



# Inspection Report of the Visa Section in Chennai

August – November 2009





# Acknowledgements

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# Contents

1.	Foreword	3
2.	Executive summary	4
3.	Summary of good practice	5
4.	Summary of recommendations	6
5.	Introduction	7
6.	Background – Chennai and Colombo	8
7.	Inspection findings: High-level outcomes of the business	12
8.	Inspection findings: Processes and procedures including quality of decision-making and consistency of approach	15
9.	Inspection findings: Impact on people subject to UK Border Agency services	29
10.	Inspection findings: Management and Leadership	34
11.	Conclusion	41
12.	Glossary of terms	42
	Appendix A – Inspection criteria	46
	Appendix B – Information on visa fees	51

# 1. Foreword

1.1 I am pleased to present the report on my recent inspection of the Visa Section in Chennai, one of three visa-issuing posts in India. This inspection followed the remit used in Kuala Lumpur. It was much more comprehensive in scope than in previous inspections of International Group; broadening out from file sampling of visa refusals to include specifically:

- grants of entry clearance to assess whether they had been issued correctly in accordance with the immigration rules
- points-based system cases where customers had requested an administrative review.

1.2 I also inspected the effect of the Hub and Spoke model and for that reason I assessed both the hub of Chennai and the spoke of Colombo. In this case visa applications made at the collection point (the spoke – Colombo in this case), are sent to a processing point (the hub – Chennai), where entry clearance decisions are made.

1.3 My statutory role is to report on the efficiency and effectiveness of the UK Border Agency. By inspecting Visa Sections overseas, I am essentially inspecting the work of the UK Border Agency International Group. Application of the immigration rules should be consistent wherever they are applied across the world. This is particularly important in relation to the commitments made by the UK Border Agency in its own Customer Charter, published in May 2009. Furthermore, I expect to see recommendations made in previous inspections, which are accepted by the UK Border Agency, implemented without undue delay.

1.4 The work of entry clearance staff is crucial to helping the UK Border Agency address its purpose of securing the border and controlling migration for the benefit of the country. Staff overseas deal with huge numbers of applications: in 2008 the UK Border Agency dealt with 2.5 million applications, of which the Visa Section at Chennai dealt with 134,286 (5%).

1.5 This volume of work – particularly in the context of the significant operational and policy changes brought about by the points-based system – places pressure on staff and emphasises the importance of:

- effective management, communication, consultation and training to build and maintain morale and operational knowledge
- accurate reporting of progress towards centrally published customer service standards, in order to:
  - > provide consistent performance information to customers and stakeholders
  - > inform senior managers accurately about the level of service being achieved
  - > identify improvement opportunities in order to process applications in line with published customer service standards.

1.6 In line with my appointment as Independent Monitor in April 2009, I considered those cases where refusal of entry clearance carries no (or more accurately, limited) rights of appeal. I also considered cases in the same category which had been issued with entry clearances. In addition, I reviewed long-term student cases under Tier 4 of the points-based system and the conduct of administrative reviews. My findings are set out below.

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**Independent Chief Inspector**

## 2. Executive summary

2.1 The inspection at Chennai sampled entry clearance cases to determine whether they had been issued correctly. This followed concerns expressed by the Home Affairs Committee, that problems identified by the previous Independent Monitor, in relation to the quality of refusal decisions, might be replicated in decisions to grant entry clearance. We examined a sample of 50 cases chosen at random as part of this inspection and found that:

- evidence was assessed correctly
- the judgement of Entry Clearance Officers was sound
- all entry clearances had been issued correctly and in accordance with the immigration rules.

2.2 This reflected our findings at Kuala Lumpur where we found that grants, from a similar-sized sample, had been issued correctly.

2.3 However, we found that the Chennai Visa Section had applied a local interpretation to the way in which it classified visa applications against the Customer Service Standards set out by the UK Border Agency in its Customer Charter. This in effect allowed it more time to process visa applications.

2.4 We believe this type of activity is unacceptable, because it misinforms customers about what they should expect when they pay for a visa application. It also makes it difficult, if not impossible, for the UK Border Agency to monitor its performance against its customer service standards, in order to identify and take steps to improve performance, where Visa Sections are missing their targets significantly.

2.5 We made a similar finding in Abuja and the UK Border Agency accepted our recommendation that no local interpretation, in relation to the way in which cases are classified against customer service standards, should be made. It was therefore disappointing that we should find similar practice at another Visa Section four months later. The UK Border Agency must ensure that Visa Sections do not depart from the definitions it has set out in its published customer service standards.

2.6 We found significant delays in conducting administrative reviews of points-based applications. Administrative review is the mechanism for reviewing refusal decisions made under the points-based system, where the customer believes an error has been made in the decision. It replaced full appeal rights where the customer had the right for their case to be heard by an independent adjudicator in the United Kingdom.

2.7 When the UK Border Agency implemented the administrative review system, it set a clear timescale of 28 days to conduct this process. It is therefore important it adheres to this timescale in order to meet customer expectations. This was particularly important in Chennai and Colombo where many of the customers were students who had a short period of time to take up their place of study in the United Kingdom. This was a significant failing and one that we also noted at Kuala Lumpur.

# 3. Summary of good practice

## High level outcomes of the business

- clear performance targets had been set
- staff were focused on meeting targets.

## Processes and procedures including quality of decision-making and consistency of approach

- in the cases we sampled, all visas granted were issued correctly
- administrative reviews were conducted effectively, resulting in cases being overturned in favour of the customer
- refusal notices were generally well written and gave customers a full account behind their refusal.

## Impact on people subject to UK Border Agency services

- the quality of decision-making was generally good
- complaints were dealt with promptly
- work had recently begun to analyse complaints to identify trends with a view to improving customer service.

## Management and Leadership

- staff understood what was expected of them
- some evidence of accessibility of management
- evidence of staff valuing each other's diversity.

## 4. Summary of recommendations

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

- immediately takes steps to ensure its customer service standards are applied consistently across its overseas network
- takes action now to ensure it meets its 28-day target on conducting administrative reviews
- eradicates delays in conveying refusal decisions to customers
- simplifies points-based guidance for customers and staff to ensure:
  - > customers understand the requirements they must meet when making applications
  - > Visa Sections do not impose additional requirements that customers are unaware of and so cannot meet when making their applications
- improves staff guidance on the application of rule 320 (7a) to ensure it is only used when appropriate to do so
- begins to evaluate the efficiency and effectiveness of Hub and Spoke
- ensures that effective communication and consultation structures are put in place to consider and take into account the views of all staff
- standardises document checklists at all overseas Visa Sections and incorporates them into its commercial partner's websites.



# 5. Introduction

5.1 The Independent Chief Inspector's core inspection criteria were used to assess the effectiveness and efficiency of the Visa Section in Chennai 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
- Management and Leadership.

5.2 The specific criteria under each heading that were selected for the inspection are listed in full at Appendix A. The full details of the core inspection criteria can be found on the Independent Chief Inspector's website: <http://www.ociukba.homeoffice.gov.uk/>.

5.3 In developing the Inspectorate's core criteria, it was decided that protecting the public, diversity and customer service would be key themes that all inspections would assess performance against. This inspection has therefore assessed performance, using the core criteria selected, to make assessments in these three areas.

5.4 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. This is set out in section 23 of the Immigration and Asylum Act 1999 as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, regarding the introduction of the points-based system (from April 2008).

5.5 This inspection also paid special attention to the services provided by the UK Border Agency to its customers overseas. For example, from the point that a customer:

- accessed information to find out about entry clearance to the United Kingdom
- made a visa application for entry clearance to the United Kingdom and attended a visa application centre to provide their biometrics, application form and supporting documents
- received their decision in the form of a refusal notice
- submitted correspondence or complaints to the UK Border Agency, or its commercial partner in Chennai or Colombo, in relation to their application.

5.6 This assessment was made against the customer service standards set out by the UK Border Agency and the Customer Strategy document it published in April 2009. In relation to this document we paid particular attention to the following statements it made relating to customer service:

- *for our staff and our business partners' staff, whether in the UK or overseas, to be thorough, polite and professional*
- *for the information we provide to be in plain language, accurate and meet your needs*
- *for us to process applications in line with our published delivery standards*
- *for us to provide you with a detailed response to an enquiry or complaint*
- *if we refuse your application, for us to give you a clear and detailed explanation of why we refused it and details of if and how you can appeal*
- *for us to give you the opportunity to give us feedback on our services and to complain if necessary.*

## 6. Background – Chennai and Colombo

6.1 The information in this section has been provided by the UK Border Agency to provide general background information about the work of the Visa Section in Chennai. Chennai is one of three visa-issuing posts in India. It receives applications submitted at one of four visa application centres in Southern India (Chennai, Hyderabad, Cochin and Bangalore) and the visa application centre in Colombo, Sri Lanka. The visa application centres are run by the UK Border Agency's commercial partner in India, VFS Global Services Ltd.

6.2 India is the largest visa market for the UK Border Agency, with one in five visa applications being made there. In the calendar year 2008, approximately 450,000 applications were made across the three visa-issuing posts in India (Chennai, Mumbai and New Delhi). Under the Hub and Spoke arrangements, Chennai has served as the hub for applications from its spoke in Colombo since June 2008. These arrangements have resulted in approximately 95% of applications from Sri Lanka being forwarded to Chennai for consideration.<sup>1</sup>

### Hub and Spoke

6.3 The decision to spoke Colombo's work to Chennai was made in mid 2007 in order to improve decision quality and consistency, and to realise efficiency savings. Prior to spoking, the overall refusal rate for Sri Lankan nationals in Colombo was around 28%. By June 2009, it had increased to around 49% for Sri Lankan applications decided in Chennai and 48% for decisions on residual work in Colombo. The UK Border Agency considered the increase in the refusal rate was driven mainly by an improvement in decision quality, which followed the introduction of the Hub and Spoke model.

### Applications

6.4 Chennai has seen a yearly increase in all applications, rising from 80,712 in 2004 to 134,286 in 2008. At the time of this inspection, the projection for 2009 was 140,000 applications. Following the introduction of the Hub and Spoke arrangement, applications originating in Sri Lanka increased by 14%. Colombo received 20,911 applications between June 2007 and April 2008. Between June 2008 and April 2009, 23,822 applications were made in Colombo, of which 19,399 were sent to Chennai for consideration. The remainder were processed in Colombo.

6.5 Tier 4 was introduced on 1 April 2009. From that date until the end of September 2009, Chennai received 16,576 applications. The same period in 2008 saw 12,535 student applications. Figures 1 and 2 show the number of applications assessed at the Chennai hub and Colombo spoke for the categories of visa applications that fall within the remit of this inspection, for the financial years 2007/2008 and 2008/2009.

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<sup>1</sup> Colombo still deals with visa applications relating to settlement, Business Express visitors, EEA family permits, DATVs (see glossary), diplomats and Maldivian non-points-based system cases).

