local company, Gerry's, on behalf of VFS Global Services, one of two commercial partners who operate visa applications centres globally on behalf of the UK Border Agency.
- 7.6 We found clear signage outside the building. We observed customers being security checked outside the building – this included checking their personal details and ensuring they had booked an appointment. Customers then proceeded inside the building, where a further security check was conducted.

- 7.7 Customers were then directed to a reception counter where their application forms were checked to ensure they had been completed properly and that supporting documents had been provided. Customers were then directed to a banking counter to pay the fee, following which they entered the main customer service area upstairs. An automated queuing system was in operation which ensured customers were seen in order.
- 7.8 At the time of the inspection seven counter positions were open in the main customer service area. Once an application was accepted at one of these positions, customers were directed to one of five biometric booths to provide their fingerprints and photographs. Once they had done this, the application process was finished and customers left the visa application centre.
- 7.9 The visa application centre offered a number of value added services which customers could access on payment of an additional fee. They included:
- passport size photographs;
  - photocopying services;
  - text messaging updates on visa applications; and
  - a premium lounge.
- 7.10 We found the customer service area was welcoming and clean with a montage of pictures of the UK on the wall. There was adequate seating, chilled water was available and notice boards, with correct branding, were well appointed on both floors.
- 7.11 During the inspection there were minimal queues and staff were observed to be polite and courteous. We were told that if a customer requested a staff member of the same gender, the request would be accommodated.
- 7.12 We noted all areas of the visa application centre were under CCTV surveillance and we observed the CCTV monitoring room in use. Passports for collection were held in a secure ground floor room, in padlocked steel filing cabinets. Access to this secure area was controlled through an electronic access control system, which we saw in operation.
- 7.13 Managers at the visa application centre told us customer service questionnaires had been discontinued in January, following instructions from VFS Global Services. However, we noted the commercial partner's website included a customer service page, which welcomed customer feedback.
- 7.14 We examined the commercial partner's website to assess its accessibility and to make judgments about its design, provision of information and signposting. Overall, we found the website was well designed and informative. Figure 16 records our findings.

**Figure 16: Website design**

Design & layout	<ul style="list-style-type: none"> <li>• a simple, consistent use of three colours</li> <li>• a clear index to help customers navigate around the site</li> <li>• a short FAQ for applicants who require quick responses</li> </ul>
Information	<ul style="list-style-type: none"> <li>• information was up-to-date, sufficiently detailed and easily accessible</li> <li>• a customer service page welcomed feedback</li> <li>• clear document checklists for all the main visa categories</li> <li>• a contact email address if the visa category required was missing</li> </ul>
Signposting	<ul style="list-style-type: none"> <li>• Clear links to other useful web pages, such as UK Visas, UK Border Agency and VFS Global Services, which allows applicants to track their applications.</li> </ul>

7.15 The commercial partner's website also set out how customers could provide feedback or make a complaint. They could:

- attend the visa application centre in person;
- email the visa application centre; or
- write or email the UK Border Agency (the full postal address of the UK Visa Section was provided along with an email address).

### **Correspondence / Complaints**

7.16 The UK Border Agency International Group told us it had revised its procedures in September 2009 to align complaint handling procedures in its visa sections with those in other areas of the UK Border Agency. In revising its procedures International Group acknowledged that the correct handling of complaints was a high priority for them because:

- poor complaint handling and under-recording of complaints damaged its reputation;
- it could use customer feedback to improve its business; and
- it would help to improve business processes and raise the level of service to customers.

7.17 The new procedures required overseas visa sections to record complaints on a standard template. Each of International Group's regions were then expected to provide a statistical return to a Nominated Responsible Officer each month. The intention was that each region would provide an analysis of complaints on a quarterly basis.

7.18 We reviewed the complaints process in place in the UK Visa Section. We examined the complaints log and found that eight complaints had been recorded between September 2009 and March 2010. Five of these complaints were made by sponsors (one through MP's office) and three were made through solicitors. Some of the complaints raised more than one issue. The issues raised were classified by the UK Border Agency as delay (six); quality (two); communication (three) and lost documents (one).

7.19 We noted the UK Border Agency had set a target to deal with all complaints substantively within a period of 20 working days. The complaint log recorded that all eight complaints met this target.