**Figure 1: Visa applications made at Chennai (by visa categories inspected)**

TYPE	2007/08	2008/09	% increase
Visitor	47,055	48,872	3.9
PBS Tier 1	10	6,467	646
PBS Tier 2	0	2,886	-
PBS Tier 5	0	76	-
Student	13,101	26,974	105.9
Work permit	13,066	15,181	16.2
Working Holiday Maker	527	1,138	116
Total	73,759	101,594	37.7

Note: Information supplied by UK Border Agency – International Group

**Figure 2: Visa applications made at Colombo (by visa categories inspected)**

TYPE	2007/08	2008/09	% increase
Visitor	8,658	2,341	-73
PBS Tier 1	0	1	-
PBS Tier 2	0	0	-
PBS Tier 5	0	0	-
Student	6,147	1,094	-82.2
Work permit	690	311	-54.9
Working Holiday Maker	527	1,138	116
231	116	-49.8	37.7
Total	15,726	3,863	-75.4

Note: Information supplied by UK Border Agency – International Group

### Visa application process

6.6 The visa application centres in Southern India and Colombo receive applications together with supporting documents and visa fees, and collect biometric data from customers. They then sort the applications into certain categories, prior to forwarding them to the Visa Section at Chennai. This is done to help Entry Clearance Managers manage the workload more effectively in the Visa Section. Decisions are then relayed to customers via the visa application centres.

6.7 At the initial data checking stage, some India applications are referred to a document checking team for document verification and production of a document verification report, if required. The same process is followed in Colombo for Sri Lanka applications. Entry Clearance Officers can also refer cases for document verification checks when they consider necessary.

6.8 Colombo applications include one photocopied set of documents and one original set. The copy set is forwarded to Chennai, whilst the original set and passport are held in Colombo. The results of document and passport checks are recorded electronically on a document known as the Decision Support Tool, which is relayed electronically to Chennai to be linked with the physical application papers. An Entry Clearance Officer in Chennai makes the decision, which is delivered electronically to Colombo where visa vignettes and refusal notices are printed and linked with the original file.

## Staffing

6.9 Figure 3 records the staffing complements at Chennai and the Colombo High Commission at the time of inspection (excluding seasonal relief).

	Chennai	Colombo
Operations Manager	1	0
Immigration Liaison Manager	0	1
Entry Clearance Manager	4	0
Entry Clearance Officer <sup>2</sup>	15	2
Immigration Liaison Officer	1	1
Entry Clearance Assistants <sup>3</sup>	42	11

## Inspection methodology

6.10 At the outset 200 files were randomly selected by the Independent Chief Inspector's Office. The files were drawn from a list of decisions made in Chennai since 1 March 2009 and were made up of the following:

- 50 refusal decisions (excluding Tier 4 applications)
- 50 Tier 4 refusal decisions
- 50 cases where a visa was issued (excluding Tier 4 applications)
- 25 decisions under the points-based system that attracted an administrative review (excluding Tier 4 applications)
- 25 Tier 4 decisions that attracted an administrative review.

6.11 These files were then assessed to determine:

- the quality of decision-making, within the spirit of fairness and consistency, in cases where, as a result of legislation, there is a limited right of appeal
- whether correct procedures were used to reach balanced decisions.

<sup>2</sup> Includes locally engaged Entry Clearance Officers. Includes locally engaged Entry Clearance Officers.

<sup>3</sup> This category includes locally-engaged staff at various grades undertaking a range of roles in support of the visa operation.

6.12 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 detailed responses to enquiries and/or complaints that they made
- refusal notices provided a clear and detailed explanation of why the application was refused and explained how customers could appeal.

6.13 In addition to file sampling, we interviewed the Operations Manager and two Entry Clearance Managers. We held focus groups with Entry Clearance Officers and Entry Clearance Assistants as well as inspecting the visa application centres in Chennai and Colombo. At Colombo we interviewed the High Commissioner, the Immigration Liaison Manager, the Immigration Liaison Officer, two Entry Clearance Officers and a locally engaged Entry Clearance Assistant.

## 7. Inspection findings: High-level outcomes of the business

7.1 While we assessed the Visa Section at Chennai and the spoke of Colombo against our core criteria, we were particularly interested in the impact on students of the introduction of Tier 4. This was because of the significant increase in applications from students; up 46% from the previous year.

7.2 We met a representative from 'Universities UK' before our inspection visit to gather their views on Tier 4. They were concerned that students had a short timescale to obtain an entry clearance in order to take up a place on their course of study and for this reason it was important that the entry clearance process was managed effectively by the UK Border Agency. They were also concerned that:

- unclear guidance on websites and/or from visa application centres could result in refusals for minor technicalities
- there might be delays in obtaining appointments for biometrics and delays in processing times.

7.3 In relation to Chennai and Colombo, we found some evidence to substantiate their concerns regarding delays, particularly in relation to the time taken by the Visa Section to convey refusal decisions to customers. We also found significant delays in carrying out administrative reviews of refusals under the points-based system.

7.4 We consider the creation of administrative review backlogs impacts negatively against customers, who have to wait longer than they should for a decision in their case. We found similar problems with delays in the administrative review process in Kuala Lumpur and believe the UK Border Agency should now take the following action to ensure it meets its administrative review target:

- review its performance globally to assess where it is meeting its 28-day target and where it is not
- identify any issues that are preventing Visa Sections meeting this target
- bring performance into line with the target it has set – this will help to ensure that the organisation meets customer expectations.

7.5 We found evidence that the visa application centre in Colombo provided support to customers by checking applications against document checklists. We also found that the commercial partner's website was clearly set out, although it did not contain links to document checklists to assist customers in providing the correct documentation with their applications. However, we found little evidence of customers being refused for minor technicalities.

7.6 We found that information on processing times on the commercial partner's website for India was informative for customers. However, they did not meet the UK Border Agency's stated commitment to deliver a quality visa service, as set out in its published customer service standards. We also noted that Chennai had issued local guidance to staff on how to categorise cases which did not adhere to the UK Border Agency's published guidance on case categorisation.

7.7 This in effect allowed the Visa Section more time to process visa applications. It also meant that performance could not be accurately measured against the UK Border Agency's published customer service standards. We consider this activity would also have misinformed customers about the standards of service they should expect when applying for a visa to enter the United Kingdom.

7.8 This was an issue we reported on at Abuja where the UK Border Agency accepted our recommendation to allow no local exceptions in how staff record case categories. This would ensure that performance against customer service standards was measured and reported on accurately.

7.9 We discussed this with the Operations Manager who told us that the UK Border Agency had sent out guidance to staff that all points-based applications were to be categorised as non-straightforward. They told us that guidance to staff on the categorisation of other cases had been revised in early November, just prior to our inspection, to reflect the published guidance. However, we were concerned this had not been rectified sooner following the recommendations in our Abuja report.

7.10 We spoke to the management team about the preparation for the implementation of Tier 4. They told us problems with staffing had impacted on their ability to engage with stakeholders, but that they had worked with the British Council to publicise Tier 4. They had held events in the major metropolitan areas of South India and Colombo to brief students and agents. Entry Clearance Officers had also participated in a web chat, answering questions on Tier 4 from customers and stakeholders.

7.11 The Operations Manager told us they had requested seasonal relief of eight Entry Clearance Officers to cope with the expected high level of student applications, but only received three. This impacted against their ability to cope with the increased number of applications. The Visa Section should also have had four Entry Clearance Managers, but for most of the summer only had one substantive full-time Entry Clearance Manager. The remainder of the management team comprised one on temporary cover allowance seconded from Delhi, one short-term member of staff who had to return early to the United Kingdom for personal reasons and one Entry Clearance Officer on temporary promotion from within the Chennai Visa Section.

7.12 We were told by the Operations Manager that these staffing problems were primarily responsible for the delays in conveying refusal decisions to customers and for the considerable delays in conducting administrative reviews. These delays impacted on customers, particularly those who had applied under Tier 4, because of the short period of time students have to obtain an entry clearance to join their course of study.

7.13 The Operations Manager told us that a time and motion study was conducted in March over a six-week period to set daily case-working targets to drive improvement in the service provided to customers. They said these targets were realistic and did not put undue pressure on staff, who had been involved in the exercise to set these targets. The targets had been reviewed in June and another review was set for December. Entry Clearance Managers told us they used the daily case-working targets to:

- monitor how each Entry Clearance Officer was performing
- assess the likely number of applications that would be decided each day by their teams.

7.14 However, Entry Clearance Officers told us they had not been consulted over the introduction of these daily targets. This was because only one Entry Clearance Officer had been involved in the exercise. Entry Clearance Officers also told us that there was an overwhelming pressure to achieve numerical targets, which they considered was having an impact on developmental activity and staff morale.

7.15 The issue of low staff morale was confirmed by Entry Clearance Assistants, who told us that there were no regular meetings and little contact with managers. They therefore felt that their views were not valued and considered. Both the Entry Clearance Assistants and the Entry Clearance Officers said that the most frequent use of communication was through curt emails. They said that they received no positive emails and little positive feedback. We considered that the lack of effective communication and consultation structures had contributed to low morale among staff.

7.16 We also looked at the impact of the introduction of Hub and Spoke. This was implemented by the UK Border Agency to:

- improve the quality and consistency of decision-making
- improve efficiency
- offer flexibility in moving work to staff rather than the other way round.

7.17 Prior to our inspection we asked the UK Border Agency to provide statistics to show the impact of Hub and Spoke in terms of cost-savings and other benefits. They told us work was nearing completion on an evaluation of Hub and Spoke cost-savings and they hoped to supply this information before our next overseas inspection. However, they were able to supply some figures for Chennai and Colombo, indicating annual cost-savings of £377,555.

7.18 We were told that the implementation of Hub and Spoke at Chennai and Colombo had been difficult. The Operations Manager said that the Visa Section at Colombo had been poorly managed which hindered the transition period (a statement supported by the High Commissioner). There were also problems caused by the difficulties in sending passports to and from India. The resulting pilot of remote printing vignettes altered the initial business model and delayed implementation.

7.19 Our sampling of files indicated that the Hub and Spoke model had resulted in entry clearance staff applying more consistent standards. We also noted that decisions were reviewed by the same Entry Clearance Managers and were subject to the same standard of administrative review in the event of a refusal.

7.20 However, more work needs to be completed on the Hub and Spoke model before an accurate assessment can be made about the level of consistency in decision-making and the application of uniform quality standards across all Visa Sections overseas. We look forward to seeing the findings of the UK Border Agency review of the Hub and Spoke model, which is taking place now (January 2010).

7.21 We were told that the introduction of Hub and Spoke had impacted adversely on customer service during the transition period, but that the process had now settled down and was working reasonably well. To summarise we found:

- significant delays in conducting administrative reviews
- performance against UK Border Agency customer service standards were not being reported accurately, due to a local interpretation in the way in which it classified visa applications
- clear performance targets had been put in place but staff had strong reservations about the way they had been introduced and the methods used to monitor them
- low staff morale.



## 8. Inspection findings: Processes and procedures including quality of decision-making and consistency of approach

8.1 This section gives the detailed results and analysis of the files sampled from Chennai and Colombo, including comments on processing times. It is broken down into types of cases:

- general refusals excluding Tier 4 cases
- grants of entry clearance
- tier 4 refusals
- administrative reviews.

The section also includes information on the Risk and Liaison Overseas Network at Chennai and Colombo.

### **Inspection results of the sample of general refusals (excluding Tier 4 cases)**

8.2 Data accuracy was good, with 48 files of the 50 refusal decisions sampled being recorded accurately on the case management system used by the UK Border Agency. The remaining two files were out of scope as the customers had applied for family visits which attract full appeal rights. We reviewed these cases against a five-point scale to assess whether the decision and refusal notice was lawful and reasonable (a reasonable refusal notice is one which is in accord with the immigration rules and is based on the evidence provided, with correct information on appeal rights). The five-point scale is set out below:

- was the decision to refuse entry clearance assessed against the correct immigration rules?
- was the Entry Clearance Officer's judgement reasonable?
- was the use of evidence applied correctly in the refusal notice?
- was the correct information given on appeal rights?
- did the refusal decision suffer from significant maladministration?

8.3 We found that in 39 of the cases we reviewed (81% of the sample), refusal notices were lawful, reasonable and provided correct information about rights of appeal. We found that, with the exception of one case, all had been considered under the correct immigration rules. The exception related to a case considered for refusal under paragraph 320, which was not appropriate (this case is referred to in more detail under the next section).

### **Use of evidence**

8.4 We examined refusal notices under this category to assess whether an Entry Clearance Officer's decision had failed to take into account all of the evidence provided. For example, a decision that did not take into consideration material evidence obtained at interview or in supporting documents. We found 42 cases (88% of the sample) were made in accordance with the evidence.

8.5 Of the six cases (13% of the sample) where the Entry Clearance Officer had not taken into account all of the evidence, none of the cases related to applications under the points-based system. In five of the cases we found that positive evidence was either not included in the refusal notice or not given sufficient weight. We are not saying the decisions taken were incorrect, but it was not clear if the Entry Clearance Officer had considered all the positive and negative evidence when they took their decision. The Entry Clearance Manager agreed with our comments.

8.6 The remaining case was refused under paragraph 320 (7A) of the immigration rules, because the customer had failed to disclose a previous visa refusal. Paragraph 320 (7A) refers to visa applications where:

- false representations are made
- false documents or false information is submitted (whether or not to the customer's knowledge and whether or not material to the application)
- material facts are not disclosed in the application.

8.7 Rule 320 (7A) is a general ground for refusal which means that cases involving deception have to be established to a higher balance of probabilities than refusals under the category-specific immigration rules. Entry Clearance Officers are therefore responsible for assessing whether a) there is positive evidence of deception and b) it is demonstrated to the higher standard. If they consider both tests are met, refusal is then mandatory.

8.8 The customer in this case was refused for failing to disclose a United States visa refusal in 2004. A further application was refused despite the customer's explanation that they thought a subsequent issue of a United States visa cancelled out the original refusal. This is similar to a case raised in the Kuala Lumpur report where the Entry Clearance Manager agreed to offer a gratis application. The Entry Clearance Manager said that they were awaiting updated guidance on the application of rule 320 [7A] following a review. In the meantime they agreed to review this case.

8.9 Of the six cases where the Entry Clearance Officer had not taken into account all of the evidence, we found three cases where the judgement of the Entry Clearance Officer was unreasonable:

- the customer had applied to attend an event in the United Kingdom but was partly refused because there was no evidence of the venue and duration of the event. However, this information was detailed in the Document Verification Report which was on file. The Entry Clearance Manager agreed to review this case and subsequently issued a revised refusal notice.
- the customer applied to travel to the United Kingdom with her husband as part of a tour group. The trip was funded by the family business which a Document Verification Report confirmed was genuine. However, one of the reasons the application was refused was because there were doubts over the provenance of large amounts of money deposited into the business account. The disputed amounts were not queried despite an Entry Clearance Assistant speaking to the customer and her husband by phone. The Entry Clearance Manager agreed with our comments.
- the remaining case is the case mentioned above which was refused under 320 [7A].

8.10 There were no cases of maladministration and three cases where incorrect information on appeal rights had been given. In two cases, Entry Clearance Officers had failed to inform customers of their full appeal rights (they were visiting family members). In the remaining case a customer had been informed they had full appeal rights, despite there being no mention of visiting a family member in the United Kingdom. The Entry Clearance Manager agreed to issue revised refusal notices with the correct right of appeal.

## Quality of refusal notices

8.11 Customers pay a fee for the application process, usually ranging from £46 to £675, although some categories are issued free of charge (appendix B shows full details of 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.

8.12 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.

8.13 To assist our assessment of the quality of refusal notices we used five quality pointers and they are shown 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?

8.14 All the cases sampled included the correct immigration rules in the refusal notice. All bar one case correctly outlined the period and purpose of the intended stay. The remaining case incorrectly stated that the customer had applied as a family visitor when they had not. We have commented above on the six cases where the refusal decision and notice did not appear balanced. We noted that the lack of balance detracted from the quality of decision-making.

8.15 In eight cases (17% of the sample) the refusal notice contained duplicated words or poor formatting which may have been the result of cutting and pasting. This included two cases where refusal notices contained contradictory information on whether or not the customer had been refused under paragraph 320. However, overall we found that refusal notices were generally written to a good standard and gave customers the reasons behind their refusal.

## Processing times

8.16 The UK Border Agency Visa 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 are set out below:

- 90% of straightforward, non-settlement applications in not more than a week, 98% in not more than two weeks, and 100% in not more than 12 weeks
- 90% of non-straightforward, non-settlement applications in not more than three weeks, 98% in not more than six weeks and 100% in not more than 12 weeks
- 95% of applications for settlement visas in not more than 12 weeks and 100% in not more 24 weeks.

8.17 To assist customers in interpreting these targets, the UK Border Agency clarified the difference between straightforward and non-straightforward applications as follows:

- Straightforward applications can be decided on the basis of the application and the supporting documents submitted, without the need for further enquiries or more detailed scrutiny
- Non-straightforward applications require more time to be decided, for example, to allow for more detailed enquiries or arrange for a personal interview.

8.18 Using the above interpretation, we examined the 48 cases in our file sample (11 files were points-based applications [not Tier 4] and 37 related to other categories of visitor visa applications). We assessed that 36 of these files were straightforward and 12 were non-straightforward. We then looked at how the Visa Section at Chennai classified these files and found it had only classified two of the 48 files as straightforward.

8.19 This enabled the Visa Section to show much greater compliance against the customer service standards set and published by the UK Border Agency. We found similar problems when we inspected Abuja and made a recommendation that all such activity should cease. This recommendation was accepted by the UK Border Agency, so we were disappointed to find that Chennai had adopted a similar practice and only took remedial action just prior to the on-site phase of our inspection.

8.20 Entry Clearance Managers told us that Chennai had adopted its own classification system to determine whether entry clearance applications were straightforward or non-straightforward. However, in applying its own service standards we found it was not adhering to guidance published by the UK Border Agency in relation to its global commitment on customer service standards.

8.21 For straightforward cases, our file sampling showed that the five and ten working day customer service standards were not met. However, the degree of failure to meet the standards varied significantly for those classified as straightforward by the Visa Section and those we classified as straightforward. Figure 4 shows the processing times for straightforward cases (36 files), together with a comparison between the Visa Section's classification and that of the Independent Chief Inspector's Office [ICI].

**Figure 4: Customer service standards for straightforward, non-settlement cases (excluding Tier 4) refused by Chennai**

	Number of cases processed in 5 <i>working</i> days or under		Number of cases processed in 10 <i>working</i> days or under		Number of cases processed in 60 <i>working</i> days or under	
	Post definition of straightforward	ICI definition of straightforward	Post definition of straightforward	ICI definition of straightforward	Post definition of straightforward	ICI definition of straightforward
Target number of cases to be processed	2*	32	2*	35	2	36
Cases processed	1	5	1	17	2	36
Shortfall from target	1	27	1	18	0	0

\*Please note that due to rounding, these values are equal to the total number of cases.

8.22 Figure 4 shows that if Chennai had correctly classified applications in accordance with the UK Border Agency’s published criteria, it would have missed customer service standards by a significant margin. For example, 27 out of 32 cases would have missed the five-day target (84% of the sample) and 18 out of 35 cases would have missed the ten-day target (51% of the sample). We consider that failing to accurately report performance against published customer service standards misinformed customers about the level of service they should expect. It also meant the organisation was unable to identify performance issues and take remedial action to address them.

8.23 For non-straightforward cases the file sampling showed that the Visa Section missed the 15-day target by seven cases and missed the 30-day target by two cases. One case did not meet the 60-day target and was completed seven days later, accumulating a total processing time of 67 working days. Figure 5 shows the processing times for non-straightforward cases, together with a comparison between the Visa Section’s classification and that of the Independent Chief Inspector’s office.

**Figure 5: Customer service standards for non-straightforward, non-settlement cases (excluding Tier 4) refused by Chennai**

	Number of cases processed in 15 <i>working</i> days or under		Number of cases processed in 30 <i>working</i> days or under		Number of cases processed in 60 <i>working</i> days or under	
	Post definition of non-straight-forward	ICI definition of non-straight-forward	Post definition of non-straight-forward	ICI definition of non-straight-forward	Post definition of non-straight-forward	ICI definition of non-straight-forward
Target number of cases to be processed	41	11	45	12*	46	12
Cases processed	34	9	43	10	45	11
Shortfall from target	7	2	2	2	1	1

\*Please note that due to rounding, these values are equal to the total number of cases.

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

8.24 Following the concerns expressed by the Home Affairs Committee, concerning the quality of visa decisions where entry clearance was granted, we examined 50 cases using the following criteria:

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

8.25 With one exception, all visas were assessed against the correct immigration rules and had been issued the correct endorsement and the correct duration. The exception concerned a case which was endorsed visit instead of business visit. We found all 50 cases (100% of the sample) met the criteria for judgement and use of evidence. These results reflected our findings at Kuala Lumpur, which similarly demonstrated that its decisions to issue were in accordance with the immigration rules.

8.26 We also checked all 50 cases against two UK Border Agency databases in the United Kingdom. These databases were previously used to record information on work permit and highly skilled migrant applications. We found no adverse history on these databases in relation to these customers.

8.27 However, the Visa Section again failed to meet its customer service standards for straightforward cases. They did not meet the five- and ten-working-day customer service standards, missing the target by 23 (46% of the sample) and eight cases (16% of the sample) respectively. They did, however, meet the 60-working-day customer service target. Only two cases were categorised as non-straightforward, with one meeting the 15-day target and both meeting the 30-day target.

#### **Inspection results of the sample of Tier 4 refusals: student applications under the points-based system**

8.28 We looked at 50 refusal decisions of applications made under Tier 4. We chose a random selection from the most recent applications at the end of the busy student period which runs from July to September 2009. Data accuracy was good, with all 50 cases being recorded accurately on the case management system used by the UK Border Agency. We assessed the cases against similar criteria as for general refusals and grants:

- Was the decision assessed against the correct immigration rules?
- Were the points awarded in line with guidance?
- Were the required documents submitted and if so, were they correctly assessed against the guidance?
- Was the customer advised of their right to an administrative review?
- Was there any significant maladministration which materially affected the quality of the decision?

8.29 All of the refusal notices included the customer's rights to an administrative review. As mentioned above, refusal notices contained some typographical and formatting errors but were generally satisfactory. We also noted the following example of good practice in Figure 6 below:

## Figure 6: Case study 1 – Tier 4 application

### The customer:

- was a student who applied under Tier 4 on 12/8/2009
- produced a visa letter showing they had a place of study
- qualified for points on funding.

### The Entry Clearance Officer:

- had doubts about the customer's qualifications
- deferred the application for a visit to the local college which had supplied the educational certificates – this found that the:
  - > college was bogus
  - > educational certificates were counterfeit
- subsequently refused the customer under paragraph 320(7a).

### Chief Inspector's comments:

- a good example of the correct use of paragraph 320(7a)
- a positive example of making more detailed enquiries.