7.20 We therefore reviewed the procedures in place in the UK Visa Section to manage customer correspondence and complaints. We did this to determine whether:

- the amended complaint procedures introduced in September 2009 were being complied with; and
- correspondence was being handled appropriately.

7.21 Staff told us that customers predominantly contacted the UK Visa Section:

- through a dedicated e-mail inbox;
- in writing; or
- through the UK Border Agency Customer Service Team.

7.22 Local management told us the email inbox was the main source of correspondence into the UK Visa Section. They added Entry Clearance Assistants were responsible for monitoring this inbox and deciding whether the correspondence was an enquiry or a complaint. If they treated the enquiry as correspondence (typically for enquires where the application had not reached the 12-week customer service standard), they would issue a reply using a standard template letter. If the enquiry related to an application that had exceeded the 12-week customer service standard, they would issue a more tailored response.

- 7.23 Local management told us if Entry Clearance Assistants did not feel able to write a more tailored response, because the issue was more complicated, they would refer such cases to an Entry Clearance Manager to deal with. In cases where the correspondence received did not relate to the UK Visa Section, we were told these cases were forwarded to either the Abu Dhabi or Islamabad Visa Sections.
- 7.24 Local management informed us that complaint handling training was provided to Entry Clearance Assistants in February 2010. This was because they had found it difficult to distinguish enquiries from complaints. We were told this training need was identified at the end of 2009. We reviewed the complaint handling training that was provided to Entry Clearance Assistants (assessment made using the handouts that were provided). We found it set out:
- that effective complaint handling was recognised as an important element of UK Border Agency business;
  - a definition of a complaint – defined by the UK Border Agency as *any expression of dissatisfaction about the services provided by the UK Border Agency and/or professional conduct of UK Border Agency staff*;
  - a definition of what is not a complaint;
  - why complaints were important to the business; and
  - ten top tips for dealing with complaints.
- 7.25 During the on-site phase of our inspection we observed an Entry Clearance Assistant who was responsible for managing the email inbox. The inbox contained approximately 60 emails which needed to be actioned. We reviewed 11 emails randomly and asked the Entry Clearance Assistant to take us through the process they would normally follow. We found that seven of these emails referred to the UK Visa Section, with the remaining four being linked with decision making in Islamabad (3) and Abu Dhabi (1).
- 7.26 We found that the emails for the UK Visa Section related to applications made between 9 April 2009 and 17 February 2010. We found the correspondence raised significant issues about the level of service that had been provided, including:
- delays in issuing visas where the UK Visa Section had overturned original refusal decisions upon receipt of appeals from customers (three cases);
  - delays in the visa process (one case);
  - an allegation that a member of staff had made threatening and abusive telephone calls to a customer; and
  - delays caused by IT issues in cases predominantly relating to applications for children under five (two cases).

### **Appeals correspondence**

- 7.27 We examined one of the cases where the UK Border Agency had overturned the original decision. This referred to a customer who had applied for entry clearance as a Spouse on 9 June 2009. This application was refused on 28 August 2009. The customer subsequently appealed and this was received in the UK Visa Section on 17 December 2009. The refusal decision was subsequently overturned by the UK Visa Section on 22 December 2009, because additional evidence was provided as part of their appeal.
- 7.28 The UK Visa Section then requested the Islamabad Visa Section to contact the customer to retrieve their passport on 13 January 2010. It subsequently issued the visa on 8 March 2010 (in effect the UK Visa Section sent an electronic instruction to the visa writers section in Islamabad to print out and affix the visa into the passport and arrange for its return). Figure 17 sets out the customer correspondence linked to this application.