8.30 Twenty of the cases (40% of the sample) did not meet the criteria set out at 8.28. Fifteen of these cases were refused because Entry Clearance Officers were not satisfied with loan letters which had been submitted by customers as evidence of funding.

8.31 These applications were refused on the grounds that there was no evidence of the terms and conditions of the loan having been met. However, we found customers were not made aware of any such requirements in relation to loans, either in the points-based system guidance issued by the UK Border Agency or locally.

8.32 All 15 applications were made prior to October 2009. We therefore assessed them in accordance with the published guidance that was applicable and current at the time the applications were made. The guidance on loans stated that customers must provide a "Letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming the loan."

8.33 The guidance went on to state that the letter from the financial institution regulated by the Financial Services Authority should show:

- *the applicant's name*
- *the date of the letter*
- *the financial institution's name and logo*
- *the money or funds available as a loan.*

8.34 We discussed this with one of the Entry Clearance Managers who quoted a separate paragraph from the guidance which stated: "If you apply before 1 October 2009 you will only need to show proof that you have the money needed, on the day that you apply. You must still provide the correct documents to support your application."

8.35 The Entry Clearance Manager told us their interpretation of this was that the money must be freely available to the customer on the day they submit their application. They said that most educational loans sanctioned in India had terms and conditions attached to them that must be met before the money is disbursed. These included conditions such as evidence that land/property or a mortgage would be taken out to secure the loan. In the absence of proof that these conditions had been met, the Entry Clearance Manager told us they had not been awarding the 10 points for finances and refusing the applications.

8.36 The points-based system was introduced to be a fair, transparent and objective system, which allocates points in accordance with guidance. This is to ensure that:

- customers know what they must produce in support of their applications
- all applications dealt with in the same way.

8.37 There was no reference in the guidance on loans that customers had to show proof of having met the terms and conditions of loans. We therefore considered the Visa Section at Chennai had introduced its own interpretation of guidance, which was not published locally and was also contrary to the aims of the system. We consider that in taking this action the Visa Section had treated customers unfairly.

8.38 We also found that eight of the customers affected by this interpretation of the guidance had their visas issued when they reapplied. Had these customers known of the local interpretation on loans, they would have had the opportunity to meet the conditions in their first applications. This is particularly important for customers, bearing in mind the additional application costs they faced, coupled with the delays of having to reapply again – an important consideration for Tier 4 customers, where timeliness can be an important factor, if they are to arrive in the United Kingdom prior to the start of their educational courses.

8.39 We consider that the interpretation of loans by Chennai was not in line with the published guidance. However, we also note that the points-based guidance was not always easy for staff to follow. We were told it had been subject to a number of changes that had often been circulated in addendums instead of being incorporated into published guidance. We also noted that there were varying sets of guidance depending on the date of the application and consider this could be confusing for staff and customers.



8.40 Of the remaining five cases, one was refused for lack of funds. However, the Entry Clearance Manager who reviewed the decision realised that the funds had been miscalculated and the entry clearance was granted. A further case was refused as the visa letter did not contain all the mandatory information, despite the information being on the confirmation of acceptance letter. An entry clearance was granted following a subsequent application.

8.41 Two of the remaining three cases were refused under paragraph 320 (7a). One customer was refused for failing to tick the box on the visa application form relating to previous adverse immigration history, despite having submitted with their application a copy of their in-country refusal and service of IS151A as an overstayer. The Administrative Reviewer overturned the decision. A second similar case was also overturned at administrative review. We noted these cases as further evidence that the UK Border Agency should review and improve its guidance to staff on the application of rule 320 (7a), to ensure it is only used when appropriate to do so.

8.42 We found one case where there was significant maladministration which materially affected the quality of the decision. Figure 7 below refers:

#### **Figure 7: Case study 2 – Tier 4 application**

##### **The customer:**

- applied as a student on 25/9/09
- intended to travel after the course had started
- was refused as the visa letter did not state the last date they could join the course.

##### **Chief Inspector's comments:**

- the visa letter did state the last date they could join the course
- the visa letter was obtained after having being previously refused for funding
- the customer corrected the funding issue and resubmitted with a new visa letter which was ignored
- it then took nine days after the refusal to send out the decision.

8.43 The Entry Clearance Manager has agreed to review this case and offer a free application.

8.44 We noted the same concerns over case classification as we did for general refusals. From the file sampling and from our interviews with management, we found that the Visa Section at Chennai was categorising all points-based applications as non-straightforward. This was not in accordance with the published customer service standards set out by the UK Border Agency website in its customer charter and on its website. Of the 50 Tier 4 cases sampled we categorised 38 as straightforward.

8.45 Using the classification in accordance with the customer service standards published by the UK Border Agency, we found that of these 38 cases:

- the five-day target was missed by 33 cases (87% of the sample)
- the 30-day target was missed by 30 cases (79% of the sample)
- the 60-day target was met.

8.46 If we accepted the Visa Section's classification of all points-based applications being non-straightforward, they missed the 15-working-day target by eight cases (21% of the sample). They did, however, meet the 30- and 60-working-day targets.

8.47 The Business Assurance Team (UK Border Agency) told us that when the points-based system was introduced in April 2008, the International Group agreed that all types of points-based applications would be categorised as non-straightforward for an initial period. It was further agreed that when the customer service standards were introduced in January 2009, the guide to processing times published externally each month would show all points-based applications as non-straightforward.

8.48 We were surprised that some 18 months later, points-based applications were still being considered as non-straightforward. In addition, we found from our previous inspection of the Visa Section at Kuala Lumpur that they had not categorised all points-based applications as non-straightforward. Of the 50 Tier 4 refusals sampled, they had categorised 21 of the files as straightforward. We also found that Kuala Lumpur was meeting their processing times for grants, Tier 4 refusals and were close to meeting their processing times for general refusals.

8.49 We noted that the customer service standards were supposed to inform customers of the level of service they should expect. If the UK Border Agency thought that the introduction of the points-based system meant that processing times would increase whilst it bedded in, the guidance should have explicitly stated that points-based applications would be classified as non-straightforward cases and require longer processing times. This was particularly relevant for students applying under Tier 4 because of the short timescale to obtain entry clearances to take up their places of study.

8.50 The Business Assurance Team told us that they acknowledge that the straightforward/non-straightforward distinction may not be clear to visa customers. The International Group has now decided to review its customer service standards. They told us that they are considering the possibility of a single customer service standard for all non-settlement categories. Points-based applications will be reviewed at the same time. They aim to agree new customer service standards by the end of February 2010, with implementation from 1 April. We support this review and consider it should aim to deliver services that are efficient, effective and customer-focused. In particular, the review should set challenging but achievable customer service standards, publish them, and monitor and report performance against them.

### **Inspection results of the sample of administrative reviews**

8.51 Administrative review is the mechanism for reviewing refusal decisions made under the points-based system. It can be used by customers when they believe an error has been made in the decision to refuse them entry clearance. It replaced full appeal rights, where the customer previously had the right of appeal to an independent adjudicator in the United Kingdom. It is therefore important, from a customer perspective that this process is treated seriously by the UK Border Agency and is carried out consistently to a high standard.

8.52 An Entry Clearance Manager will conduct the administrative review but it must be a different Entry Clearance Manager from the one who gave advice on or reviewed the original decision. In Visa Sections where no such Entry Clearance Manager is available, an Entry Clearance Manager from another Visa Section will conduct the review.

8.53 We looked at 50 points-based system decisions made in Chennai that attracted an administrative review, covering the period January to August 2009. Twenty five of these cases related to student Tier 4 refusals. We selected student cases from the most recent applications at the end of the busy summer period. We assessed all of these cases against the following criteria:

- Were the points correctly awarded by the Administrative Reviewer?
- Were the documents correctly assessed by the Administrative Reviewer?
- Were the cases reviewed within the 28-day target set by the UK Border Agency?

8.54 Of the 50 administrative reviews sampled, 46 cases were concluded. One of the Tier 4 administrative reviews requested was out of scope as it related to a Tier 1 case. Three cases were withdrawn as they had submitted fresh applications which had been issued. Of the 46 completed cases we noted that 33 of these (72% of the sample) had been upheld and 13 (28% of the sample) had been overturned in favour of the customer. There were minor quality issues in the notification letters in five of the cases.

8.55 We were pleased to note that administrative reviews were being carried out effectively – this included a considerable number of decisions being overturned in favour of the customer. We were also pleased that the Entry Clearance Manager agreed to offer two free applications where we noted that points had not been correctly awarded or documents not correctly assessed. They also agreed to issue a revised refusal notice in one case which would attract a fresh administrative review. In one further case where the same Entry Clearance Manager had conducted both the Entry Clearance Manager review and the administrative review, they agreed that the case would have a fresh administrative review conducted by a different Administrative Reviewer.

8.56 However, we found a significant number of administrative reviews had not been completed within the published 28-day timescale. Of the 46 administrative reviews concluded, 30 cases (65% of the sample) failed to meet the processing target of 28 calendar days. The shortest of those that failed to meet the target took 30 calendar days while the longest took 124 calendar days.

8.57 Twenty one of these cases related to students under Tier 4 of which seven were overturned in favour of the customer. These delays would impact against customers, particularly students, who have a relatively short timeframe between obtaining their academic results and securing the required entry clearance to allow them to take up their course in the United Kingdom. We recommend that the UK Border Agency takes action to ensure it meets its 28-day target on conducting administrative reviews

8.58 Figure 8 below shows the number of days between the date of receipt of the administrative review and the date on the notification letter sent out to customers by the Administrative Reviewer with their decision.

**Figure 8: Processing times of Administrative Reviews in Chennai**

Correspondence interval (calendar days)	Number of cases	Percentage of cases
14 or under	4	9%
Between 15 and 28	12	26%
<b>Failed target cases: Over 28</b>	<b>30</b>	<b>65%</b>
Total cases	46	100%

8.59 We interviewed one of the Entry Clearance Managers and the Operations Manager about these delays. They told us that they were aware that a high proportion of administrative reviews were not conducted within the 28-day target. They said these problems arose because of a short fall in Entry Clearance Manager cover which had now been addressed. They also told us the backlog had been cleared.

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

- Immediately takes steps to ensure its customer service standards are applied consistently across its overseas network
- takes action now to ensure it meets its 28-day target on conducting administrative reviews
- eradicates delays in conveying refusal decisions to customers
- simplifies points-based guidance for customers and staff to ensure:
  - > customers understand the requirements they must meet when making applications
  - > Visa Sections do not impose additional requirements that customers are unaware of and so cannot meet when making their applications
- improves staff guidance on the application of rule 320 (7a) to ensure it is only used when appropriate to do so.

**Risk and Liaison Overseas Network (RALON)**

**Chennai**

8.60 We interviewed the Immigration Liaison Officer and the locally engaged Assistant Immigration Liaison Officer at Chennai. The former had had two weeks training in the United Kingdom before taking up post. The latter had received a one-day forgery course and local training and mentoring. They told us that they met regularly with intelligence colleagues across India to share experience. Their role was to provide risk assessment to assist colleagues in the consideration of entry clearance applications.

8.61 We were told that they emailed risk alerts to Entry Clearance Officers as and when appropriate. They used to attend the weekly Entry Clearance Officer meetings (these no longer take place) and continue to provide individual talks to new Entry Clearance Officers. They also produced a series of risk profiles which were developed locally and used by staff at data entry stage to highlight applications on Proviso (the database used by Visa Sections overseas) where greater scrutiny would be required by Entry Clearance Officers.

8.62 The Immigration Liaison Officers identified trends from the types of forgeries encountered to develop profiles for the Document Verification Unit. They told us that they also received useful feedback via weekly visa concern reports and port refusal reports from Heathrow and Gatwick where customers had been issued with an entry clearance from Chennai. However, they received little feedback from the Immigration Group on enforcement visits where overstayers, illegal entrants or those working in breach of their conditions had been identified.

8.63 The Immigration Liaison Officers also provided a monthly report on the points-based system for the regional monthly RALON report. They said that all Immigration Liaison Officers prepared such reports to feed into a global monthly report. They said that a pilot was due to begin at Chennai to interview Tier 4 customers considered high risk, primarily to test their English language capabilities.

8.64 We were told that they received approximately five denunciations a week (information received by the UK Border Agency raising doubts about an individual's intentions). All were examined and linked to applications if they were found on Proviso, a database used by overseas Visa Sections to manage entry clearance applications. If no previous applications were found on Proviso, but there were sufficient details of a person, college or immigration agent, they added a record to Proviso so that any future applications were picked up. Information with few identifying details was filed away.

8.65 The Immigration Liaison Officers had no access to other UK Border Agency databases (known as CID and Mycroft) which contained additional information about individuals. They considered access to these particular systems was important in identifying, understanding, sharing and developing intelligence information to inform risk profiles in the Visa Section. They told us that they had requested CID access in January 2009 but were awaiting a response. They did not think any of the Immigration Liaison Officers had CID access in this region, but had heard that some encrypted laptops with CID had been sent out to Visa Sections elsewhere.

8.66 In the absence of Mycroft they told us it was time-consuming to send intelligence reports to the United Kingdom as they had to use the confidential system. This meant they only sent reports when really necessary due to other work priorities and time pressures. We were told the one key improvement to enabling the Immigration Liaison Officers to do their job more effectively would be access to CID and Mycroft in the Visa Section.

## Colombo

8.67 We spoke to the Immigration Liaison Manager and Immigration Liaison Officer at Colombo. The former had responsibility for reducing the number of inadmissible passengers travelling to the United Kingdom. They did this by delivering forgery training to airline staff and by providing a strong visible presence at the airport. The Immigration Liaison Officer had responsibility for increasing the number of forgery detections submitted with visa applications and for developing risk profiles to assist Entry Clearance Officers in the consideration of applications.

8.68 They told us that they had increased the number of forgery detections significantly in 2009 and had helped the Document Verification Unit develop a risk profile on all applications made at Colombo. They did this by:

- analysing records of forged documents identified in visa applications
- using information from the United Kingdom and other missions
- using feedback from staff.

8.69 They had also started obtaining information about passengers refused entry on arrival in the United Kingdom. The Immigration Liaison officer told us that they send out risk alerts to staff via email, 18 this year (2009), and produce a weekly report about the forged documents identified that week.

# 9. Inspection findings: Impact on people subject to UK Border Agency services

## Visa Application Centres

9.1 In order to assess the impact on people subject to UK Border Agency services, we visited two of the five visa application centres through which applications are routed to Chennai and Colombo. We also:

- observed the receipt of applications at the Visa Section in Chennai
- checked processing times
- looked at complaint-handling processes
- assessed the results of the Customer Survey Database
- reviewed the commercial partner's website – VFS Global Services.

9.2 The Visa Application Centre in Chennai was located in the city centre and was clearly signposted. The building had a lift and we were told there was a wheelchair and ramp to assist any customers with mobility problems. The waiting area was clean and well presented with drinking water available. The notice boards were clear and well laid out with notices in English and some in local languages. Leaflets were available to customers giving information on different types of visas in English. Checklists of documents were also available.

9.3 We noted that added value services were provided at extra cost, including:

- photocopying
- courier service
- text or email updates on progress of visa applications
- a premium lounge with its own biometric capture equipment.

9.4 We were told that the information technology systems rarely caused problems but there was a back-up server to retrieve data in the event of a problem. Sometimes the systems ran slowly but this only tended to slow down entering an application from 15 minutes to around 25 minutes. The commercial partner told us they had a business continuity plan and if there was a major incident they would operate from Bangalore.

9.5 The manager of the visa application centre told us they received updates from the Visa Section regarding changes in procedures; generally via email or by telephone if there was an urgent change. They also had a formal monthly meeting with an Entry Clearance Manager or Operations Manager. Changes were communicated to staff at the visa application centre via staff meetings and also through fortnightly training sessions. We noted that morale seemed high and staff appeared content. We were told there was a very low attrition rate and the job was attractive because of the status and the hours.

9.6 Staff told us that processing times in the centre averaged 30–35 minutes from stepping in to the security area to leaving the office. This could vary from 20–25 minutes in quiet periods, rising to 45 minutes during the summer due to the significant increase in Tier 4 applications. Customers were able to attend the visa application centre without an appointment, even during busy periods, but the wait to be seen without an appointment could be up to an hour. We were told that this was rarely a problem because the vast majority of customers made appointments which could be arranged online. During the busy summer period additional staff were recruited on temporary contracts.

9.7 We formed similar impressions of the visa application centre at Colombo where VFS Global Service officials assisted customers by checking their applications against document checklists. The biometrics room afforded privacy for customers, notices provided information in English and in two other languages and customers could pay for photocopying, and text or email updates on the progress of applications.

### **Complaints at the Visa Application Centres**

9.8 We looked at how complaints were handled at the visa application centres. We noted that customer feedback forms and a comments log were available. The comments seemed very complimentary, although staff told us one of the main concerns customers had in Colombo was the lack of parking. Staff told us that any complaints were recorded in a separate log. We asked how it was decided what constituted a complaint and what constituted an enquiry. It appeared there was no clear distinction, but we were satisfied that all enquiries were followed up even if they were not felt to be complaints.

9.9 We were told that telephone enquiries were handled by a call centre in Bangalore which had been outsourced by VFS Global Services. This centre covered the whole of India and provided assistance in the main languages of India during normal business hours. The number for the call centre was 080 4008 4008 and this was charged at standard rate.

9.10 The notice advising customers how to complain contained the contact details of the visa application centre in Colombo but not those of the UK Border Agency in Chennai. However, the commercial partner's website did provide these details and the visa application centre in Colombo rectified this concern as soon as it was raised. This problem was not observed in Chennai.

9.11 Our impression of the visa application centre at Chennai was of a well run operation with staff committed to providing good customer service and a comfortable environment for customers. We found that the visa application centre at Colombo also appeared to be well managed although we noted the concerns of the High Commissioner which we have commented on under Management and Leadership.

### **Receipt of applications at the Visa Section**

9.12 Advance notification of the number of visa applications being sent by the five visa application centres (Chennai, Hyderabad, Bangalore, Cochin and Colombo) was emailed to the Visa Section each day. This manifest/summary list was then used by the Visa Section to check that the number of applications it received were the same as the number despatched by the five VFS Global visa application centres.

9.13 We observed the post handling arrangements at Chennai and saw staff checking the number of applications received against the daily email manifest/summary list, provided by VFS Global Services, to determine if all applications sent had been received. We were told any discrepancies would be reported immediately to the VFS Global Services representative, who was present throughout the post opening stage.

9.14 We watched the post being opened by two messengers, supervised by a team leader, who checked the bag seal numbers against another document provided by the commercial partner. We noted that the messengers did not check the bag seal numbers on the day of our observation and our checks of two manifests from earlier dates, chosen at random, also showed no checks had been noted. We considered this was a security weakness which should be rectified.



## Customer Survey

9.15 The UK Border Agency International Group regularly conducts customer information service surveys, from which we analysed the results for India and Sri Lanka over August to October 2008. We looked in particular at the sources of information available for customers, the satisfaction of the respondents with the sources and their comments on the guidance available to them. Figure 9 below shows the website to be the most used source of information.

**Figure 9: Information sources used by customers in India and Sri Lanka**

	India	Sri Lanka	Combined
Website	89%	96%	90%
Email	50%	61%	50%
Telephone	35%	47%	35%
Printed leaflets	23%	45%	24%
Other source	66%	20%	64%

9.16 Customers in Chennai and Colombo have to download an application form from the website. They then complete this application form and submit it, in person, to one of the visa application centres. As application forms are only available online, we reviewed the online guidance available to customers. We noted there were three different websites that customers could access:

- The UK Border Agency visa service website, providing information for visa customers and application forms to download
- The UK Border Agency website, for access to the immigration rules
- The commercial partner website, VFS Global Services, for information about how to make a visa application in India and Sri Lanka.

9.17 We looked at the information provided to customers by the commercial partner websites in Chennai and Colombo. We found them to be clearly set out. They contained useful latest developments on the home page including any changes to rules and procedures.

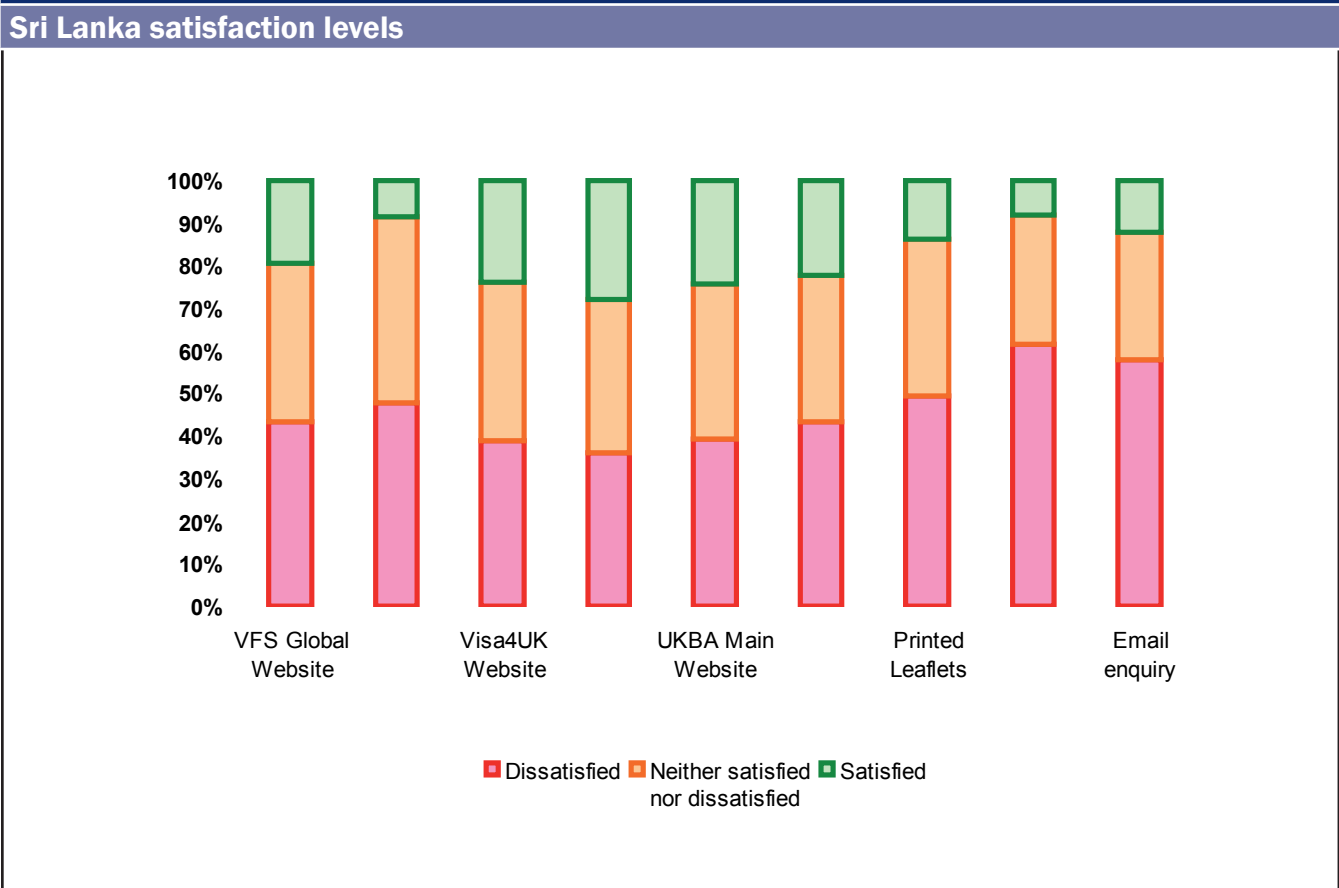
9.18 We noted the commercial partner website for India made specific reference to processing times for visa applications. It said that customers should allow five working days for non-settlement visa applications to be processed if they had travelled to the United Kingdom within the last five years. For all other non-settlement visa applications, customers were advised to allow 15 working days for processing. There was also a link for queries about processing times which took customers to the global customer service standards for visa processing on the UK Border Agency website.