## Figure 17: Case study 6 – Spouse settlement application

### The customer/sponsor:

- emailed the UK Visa Section on 8 February 2010 stating their passport had been handed into Gerry's on 29 January 2010. They added the intended travel date was the 26 February 2010 and asked how long the process would take, because they were not provided with any information about this. They were informed the same day by the UK Visa Section to contact Gerry's for a collection date;
- emailed again on 12 February advising the UK Visa Section that Gerry's had been unable to provide any information to them about how long the process would take, or when their passport would be returned (no response was provided to this email);
- emailed again on 17 February advising the UK Visa Section they had contacted Gerry's on a number of occasions but had been given the same reply. They pointed out the intended travel date again, said a travel booking had been made and money would be lost if the date was changed. The sponsor also asked why an intended travel date was asked for, if the passport would not be returned in time. The sponsor received a reply on 5 March from the UK Visa Section, with an alternative method to contact Gerry's. They replied the same day, stating they had no problem contacting Gerry's, the problem was they could tell him nothing about when his wife would get her passport back;
- the UK Visa Section responded on 10 March stating the customer had now been granted entry clearance and that the visa would be issued without further delay. The sponsor replied the same day and asked how long it would be before the passport was returned. The UK Visa Section responded on 11 March stating they could not provide an exact time and suggested the customer contact Gerry's;
- emailed again on 19 March, stating the passport had still not been returned and that Gerry's stated the British High Commission in Islamabad still had the passport. The sponsor said seven weeks had now elapsed; that the service was "**totally unacceptable**" and had caused "**great inconvenience**" and asked for a definitive return date. The UK Visa Section responded on 22 March, stating "*We have read your email and have noticed it is not for us to deal with, we have sent your enquiry onto the correct department/location for you*";
- emailed back the same day and asked for contact details of the department that was now dealing with this issue in order to establish how long the process was going to take. The UK Visa Section responded the same day with an alternative method to contact Gerry's; and
- emailed again on 22 March (we viewed this latest correspondence on 23 March) when the customer commented "*will the people at the email address below (UK Visa Section) be able to tell me how long it will be before my wife receives her passport? Or are they going to tell me the same thing every time I call the VAC*".

### Chief Inspector's comments:

- although the correspondence met UK Border Agency criteria for being classified as a complaint, it was not;
- the replies provided simply did not address the issues being raised. For example, the first two responses told the customer/sponsor to contact Gerry's for a collection date, but the UK Visa Section had not even issued the visa at this point; and
- as a result we believe the customer/sponsor received a poor level of customer service.

7.29 We also reviewed the other two cases where decisions were overturned by the UK Visa Section following receipt of appeals. The correspondence in both cases related to similar delays in the process as set out in Figure 17. But neither customer had indicated that they considered the matter should be categorised as a complaint.



- 7.30 Nevertheless, we were not satisfied they were dealt with appropriately. In each case we were told a standard response would be issued informing customers to contact Gerry's, as in the case summary above. But Gerry's were unable to provide any details about when the passports were likely to be ready for collection – only the UK Visa Section would know this as it was responsible for issuing the visa (albeit remotely).
- 7.31 In both cases the UK Border Agency had yet to issue the visa, predominantly because it was waiting for the Islamabad Visa Section to confirm the passport had been returned by the customer, together with any necessary supporting documentation. For example an up-to-date Tuberculosis certificate. The inspection identified clear problems with this process, as set out in the appeals section under *processes and procedures including quality of decision making and consistency of approach*.

### **Delays in processing visas**

- 7.32 The application affected by delay concerned a customer who applied for a Spouse visa on 9 April 2009. The application was subsequently deferred by an Entry Clearance Officer for further investigation on the 20 April 2009. After this nothing happened with the application until 18 February 2010, when the UK Visa Section received a complaint from the sponsor about the delays to his wife's application.
- 7.33 This was logged correctly and the complaint was dealt with the same day. In its reply, the UK Border Agency set out it would aim to make a decision on the case by the 26 February 2010. The correspondence set out it was unaware of a previous complaint in this case made direct to VFS Global Services and also apologised to the sponsor for failing to reply to earlier correspondence sent to the Pakistan inbox.
- 7.34 We noted the decision to refuse the application was made on the 10 March 2010, but that this had still not been communicated to the sponsor/customer, who had e-mailed again on the 22 March 2010 asking for an update.

### **Complaint correspondence**

- 7.35 The complaint alleging threatening and abusive behaviour referred to an application made on the 17 February 2010. It set out that the customer and sponsor had contacted Gerry's on several occasions to get an update on the progress of their application. However, they were repeatedly given different stories. So the first request was for an accurate update on the progress of the application.
- 7.36 However, the correspondence then went on to state that the sponsor wanted to make a serious complaint. It alleged threatening and abusive phone calls had been made from an unknown male member of staff, stating that the customer (a female) must meet with him or else her visa application would be delayed for two years. Because this application could not be found on the system, we were told the customer would receive a standard reply and that the correspondence would be forwarded to Islamabad to deal with. Due to the potentially serious nature of the complaint, we consider this should have been passed to a manager in the UK Visa Section immediately.