9.19 We consider customers would find this confusing, because the processing times on the website for India did not reflect the customer service standards on the UK Border Agency website. We also noted that despite Chennai being the hub where applications were decided for Colombo, the commercial partner website for Sri Lanka did not contain the additional information on local processing times that was shown on the website in India.

9.20 We found no links on the websites to document checklists that can assist customers in providing the correct documentation with their applications. These were provided to customers when we inspected Kuala Lumpur and improved the quality of applications; reducing the number of applications rejected for incorrect documentation. There was a document checklist provided with the visa application form, but not the full supporting documents checklist we saw in Kuala Lumpur. We recommend that the supporting documents checklist be incorporated into the websites for India and Colombo and that the UK Border Agency standardises document checklists at all overseas Visa Sections.

9.21 We also noted from the customer information service survey that email and telephone services were widely used as sources of information, particularly in Sri Lanka. While customers appeared satisfied with these sources of information in India, this was not the case in Sri Lanka, where the majority of customers reported they did not find the VFS Global Services email and telephone services or the UK Border Agency Visa Services email easy to use. Figure 10 sets out the levels of customer satisfaction with information sources in Sri Lanka. We have commented further on the problems Sri Lankan customers experienced in using the telephone helpline in the section under Management and Leadership.

**Figure 10: Levels of customer satisfaction with information sources in Sri Lanka**



## Complaints at the Visa Section

9.22 We were told that complaints have to be made in writing via email, fax or letter. We checked the complaints log covering the last three-month period and confirmed that all had been investigated by Entry Clearance Managers. The office manager did not know if the UK Border Agency set targets for complaints but the 110 complaints received so far this year made up 0.07% of the number of applications received. We were told the definition of a complaint used to include any pre- or post-decision correspondence, but the procedures for recording complaints changed in October 2009. From that date complaints have been recorded according to the nature of the issue.

9.23 A new Entry Clearance Manager had recently taken over complaints and reviewed those received last year. We were told the two main complaint trends revolved around decisions (44% of complaints) and delays (30% of complaints). However, the Entry Clearance Manager told us they expected the number of complaints to fall now that the backlog in administrative reviews had been cleared and the initial problems embedding Hub and Spoke had largely been resolved. We were told the Visa Section intended to conduct rolling quarterly reviews of complaints going forward to identify trends and take remedial action as necessary. We see this as a positive step to improve customer service.

9.24 The UK Border Agency had set a 20-working-day target to respond to complaints. We were told that the vast majority of complaint cases in Chennai were handled in four working days. On the rare occasion a complaint went beyond the 20-day target, we were told this was due to ongoing investigations. In such cases, customers received an interim response in accordance with complaints guidance issued by the UK Border Agency. These figures included any complaints related to the visa application centres. We checked the complaints log and verified all complaints had been dealt within 20 working days. Entry Clearance Managers told us that any correspondence from Members of Parliament were recorded in a separate log and dealt with in ten working days unless an earlier date was specified.

9.25 We checked the separate log for complaints from Colombo and noted that 17 had been received so far this year (2009). Although Entry Clearance Managers investigated all complaints, replies went to the Operations Manager to agree before being sent to the customer. A standard response was sent for visa enquiries but all complaints were looked at and received an individually written response.

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

- standardises document checklists at all overseas Visa Sections and incorporates them into its commercial partner's websites

# 10. Inspection findings: Management and Leadership

## Chennai

10.1 We interviewed the Operations Manager and two of the Entry Clearance Managers at Chennai. We also held two focus groups with Entry Clearance Officers, one with Entry Clearance Assistants and a larger meeting with those Entry Clearance Assistants who hadn't had the opportunity to attend a focus group.

10.2 The Entry Clearance Managers told us the Visa Section had been staffed by three Entry Clearance Managers until a fourth post was created to deal with the expected increase in work following the introduction of the points-based system, specifically around administrative reviews. However, this post took approximately one year to fill. This, coupled with maternity leave, retirement and a short-term Entry Clearance Manager having to return early to the United Kingdom, had caused a significant shortfall in Entry Clearance Manager resources. We consider these resource issues had impacted against the Visa Section negatively, particularly in relation to the administrative review process.

10.3 The Entry Clearance Managers told us that, because of understaffing, it had been difficult to arrange publicity and outreach work in 2009. However, they said the Visa Section had publicised Tier 4 in March 2009, when two Entry Clearance Officers visited the major metropolitan areas in South India and Colombo to brief agents and students. The Entry Clearance Manager also told us they had arranged a web chat on 17 June 2009. This centred on Tier 4 with three Entry Clearance Officers answering questions from customers and stakeholders. Both events had been facilitated by the British Council.

10.4 The Entry Clearance Managers confirmed they were aware of UK Border Agency customer service standards and had developed daily performance targets to help achieve these standards. They said that a time and motion study was conducted in March/April 2009 and reviewed in June 2009. They used this exercise to develop daily performance targets for each Entry Clearance Officer to achieve per day. Figure 11 shows the types of classification used by the Chennai Visa Section to determine whether applications should be categorised as straightforward or non-straightforward, together with the daily performance targets that had been set for Entry Clearance Officers to meet.

**Figure 11 : Categorisation of cases at Chennai**

TYPE	DESCRIPTION	Straight-forward	Non-straight-forward	Daily benchmarks
Green	Applications for visit/business visit entry clearances from customers who have travelled to the UK within the last ten years	If issued	If refused	100
Green	Applications for visit/business entry clearances from customers who have travelled to the USA, Canada, Australia or Schengen countries within the last five years	If issued	If refused	100
Green	Applications from customers over the age of 55 years to visit close family members in the UK	If issued	If refused	100
Green	Applications from the Business Express Scheme for companies who send employees to the UK on business	If issued	If refused	100
Green	Tier 2 points-based Business Express applications for companies who send employees to the UK to work	If issued	If refused	100
Amber	All cases other than those detailed above	Not applicable	All categorised as non-straight-forward	60
Amber	All applications under the points-based system with the exception of Tier 2 Business Express applications	Not applicable	All categorised as non-straight-forward	50
Colombo	Applications from Colombo were categorised as above but with different daily processing targets			50

10.5 The Entry Clearance Managers considered these targets were challenging, but achievable. For points-based applications, they said Entry Clearance Assistants completed a consideration template in advance of applications going to Entry Clearance Officers. They considered this saved valuable time and meant Entry Clearance Officers could consider cases more quickly.

10.6 The Entry Clearance Managers told us that performance against these daily performance targets were measured using an Excel spreadsheet specifically developed for this purpose. This allowed Entry Clearance Managers to monitor how Entry Clearance Officers were performing and assess the likely number of applications that would be decided each day by their teams.

10.7 The Entry Clearance Managers said that the decision on whether to classify cases as straightforward or non-straightforward was made locally by them and the Operations Manager, but they thought the same measurement systems were used throughout India.

10.8 The UK Border Agency published processing times in relation to its customer service standards and clarified the difference between straightforward and non-straightforward applications as follows:

- Straightforward applications can be decided on the basis of the application and the supporting documents submitted, without the need for further enquiries or more detailed scrutiny
- Non-straightforward applications require more time to be decided, for example, to allow for more detailed enquiries or arrange for a personal interview.

10.9 We discussed processing times and case categorisation with the Operations Manager. We pointed out that Chennai, by issuing local guidance on how to categorise cases as straightforward or non-straightforward, was not adhering to guidance published by the UK Border Agency on customer service standards.

10.10 The Operations Manager told us that guidance on categorising points-based applications as non-straightforward had come from the UK Border Agency centrally. However, they confirmed that Chennai had categorised other cases according to local guidance which differed from the published UK Border Agency guidance. While this allowed the Visa Section more time to process visa applications, customers were misinformed and a true picture of actual performance, against customer service standards, could not be ascertained.

10.11 We were told that guidance to staff on case categorisation had been revised in early November, just prior to our inspection, to reflect the published guidance. We were surprised this had not been rectified sooner, following our recommendations in the Abuja report.

10.12 The Entry Clearance Managers told us that the lack of Entry Clearance Manager resource had resulted in:

- significant delays to administrative reviews (as highlighted in the section under Processes and procedures)
- delays in the despatch of visa decisions to customers (also highlighted from our file sampling in the section under Processes and procedures)
- an appeals backlog.

10.13 In respect of administrative reviews we were told that the delays created a backlog of work covering approximately five months. In relation to appeals, we were told the backlog at its height totalled 2,300 cases. However, both backlogs had now been cleared by allocating one Entry Clearance Manager and one Entry Clearance Officer to these work streams.

10.14 We spoke to the Operations Manager about these delays. They confirmed what the Entry Clearance Managers had said about staff shortages. They had requested summer relief of eight Entry Clearance Officers but had only been allocated three and had not had the full complement of four Entry Clearance Managers. We asked whether they had considered reducing the number of Tier 4 Entry Clearance Manager reviews (100% of all Tier 4 refusals were reviewed at the time of our inspection), to free up resource and allow additional time for Entry Clearance Managers to conduct more qualitative reviews of Tier 4 cases. They said this was something that would be considered.

10.15 We also asked the Operations Manager about the considerable delays in sending out visa decisions to customers, identified through file sampling. They told us that the reasons were two-fold. The first was caused by the shortage of Entry Clearance Managers who are responsible for carrying out reviews on general refusal decisions (25%), issues (10%), Tier 4 refusals (100%), and administrative reviews.

10.16 The second was caused by a lack of photocopiers. Original documents for points-based applications were photocopied and retained in the event of an administrative review before being returned with the refusal decision. However, the Visa Section only had two photocopiers, one of which was unreliable and the business case for a further photocopier had been rejected.

10.17 We have been told that, since our inspection, funding has been authorised and an additional copier has been procured. Notwithstanding the additional photocopier, we considered the delays caused by photocopying documents would be easily rectified by having customers provide photocopies of all original documents they supply, as was the case in Colombo (and our earlier inspection of Kuala Lumpur).