### **Customer correspondence linked to IT issues**

- 7.37 We also reviewed the two cases linked to children's applications (aged under five). In both cases the applications were linked to parent's applications for entry clearance. We were told both applications had been delayed because of an IT problem in uploading biometric data for children aged under five onto the Proviso system (a case working system used by Entry Clearance Officers). The correspondence from both customers concerned the long delays they were experiencing in obtaining a decision on their linked children's applications. Neither was classified as a complaint, although we note that correspondence had been received in one case from the sponsor's MP.

- 7.38 We were told there were over 100 such cases, which predominantly referred to children under the age of five. In these cases, biometric capture of fingerprints were not required (although photographs were taken). We were told these problems originally arose in March 2009 and had been ongoing since then. We were told that the original UK Visa Section team in London had identified this problem prior to the relocation of the work to Croydon, but no remedial action had been taken to resolve it at that time.
- 7.39 We were concerned this IT problem had not been addressed far sooner, as the impact it had on those customers affected by it were significant. For example, one of the cases we examined related to an application for an EEA family member permit for a parent and three children to join their husband. Two applications had been granted (the parent and one child aged eight), but the remaining two, both for children aged under five, had not.
- 7.40 All four applications had been made on 4 August 2009, with six months entry clearance being granted to the parent and one child on 3 December 2009 (expiring 3 June 2010). Since then the customer and her husband had emailed the UK Visa Section on a number of occasions, asking for it to resolve the issue because it was adversely affecting their family life. The family were asked three times for the details of the two missing children (which they provided on each occasion) and were directed to Gerry's on two further occasions. But the matter was not resolved and the information provided to the customer was almost of negligible use.
- 7.41 We consider the level of customer service in this case was extremely poor. We were also dismayed that at no point was the subject matter of the correspondence escalated to an appropriate manager to resolve. Therefore we asked staff during focus groups about the Pakistan correspondence inbox. They told us that while training had been delivered on complaints on 25 February 2010, they still felt they were ill equipped to deal with them.
- 7.42 We were told that Entry Clearance Assistants had a target to deal with 40 of these emails in one hour. They said that while many of these enquiries could simply be forwarded on because they did not relate to settlement casework, the target remained unrealistic.
- 7.43 Staff told us there were lots of complaints about Gerry's in Islamabad. They said they usually forwarded complaints to them (Gerry's) and provided a stock reply to the customer. They added this often resulted in customers making repeated requests for further information. They concluded they were ill-equipped to deal with these matters.
- 7.44 Our review of the Pakistan correspondence inbox highlighted real problems which meant the UK Border Agency was not meeting the standards it set out in its customer service strategy. We found the information it provided to customers was not accurate and did not meet customer needs, neither did it provide detailed responses to enquiries or complaints, unless the complaint had been correctly classified.
- 7.45 We found that the decisions to provide customers with the contact details of Gerry's in order to resolve their problems was misjudged. It demonstrated that Entry Clearance Assistants had not been trained sufficiently to understand how the business operated or to correctly identify cases that should be escalated to managers. For example, the cases we saw primarily related to problems with UK Border Agency processes and Gerry's would not have access to this information, as demonstrated by case study 6 (Figure 17).
- 7.46 Our inspection findings relating to customer service were corroborated by a range of stakeholders that we interviewed, who all complained about the very poor levels of service being provided by the UK Border Agency. The views of stakeholders will be covered in greater depth in our inspection report on Abu Dhabi/Islamabad.
- 7.47 We also consider that the target to clear 40 cases per hour was not realistic and was not based on any clear analysis of the types of correspondence being received.

7.48 In conclusion, we believe the poor level of customer service provided to Pakistan settlement customers had damaged the reputation of the UK Border Agency. We believe it needs to work hard to restore faith in the services it provides to customers in Pakistan (and sponsors in the UK), while at the same time demonstrating the seriousness it attaches to protecting the UK border.

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

- Meets the service standards set out in its customer strategy document published in April 2009
- Manages customer correspondence and complaints efficiency in order to:
  - provide detailed responses where necessary in a timely manner
  - identify improvement opportunities
  - improve the overall levels of service provided

## 8. Inspection Findings – Management and Leadership

- 8.1 We interviewed the Regional Manager, Operations Manager and two Entry Clearance Managers in the UK Visa Section. We also held two focus groups with Entry Clearance Officers, one with Entry Clearance Assistants and observed six staff performing their duties. We also conducted a staff survey in advance of our visit to the UK Visa Section. The inspection team sent the survey to 26 members of staff and received 20 responses – a response rate of 77%.
- 8.2 Throughout all of these interviews a consistent finding emerged of a Visa Section that had faced significant challenges, predominantly caused by ineffective planning and a lack of senior management oversight. Our view was supported by the staff survey we conducted. This showed that 45% (9 of 20 respondents) of staff who were surveyed in the UK Visa Section disagreed or strongly disagreed with the statement that *the implementation of Hub and Spoke was implemented effectively*.
- 8.3 This was a common theme that emerged from nearly all of the interviews we conducted. We consider the views expressed by staff were supported by our settlement file sampling results, our analysis of correspondence handling and our scrutiny of appeals management.
- 8.4 We found clear evidence that allocating the UK Visa Section under the control of a regional visa command had led to improvements in service delivery, particularly in relation to the Algiers operation. We were told this was easier to resolve, because Algiers came under the remit of the EuroMed region. This meant that the Regional Manager had total management control to tackle the issues that needed resolving.
- 8.5 We were told this was not the case with Islamabad, which was a much more complicated business model. Firstly, Pakistan settlement casework fell under the remit of a different Region, South Asia & Gulf<sup>13</sup>. Secondly, all other remaining visa casework for Pakistan was performed in Abu Dhabi (again South Asia & Gulf region), so the challenges faced had been, and remained, more difficult to resolve.
- 8.6 We were told a Service Level Agreement had been considered but was not proceeded with, because of the complicated set-up between the three different locations, added to which was the business relationship with RALON. Staff told us these problems were a real weakness and considered a period of consolidation was needed to get business processes working well and effectively, in order to ensure a qualitative and secure service was provided by the UK Border Agency to its customers. Staff recognised much more work needed to be done to get the Abu Dhabi/Islamabad/UK Visa Sections working together effectively to deliver a seamless service.
- 8.7 Local management told us the decision to suspend Pakistan settlement casework was taken for a number of reasons. They included the fact that all of the Pakistan case working staff in London were on short term contracts which came to an end before the transfer of work to the new location in Croydon. In addition, the customer service standards for settlement casework had much longer timescales (120 working days) attached to them. This was not the case for Algiers casework, where many of the visa categories had to be completed within the customer service standard of 10 working days (98% target).

<sup>13</sup> The South Asia & Gulf Region was split into two on 6 April 2010, with Pakistan falling under the Gulf, Iran and Pakistan region.

- 8.8 Staff told us the decision to suspend casework for Pakistan settlement applications resulted in a backlog of 2600 cases. We were also told the appeals backlog for Pakistan settlement cases numbered approximately 2500 cases by the time resource was allocated to this work in September 2009. We were told this was primarily caused by a decision taken in May 2009 to suspend appeal work, coupled with the suspension of Pakistan settlement casework.
- 8.9 Staff were critical about the lack of support they received from RALON in Islamabad. They told us they had only received a risk profile for Pakistan settlement cases in February 2010. We noted that it was dated March 2007. Staff told us the risk profile was not viewed as particularly helpful, predominantly because it was considered out-of-date.
- 8.10 These views were corroborated in the staff survey we conducted. This showed 45% (9 of 20 respondents) of the staff that responded in the UK Visa Section disagreed or strongly disagreed with the statement *I have received specific training in recognising visa risks e.g. forgery awareness, risk profile, risk alerts etc.* We consider the absence of RALON support and lack of training contributed significantly to the issues identified in our file sampling.
- 8.11 Staff said more intelligence activity had taken place during February and March 2010 immediately before our inspection and this included having a RALON Officer embedded with the team for two weeks. Local management told us this was a pre-cursor to a full time RALON Officer being embedded, for which a recruitment campaign had already started.