10.18 We spoke to the Entry Clearance Managers about sick records. They told us that sick records for all staff were kept by the office manager, and details were also kept by Human Resources for locally engaged staff. We were told that different trigger points apply for local staff but the overall absence rate was very low. Locally engaged staff need a doctor's certificate if they are absent for more than two days, and there have been no occasions where people have taken long periods of sick leave. We observed no problem with sick leave among the Entry Clearance Officers or Managers.

10.19 The Entry Clearance Managers told us that they considered the provision of training to be generally good. They said new Entry Clearance Officers had a three-week training course in the United Kingdom, followed by a local induction programme on arrival at the Visa Section and a mentor to offer support. They told us that ongoing individual training is factored into Personal Development Plans and job shadowing was provided to staff when they moved on to assessing different types of applications.

10.20 They told us that they had opened Personal Development Reviews and Personal Development Plans for staff and conducted mid-year reviews. They said that they met formally with staff once a quarter, but informally saw them most days when they could raise any concerns. They also told us that they had recently moved from town hall meetings to line manager meetings. They considered these meetings were more effective at getting messages across from management as staff talked more in smaller groups. The Entry Clearance Managers also told us that the Operations Manager was very supportive and approachable.

## Colombo

10.21 We spoke to the High Commissioner at Colombo who told us that the introduction of Hub and Spoke had been very poorly managed at the outset, but that the situation had improved. The Visa Section had initially received a significant number of customer enquiries about progress of applications but he considered that the volume of these enquires had reduced.

10.22 He told us that having a designated Entry Clearance Manager with responsibility for the Visa Section had made a difference. However, the High Commissioner would prefer more frequent visits from the Entry Clearance Manager who was based at Chennai. He also said that he would welcome better management of the visa application centre to deal with the frequent complaints about queues and the rudeness of staff.

10.23 We spoke to the Operations Manager about the implementation of Hub and Spoke. They told us that they had encountered difficulties in bringing in the new process. The problems in sending passports to and from India had meant that they had to trial a pilot of remote printing of vignettes which changed the business model and delayed implementation. They also told us that the Visa Section in Colombo had been poorly managed prior to the transition process; a problem also mentioned by the High Commissioner.

10.24 The Operations Manager told us that they now had closer management of the spoke, albeit from an Entry Clearance Manager based at the hub, a view endorsed by the High Commissioner and the Entry Clearance Officers based in Colombo. They said that an Immigration Liaison Officer with responsibility for risk was now embedded in Colombo and the Document Verification Unit at Colombo had increased the number of forged documents identified.

10.25 We also spoke to the two Entry Clearance Officers at Colombo who described the Hub and Spoke process:

- Colombo applications include one set of photocopied set of documents and one original set. The copy documents are forwarded to Chennai while the originals and passports are held in Colombo
- Entry Clearance Assistants input the information from each application electronically onto the Decision Support Tool
- Applications then go to the Document Verification Unit in Colombo where original supporting documents are examined for forgeries and Document Verification Reports are completed as necessary
- The Entry Clearance Officers check travel documents, do spot checks on supporting documents and send the Decision Support Tools to Chennai by email, together with any Document Verification Reports to link with the physical application papers
- Decisions on Colombo cases are taken at Chennai and returned via Proviso.

10.26 The Entry Clearance Officers confirmed what the High Commissioner had said about the implementation of Hub and Spoke which had begun in June 2008. They said that no foundations had been laid at the start of the process which had had a negative impact. They considered that the first 12 months had been difficult but the process had now settled down and was working reasonably well. They also told us that they had had a succession of eight to nine line managers over the past 14 months who had all been short term Entry Clearance Managers. Now that they had a designated line manager who was long term, they felt they had more support. It was clear from our inspection that management of the spoke had improved.



10.27 The Entry Clearance Officers also shared the views of the High Commissioner in relation to the high number of customer enquiries. They told us they had been inundated with phone calls from customers during the busy summer period with enquiries on the progress of their applications or requesting advice on the process of making an application. They said that the number of calls had decreased but was still a problem. They also considered that customers did not want to call the premium helpline provided by the commercial partner.

10.28 However, at the time of our visit we found a complaint notice in the visa application centre informed customers to contact the British High Commission in the event they were not satisfied with the response received from the visa application centre. We consider this was an additional reason for the high volume of telephone calls to the High Commission in Colombo. This error was rectified following our visit.

10.29 The Entry Clearance Officers also told us that the team at Colombo was a diverse mix of staff and worked well together. They told us that they had attended diversity training last year and that the Visa Section had a diversity working group with events held to celebrate religious festivals which were usually well attended. They felt that there was no barrier between UK-based and locally engaged staff, a view we shared from our observations at the Visa Section.

10.30 The Business Assurance Team told us work was nearing completion on an evaluation of cost-savings of Hub and Spoke which would give an accurate picture of actual efficiencies. They said that they hoped to provide a more comprehensive report on savings before our next overseas inspection. They told us that staffing in Chennai was reduced by one United Kingdom-based Entry Clearance Officer and increased by four locally-engaged Entry Clearance Officers. Two of these posts remain unfilled. Staffing in Colombo was reduced from four United Kingdom based Entry Clearance Officers to one United Kingdom based Entry Clearance Officer and one locally engaged Entry Clearance Officer. Colombo also lost a full Entry Clearance Manager post.

10.31 The UK Border Agency estimated the annual cost-savings in staff at Colombo as £562,939. They estimated the annual increase in staffing costs at Chennai as £89,384 and courier costs per annum amounted to £66,000. This gave an overall saving of £377,555 per year. They estimated one-off costs as being £48,700. In terms of other benefits associated with the move to Hub and Spoke, the Operations Manager told us that they considered there was improved consistency of decision-making.

### **Staff focus groups**

10.32 We held focus groups with the Entry Clearance Officers and Entry Clearance Assistants at Chennai. Entry Clearance Officers praised the calibre of locally engaged staff who they described as excellent. They were also positive about the flexible working hours and the opportunities for working in other locations such as Delhi or Colombo. However, they reported low morale caused mainly by what they said was poor management and a lack of consultation. They cited the example of only one Entry Clearance Officer being involved in the time and motion exercise to set daily performance targets.

10.33 They told us that managers treated them with respect on a one-to-one basis but as a group they felt managers were focused only on achieving numerical targets and gave no positive feedback or thanks for their hard work. They said managers sent them daily and even hourly emails reminding them of their daily performance targets, persistently highlighting failure to achieve these. They described this close performance management as putting pressure on them, which they considered almost equal to harassment.

10.34 The Entry Clearance Assistants praised the strong peer support and the close integration between locally engaged staff and United Kingdom-based staff. Our observations at Chennai reflected this view. However, they raised similar concerns about the frequent use of curt emails as a form of communication and a lack of positive feedback. They told us they did not have regular staff meetings and had little opportunity to air their views, other than through the immediate line management chain.

10.35 The Operations Manager said they were not surprised to hear that staff were suffering from low morale. They considered this was due to the shortage of staff and the high volume of Tier 4 applications during the summer period. They told us they had become aware of the effect of the performance management emails and put a stop to them.

10.36 They told us they had weekly meetings with the Entry Clearance Managers, but irregular office meetings with all staff. However, they said they went around the Visa Section every day, speaking to individual members of staff and their door was always open for anyone to approach them with concerns. This was confirmed by the Entry Clearance Managers and by our observations in the Visa Section.

10.37 Despite the positive view of training expressed by the Entry Clearance Managers, other staff told us they had concerns about training. Specific training on the points-based system was delivered in the United Kingdom to two members of staff who cascaded the training back at the Visa Section. Staff told us that the training and materials were poor and the number of changes to the guidance was considered to be problematic. We were also told that the short-term Entry Clearance Officer courses were truncated to enable them to deal with visit applications only. This meant that extra resources from seasonal relief were of limited use. They also raised concerns about not having sufficient training before dealing with cases from Colombo.

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

- begins to evaluate the efficiency and effectiveness of Hub and Spoke
- ensures that effective communication and consultation structures are put in place to consider and take into account the views of all staff.

# 11. Conclusion

11.1 We found positive and negative evidence of good management and visible leadership of the Visa Section at Chennai. Clear daily performance targets had been set but we considered that a lack of staff consultation and micro management had contributed to pressure of work with a subsequent impact on morale.

11.2 We noted the UK Border Agency had published its customer service standards in order to set out its commitment to provide a quality visa service that meets the needs of its customers worldwide. We therefore consider that it must ensure that all Visa Sections adhere to the published guidance on case categorisation and processing times and allow no local variations, unless these are agreed in the proper manner and publicised to customers and stakeholders first.

11.3 This will provide assurance to the UK Border Agency, its customers and stakeholders, that the performance data it collects reflects business performance accurately. It will also help the UK Border Agency to analyse its performance to determine where it is meeting its customer service standards and where it is not in order to improve performance.

11.4 We consider the UK Border Agency needs to ensure that administrative reviews are conducted within the published timescales and that refusal decisions are conveyed to customers without any undue delay.

# 12. Glossary of terms

## Independent Monitor and legislation

12.1 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 and Asylum Act 2002 and Statutory Instrument 2008/310 regarding the points-based system (from April 2008).

12.2 Section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, stipulates:

- The Secretary of State must appoint a person to monitor, in such a manner as the Secretary of State may determine, refusals of entry clearance in cases where, as a result of section 88A of the Nationality, Immigration and Asylum Act 2002 (c.41) (entry clearance: non-family visitors and students), an appeal under section 82(1) of that Act may be brought only on the grounds referred to in section 84(1)(b) and (c) of that Act (racial discrimination and human rights)
- The Secretary of State may not appoint a member of his staff
- The monitor must make an annual report on the discharge of his functions to the Secretary of State
- The Secretary of State must lay a copy of any report made to him under subsection (3) before each House of Parliament.

12.3 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.

12.4 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.

## What is entry clearance?

12.5 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).

12.6 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.

12.7 More detailed information about Entry Clearance can be found on the UK Border Agency website: <http://ukba.homeoffice.gov.uk/>

## **Where to apply for entry clearance?**

12.8 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.

## **Visa nationals**

12.9 Visa nationals are those who require a visa for every entry to the United Kingdom. A visa national is a national of a country listed on the UK Border Agency website (Appendix 1 of the immigration rules). Some visa nationals may pass through the United Kingdom on the way to another country without a visa, but in some circumstances they will require a direct airside transit visa or visitor in transit visa. Visa nationals must obtain entry clearance before travelling to the United Kingdom unless they are:

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

## **Non-visa nationals**

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

## **EEA family permits**

12.11 All European Economic Area (EEA) nationals enjoy free movement rights in the EEA. This means that they are not subject to the immigration rules and may come to the United Kingdom and reside here in accordance with the 2006 Regulations. They do not require permission from the UK Border Agency to enter or remain, nor do they require a document confirming their free movement status. 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.

## **Points-based system**

12.12 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:

- it combines more than 80 previous work and study routes to the United Kingdom into five tiers
- points are awarded according to workers' skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector. This allows the United Kingdom to respond flexibly to changes in the labour market
- it is a fair, transparent and objective system which enables potential migrants to assess their likelihood of making a successful application. This means that it should help to reduce the number of failed applications.