### Leadership

- 8.12 A consistent message from staff was that although they felt they were supported to a certain degree by local management, the level of support they received had been adversely affected by the work pressures that Entry Clearance Managers in particular worked under. Staff added the two Entry Clearance Managers had little time to review their work. They specifically mentioned concerns that their decisions to grant or refuse entry clearance, although checked at the beginning when they were new to the section, were not being checked now. They felt this activity was important to:
- identify problems with their decision making;
  - get decisions right first time; and
  - identify development opportunities.
- 8.13 The views expressed by entry clearance staff were supported by the Entry Clearance Managers, who agreed that reviews on Entry Clearance Officer work was very limited, because they had insufficient time to complete them. However, they confirmed they reviewed 100% of the work of new starters, together with existing staff, when work was identified as not meeting required standards (and we observed an Entry Clearance Manager performing these checks during the on-site phase of our inspection).
- 8.14 We were told the appointment of two additional Entry Clearance Managers in April 2010 could resolve this problem and help to drive up quality, particularly in the areas of decision making, complaint and appeal handling. We consider the allocation of two extra Entry Clearance Managers will help the UK Border Agency improve its performance, if clear objectives are set in these areas.
- 8.15 Some staff told us they did not consider senior management to be visible. They did not consider senior management understood the difficulties they faced in delivering good quality decisions. They added that because backlogs had been cleared, they got the impression senior management thought they were doing well, but they did not believe this was the case. They added that communication was an issue and they believed they needed to be listened to and communicated to much more frequently. These views were supported by the staff survey responses we received from the UK Visa Section. This set out that 40% (8 of 20 respondents) of the staff that responded disagreed or strongly disagreed with the statement that *my senior management team are approachable.*

8.16 Local management told us staff had a number of opportunities to meet and discuss their concerns with them. They referred to team meetings held every Tuesday and clinics run every Wednesday, where staff could meet the Operational Manager and speak about any issues.

### Training

8.17 Local management told us Entry Clearance Officers based in the UK Visa Section had completed a mandatory three week training course prior to commencing work in the UK Visa Section. New team members were also mentored by an experienced Entry Clearance Officer for at least one month and 100% file checking was completed by Entry Clearance Managers until performance was satisfactory. We were also told that a number of other training events had been held for staff, including:

- Appeals training;
- Refusal notice writing;
- Forced Marriage training;
- Forgery relating to photocopied documents;
- IDENT1 training (linked to identifying fingerprint matches as part of biometric collection of fingerprints);
- Algiers and Pakistan specific training;
- Counter terrorism training;
- Plain English for Entry Clearance Assistants;
- Complaint handling training for Entry Clearance Assistants; and
- Management training for Entry Clearance Managers.

8.18 Local management considered that training provision overall was comprehensive and of a good quality. Staff also considered that training provision was good, although they told us all but one of the training sessions had been conducted in the first three months of 2010. Staff considered the training delivered by the Forced Marriages Unit was particularly useful. They also considered the training on identifying forgery relating to photocopied documents was good because they only see photocopied supporting documentation. However, there was a clear view that some of this training should have been delivered at the outset when they joined the UK Visa Section.

8.19 Staff also told us about two separate awareness sessions (one for Algiers and one for Pakistan) that had been provided by RALON Officers in the first quarter of 2010. While they found both awareness session useful, they considered they needed far more country profile and risk information relating to Pakistan settlement applications.

8.20 Staff also told us that the induction training they received in relation to Pakistan was extremely poor. They expressed a clear desire to receive more cultural training about Pakistan. They considered this would enable them to have a much better understanding about local cultures and pay rates applicable to different types of jobs. This would better enable them to make judgements about claims of income earned made in support of an application from Pakistan. They also considered that having a library of the types of official documents used in Pakistan and Afghanistan would help them make better informed decisions. Local management told us the recruitment of a RALON Officer in the UK Visa Section would help to meet these staff concerns.

8.21 Staff concerns were corroborated in the staff survey we conducted – this showed 47% (8 of 17 respondents<sup>14</sup>) of the staff that responded in the UK Visa Section disagreed or strongly disagreed with the statement *I have received post-specific induction training to provide me with local knowledge, e.g. local pay rates, family and social culture, practical differences in the banking system etc.*

<sup>14</sup> Three respondents put “not applicable” for their answer.

- 8.22 Staff said they would have more confidence in their decision making if document verification checks on customers supporting documentation (marriage certificates, birth certificates etc.), were recorded on the Decision Support Tool in the Islamabad Visa Section. This was because it rarely indicated whether any checks had been formally completed. As a result they were not confident these verification checks were being completed. Staff also told us that when they requested document verification checks from Pakistan, they took far too long to receive, and questioned why there was not a single point of contact to help improve this process.
- 8.23 It was evident that UK Visa Section staff did not consider they were joined-up with the Islamabad Visa Section. They cited the example of the validity of marriage certificates from the Azad Jammu and Kashmir region of Pakistan which had taken months to resolve, even after the Islamabad Visa Section had been contacted. This had resulted in significant additional work in overturning original refusal decisions.

### IT

- 8.24 We reviewed the IT platforms in place within the UK Visa Section. We found staff had access to two IT systems:
- Firecrest – the Foreign & Commonwealth Office IT platform used by all entry clearance staff overseas; and
  - POISE – the system used by UK Border Agency staff in the UK (this system was not available to entry clearance staff overseas).
- 8.25 We consider having access to both systems was a positive step in helping the UK Border Agency to work in a more joined-up way. Staff told us it was useful having access to the POISE system to check immigration records on the Casework Information Database. However, because both systems were on different IT platforms, they told us this did cause problems, mainly around accessing one of the POISE machines (there were only two), coupled with the fact that not all staff had access to them, because no new users could be added at the time of the inspection.
- 8.26 Staff told us that the IT systems they used were not reliable. They referred to ongoing problems with the IT system, including:
- “crashing” on a regular basis;
  - running slow; and
  - the need to use multiple logins for the different IT systems they had to use.
- 8.27 These views were corroborated in the staff survey we conducted – this showed 50% (10 of 20 respondents) of the staff that responded in the UK Visa Section disagreed or strongly disagreed with the statement *IT systems where I work allow me to do my work effectively*.
- 8.28 While we were completing our observations on staff we experienced some of the problems around the IT system crashing. However, management told us that while these issues were problematic, they were manageable. They also added that the introduction of the new integrated casework system would resolve these problems in due course.

# Appendix 1

## Inspection Framework and Core Criteria

The criteria applicable to the inspection of the UK Visa Section were extracted from the core criteria of the Independent Chief Inspector of the UK Border Agency. They are shown below.

### 1. High level outcomes of the business

1.1(a)	There are clear and realistic performance targets to drive improvement
1.1(c)	There is effective joint working with delivery partners and stakeholders including enforcement and security agencies; commercial partners and relevant overseas stakeholders
1.1(d)	There are clear procedures for handling data, including identity management, in accordance with national security and data protection requirements
1.1(e)	There are effective arrangements to manage demand so as to reduce existing backlogs and minimise future backlogs
1.1 (f)	There are clear mechanisms to use intelligence and other information so as to further improve performance develop policy and reduce immigration offending and to set operational priorities and tasking
1.2(e)	UKBA demonstrates its commitment to equality, fairness and respect for all customers, stakeholders and staff
1.3(e)	UKBA evaluates information from complaints so that they can provide early warning of problems and areas of risk

### 2. Processes and procedures (including quality of decision making and consistency of approach)

2.2(d)	Decisions are made clearly based on all of the evidence and in accordance with current statutory requirements, published policy, guidance and procedures
2.2(e)	Training and written guidance enables staff to make the right decisions (lawful and reasonable)
2.3(a)	Decisions are taken within the timescales set out by the UK Border Agency
2.4(c)	Risks, including protecting the public, are assessed and inform decision making
2.4(G)	Managers regularly review the quality of decisions and consistency across the agency.



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

3.2(a)	Accommodation, whether interview rooms, waiting rooms etc. are welcoming and clean
3.2(b)	The facilities afford customers privacy
	The needs of those travelling and trading are properly balanced with the need to protect the security of the UK
3.2(g)	Provision of information via hard copy and web-sites is accessible, clear, easy to use, in plain language and accurate including self serve where available
3.3(c)	UK Border Agency provides prompt, detailed responses to complaints etc.
3.4(c)	Customers receive a clear and detailed explanation if their application is refused, with details of any appeal rights

### 4. Management and Leadership

4.1(d)	Change management is effective and leads to improvements in the quality of service
4.1(f)	Managers are confident and visible; they are engaged, motivated, clear about their responsibilities and committed to delivery
4.1(i)	IT systems support the agency working in a joined-up way
4.2(a)	Key performance measurement and monitoring is focused on the priorities set out in the business plan
4.5(a)	Staff receive appropriate good quality training, including diversity and equality, when it is needed to equip them with the necessary knowledge and skills to enable them to deliver services fairly to customers
4.6(a)	All staff are treated with respect and value each other's diversity
4.6(b)	Managers at all levels demonstrate effective leadership on equality and diversity and the agency's commitment to it

# Appendix 2

## Information on 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. Guidance notes and fees for visa extensions, nationality and right of abode **applications, for applicants who are already in the UK**, are available on the UK Border Agency website: <http://ukba.homeoffice.gov.uk/>

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

Fees are subject to periodic review.