12.13 Employers and education providers play a crucial part in making sure that the points-based system is not abused. They must apply for a licence to sponsor migrants and bring them into the United Kingdom; and meet a number of duties while they are sponsoring migrants.

## **United Kingdom and Islands**

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

## **Biometrics**

12.15 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.

## **Hub and Spoke**

12.16 Not long ago, virtually all British diplomatic missions had a Visa Section. Each worked largely independently; handling all aspects of visa processing including taking decisions on site. 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. 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.

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

12.17 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.

## **Proviso**

12.18 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.

## **Casework Information Database (CID)**

12.19 Casework Information Database is the computer system used by the UK Border Agency.

## **Mycroft**

12.20 Mycroft is the IT system used by UK Border Agency to collate and manage intelligence.

## **Direct Airside Transit Visas**

12.21 The requirement for the nationals of some countries and holders of non-national documents to hold a visa may be waived for passengers arriving by air, whose sole intention is to pass in direct transit through the UK. This concession may only apply where:

- they have a confirmed booking on a flight departing within 24 hours to their country of destination
- they have entry facilities for that country and transit visas for any country en route which requires them.

12.22 The visa waiver concession does not apply to the nationals of certain countries. These nationals require a Direct Airside Transit Visa even when transiting airside without passing through the immigration control.

# Appendix A

The criteria applicable to the inspection, extracted from the core criteria of the Independent Chief Inspector of the UK Border Agency, are listed below.

The efficiency and effectiveness of the Visa Section at Kuala Lumpur and the spoke of Singapore were assessed against these criteria.

## Section 1 – High level outcomes of the business

1.1 General Criterion: The borders are secured and immigration is controlled for the benefit of the country. The specific criteria are shown below:

1.1(a) – There are clear and realistic performance targets to drive improvement

1.1(b) – Operational policies, priorities and activity is driven by clear analysis of environment, risks, threats, capabilities and impact

1.1(c) – There is effective joint working with delivery partners and 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 backlog

1.1(g) – Technology is utilised effectively to increase security and customer service

1.2 General Criterion: UKBA is compliant with equalities legislation and specific duties in relation to race and diversity. The specific criterion is shown below:

1.2(e) – UKBA demonstrates its commitment to equality, fairness and respect for all customers, stakeholders and staff

1.3 General Criterion: Reviewing and evaluating information so that improvement can be made. The specific criteria are shown below:

1.3(a) – Comprehensive customer feedback is sought about the services they receive

1.3(e) – UKBA evaluates information from complaints so that they can provide early warning of problems and areas of risk

1.3(f) – UKBA evaluates its processes on handling customer complaints to improve effectiveness and public confidence in the Agency



1.4 General Criterion: Corporate Health – UKBA is a high-performing, customer-focused workforce delivering its strategic objectives. The specific criterion is shown below:

1.4(f) – People are proud to work for the Agency and staff morale is high

## **Section 2 – Processes and procedures including quality of decision-making and consistency of approach**

2.1 General Criterion: UKBA is compliant with equalities legislation and specific duties in relation to race and diversity. The specific criterion is shown below:

2.1(c) – Objective criteria based on evidence are applied consistently and transparently, without unjustified/unauthorised adverse impact on any nationality/ethnic group

2.2 General Criterion: UKBA staff make lawful and reasonable decisions. The specific criteria are shown below:

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

2.3 General Criterion: Decisions are timely, particularly in relation to children and families. The specific criterion is shown below:

2.3(a) – Decisions are taken within the timescales set out by UKBA

2.4 General Criterion: Decisions made are fair and consistent. The specific criteria are shown below:

2.4(a) – Training and written guidance enables staff to make the right decisions

2.4(b) – Objective information used to make decisions is factually accurate and appropriate

2.4(c) – Risks, including protecting the public, are assessed and inform decision-making

2.4(d) – Decisions are consistent, appropriate and proportionate

2.4(e) – Decisions are relevant to the individual's circumstances and based on the evidence provided

2.4(f) – Decisions are clearly explained in plain language

2.4(g) – Managers regularly review the quality of decisions and consistency across the Agency

### **Section 3 – Impact on people subject to UK Border Agency services**

3.1 General Criterion: UKBA staff and staff of commercial partners are welcoming and engage positively with customers and other users. The specific criteria are shown below:

3.1(a) – Customer queuing and waiting times are as short as possible and adhere to UKBA guidelines/ Service Level Agreements

3.1(b) – UKBA staff are professional, courteous, and respectful when dealing with customers irrespective of their status

3.2 General Criterion: Facilities and services meet the needs of customers and are conducive to ensuring 'business' is progressed. The specific criteria are shown below:

3.2(a) – Accommodation, whether interview rooms, waiting rooms etc. are welcoming and clean

3.2(b) – The facilities afford customers privacy

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

3.2(h) – Customers are clear what UKBA expects from them in relation to documentation, use of latest application forms and provision of information when requested

3.3 General Criterion: UKBA staff are responsive to Customer complaints/grievances. The specific criteria are shown below:

3.3(a) – Complaint/grievance procedures are simple, transparent and accessible and used by UKBA staff

3.3(c) – UKBA provides prompt, detailed responses to complaints etc

3.4 General Criterion: UKBA staff ensure customers are clear about progress and outcomes of any application. The specific criteria are shown below:

3.4(a) – Customers are kept informed about progress

3.4(c) – Customers receive a clear and detailed explanation if their application is refused, with details of any appeal rights

3.4(d) – Customers know whom to contact in UKBA about their applications and can do so easily

## **Section 4 – Management and leadership**

4.1 General Criterion: Effective and motivating leadership. The specific criteria are shown below:

4.1(c) – There is evidence that the Agency is flexible and responsive to changing circumstances

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(g) – There is close working with partners in other key agencies/government departments/international bodies which identifies priorities and joint working

4.1(i) – IT systems support the Agency working in a joined-up way

4.2 General Criterion: UKBA has a robust and comprehensive internal performance management framework which leads to improvements. The specific criteria are shown below:

4.2(a) – Key performance measurement and monitoring is focused on the priorities set out in the business plan

4.2(c) – Data to show progress against targets is relevant and reliable but not over-burdensome

4.5 General Criterion: There is clarity about an individual's role and purpose. The specific criteria are shown below.

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

4.5(b) – Opportunities are provided for staff to grow and develop their skills and careers through training and development programmes

4.5(c) – Performance of all staff is reviewed regularly and improvement plans are in place for those identified as less effective

4.5(d) – Staff feel empowered, valued and respected for their contributions

4.5(e) – Staff sickness absences do not adversely affect effective running of the Agency

4.5(f) UKBA staff are held accountable to the Vision and Values of the Agency

4.6 General Criterion: UKBA is compliant with equalities legislation. The specific criteria are shown below.

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

4.6(c) – Managers ensure that staff employed by contractors also meet statutory requirements and the UK Border Agency's own policy on equality and diversity

4.7 General Criterion: Communication. The specific criteria are shown below.

4.7(b) – Up-to-date working guidance and manuals are accessible and communicated to staff

4.7(c) – Staff understand key objectives and values of the organisation

4.7(d) – Manuals and guidance are reviewed regularly to ensure they reflect latest UKBA cultural values including focus on the concept of the 'customer'

4.7(e) – UKBA regularly surveys staff to test how they feel valued, supported, their views on leadership and to give them an opportunity to highlight concerns Move to outcomes?

4.7(f) – UKBA identifies disseminates and applies best practice across the Agency

# Appendix B

## Visa fees

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

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

Fees are subject to periodic review.

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

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

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

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

Special visitor – student visitor, up to 6 months	67
Special visitor – child visitor	67
Special visitor – prospective student	67
Special visitor – parent of a child at school (up to 12 months)	215
Sports visitor	67

<b>Category: Study</b> (non points-based system)	<b>Fee ( £ )</b>
Dependant of prospective student applicant	67
Dependant of student applicant	145

<b>Category: Employment</b> (non points-based system)	<b>Fee ( £ )</b>
Work permit holder	215
Work permit/HSMP dependant	215
Off-shore workers	215
Overseas domestic worker – private household	215
EC Business Association Agreement	215
Sole representative	215
UK Ancestry	215
Seasonal agricultural worker	215
Dependants of any of the above	215
Vander Elst	Free of charge
Swiss Posted Worker	Free of charge

<b>Category: Settlement</b>	<b>Fee ( £ )</b>
Spouse/civil partner of a settled person	585
Unmarried/same sex partner of a settled person	585
Fiancé(e)/proposed civil partner of a settled person	585
Child or dependent relative of a settled person	585
Adopted child of settled person	585
Family reunion	Free of charge
Former UK Armed Forces	585

<b>Category: Points-based system (PBS)</b>	<b>Fee ( £ )</b>
Tier 1 general applicant	675
Dependant of Tier 1 general applicant	675
Tier 1 general applicant with HSMP approval letter (transitional arrangement)	250
Dependant of Tier 1 general applicant with HSMP approval letter (transitional arrangement)	250
Tier 1 investor or entrepreneur	675
Dependant of Tier 1 investor or entrepreneur	675
Tier 1 post study applicant	265
Dependant of Tier 1 post study applicant	265
Tier 1 general applicant – national of Croatia, Turkey or FYR Macedonia	615
Dependant of Tier 1 general applicant – national of Croatia, Turkey or FYR Macedonia	615
Tier 1 general applicant with HSMP approval letter (transitional arrangement) – national of Croatia, Turkey or FYR Macedonia	230
Dependant of Tier 1 general applicant with HSMP approval letter (transitional arrangement) – national of Croatia, Turkey or FYR Macedonia	230
Tier 2 applicant	265
Dependant of Tier 2 applicant	265
Tier 2 applicant – national of Croatia, Turkey or FYR Macedonia	245
Dependant of Tier 2 applicant – national of Croatia, Turkey or FYR Macedonia	245
Tier 4 (general) student applicant	145
Dependant of Tier 4 (general) student applicant	145
Tier 4 (child) student applicant	145
Chevening Scholarship or Fellowship	Free of charge
British Marshall Scholarship	Free of charge
Fulbright Scholarship	Free of charge
Commonwealth Scholarships and Fellowships Plan	Free of charge
Tier 5 applicant (temporary worker)	125
Dependant of Tier 5 applicant (temporary worker)	125
Tier 5 applicant (temporary worker) – national of Croatia, Turkey or FYR Macedonia	110
Dependant of Tier 5 applicant (temporary worker) – national of Croatia, Turkey or FYR Macedonia	110
Tier 5 applicant (youth mobility scheme)	125

<b>Category: Exempt</b>	<b>Fee ( £ )</b>
Diplomats: official visit/posting	Free of charge
Members of international organisations on official visits	Free of charge
Member of UK or visiting forces	Free of charge

<b>Category: Others</b>	<b>Fee (£)</b>
Course F	67
Exercise the right of access to a child	215
Parent/primary carer of an EEA national child	215
Family member of an EEA national	Free of charge
Family member of a Swiss national	Free of charge
Handling applications on behalf of Commonwealth Countries/Overseas Territories	47
Forwarding documents to Commonwealth Countries/Overseas Territories (additional fee)	63
Returning resident	215
Right of Abode Certificate of Entitlement	215
Joining ship/aircraft	46
Direct Airside Transit (DAT)	46
Mobile biometrics/call out charge	£128 an hour up to a maximum of £922 for each 24-hour period
Turkish nationals to establish in business	Free of charge
Vignette transfer	75