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

Fees have been listed by categories, which are: visit, study, work, settlement, transit, others and exempt.

The fees are effective for all visa applications made from **6 April 2010**.

# Appendix 3

## Glossary

Biometrics	All customers are now routinely required to provide ten digit finger scans and a digital photograph when applying for a United Kingdom visa. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five.
Casework Information Database (CID)	A computer system used by the UK Border Agency.
EEA Family Permits	<p>All European Economic Area (EEA) nationals enjoy free movement rights in the EEA. This means that they are not subject to the immigration rules and may come to the United Kingdom and reside here in accordance with the 2006 Regulations.</p> <p>They do not require permission from the UK Border Agency to enter or remain, nor do they require a document confirming their free movement status. An EEA family permit is a form of entry clearance issued to the non-EEA national family members of an EEA national who is in, or intends to come to, the United Kingdom in order to exercise a Treaty right.</p>
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 may also require entry clearance if they seek to enter the United Kingdom for purposes other than to visit and/or for longer than six months. More detailed information about Entry Clearance can be found on the UK Border Agency website:  <a href="http://ukba.homeoffice.gov.uk/">http://ukba.homeoffice.gov.uk/</a></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>

Hub and Spoke	<p>Prior to 2007, virtually all British diplomatic missions had a Visa Section. Each worked largely independently; handling all aspects of visa processing including taking decisions on site.</p> <p>Hub and Spoke was introduced to move away from the traditional model which was based on the physical presence of the Visa Section. The consideration of an application does not need to happen in the same place as it is collected.</p> <p>Applications can be moved from the collection point-the spoke- to the processing point-the hub. This separation between the collection network and the decision-making network aims to improve quality and consistency of decision making; efficiency and flexibility. Work can be moved to staff rather than the other way round.</p>
IDENT1	<p>Also known as the National Fingerprint Database, a fingerprint identification system with the capability to search palm prints and marks.</p>
Independent Chief Inspector of the UK Border Agency	<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>
Independent Monitor and legislation	<p>The legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal, was set out in section 23 of the Immigration and Asylum Act 1999 and amended by paragraph 27 of schedule 7 of the Nationality, Immigration &amp; 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"> <li>• 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 &amp; 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).</li> <li>• The Secretary of State may not appoint a member of his staff.</li> <li>• The Secretary of State must lay a copy of any report made to him under subsection (3) before each House of Parliament.</li> </ul> <p>Although the legislation and the Independent Monitor's formal title refer to "no right of appeal", all customers have limited rights of appeal on human rights and race relations grounds. Parliament decides which categories of visa customers should not have full rights of appeal; the UK Border Agency's role is to implement the laws set by Parliament and as interpreted by Government policies.</p> <p>John Vine, the Chief Inspector of the UK Border Agency was appointed to this role by the Home Secretary on the 26 April 2009, effectively bringing this work within his remit.</p>

Paragraph 320 (7a) – deception rules	From 29 February 2008, under Paragraph 320 (7A) of the immigration rules, a customer must be refused entry clearance if false representations or documents are used, or material facts not disclosed, whether or not the false representations or documents are material to the application, and whether or not the deception is with the customer’s knowledge.
Points-based system (PBS)	<p>On 29 February 2008, a new immigration system was launched to ensure that only those with the right skills or the right contribution can come to the United Kingdom to work or study. The points-based system enables the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers. The system has three key elements:</p> <ul style="list-style-type: none"> <li>• It combines more than 80 previous work and study routes to the United Kingdom into five tiers</li> <li>• Points are awarded according to workers’ skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector. This allows the United Kingdom to respond flexibly to changes in the labour market</li> <li>• It is a fair, transparent and objective system which enables potential migrants to assess their likelihood of making a successful application - this means that it should help to reduce the number of failed applications</li> </ul>
Proviso	Proviso is the database used by overseas visa sections as the audit trail of entry clearance applications. It records all details of an entry clearance application from the date of application through to the decision and any post decision correspondence.

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