



# **An inspection of the UK Border Agency visa section in Amman, Jordan**

August – October 2010



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



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# Foreword from John Vine CBE QPM



Entry clearance decision making should be consistent and fair.

Whilst applicants must meet the requirements of the Immigration Rules, I believe the UK Border Agency has a responsibility to set out clearly what is expected of applicants before they apply, so that they are aware of how to prepare for and participate in the application process.

My case file sampling identified serious concerns about the quality, consistency and fairness of decision making across all categories of visa applications considered in Amman. I found the visa section was, in some circumstances, refusing applications when applicants had adhered to guidance published by the UK Border Agency and submitted all the documents the Agency advised them to submit. In this respect, I found the guidance unclear as it did not properly inform applicants what information was required from them at the time they applied, nor were applicants given any opportunity to fulfil additional evidential requirements that were subsequently made during the decision making process. This practice is unacceptable and could potentially leave the UK Border Agency open to allegations of procedural unfairness.

Furthermore, I found visa section staff were using risk profiles inappropriately to make entry clearance decisions, rather than merely to inform their decision making. In a number of cases I also found Entry Clearance Officers had refused applications on the grounds that the documents submitted by applicants were not genuine, before the outcome of verification checks to confirm or disprove their suspicions. This practice is also unacceptable, particularly as in some cases documents were later found to be genuine. The Agency needs to ensure this practice is stopped immediately.

The absence of relevant supporting documents and caseworking notes made it almost impossible for me to understand some of the reasons for Entry Clearance Officers' decisions to issue or refuse applications. Nor could I easily determine whether those decisions were taken in accordance with the Immigration Rules.

I expect the Agency to make significant improvements to this post in order to deliver a fair, effective and efficient entry clearance operation.

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

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

# 1. Executive Summary

- 1.1 This inspection focused primarily on the UK Border Agency's handling of three separate visa categories: family visitor, other visitor,<sup>1</sup> and settlement. In all three categories, we assessed the quality of decision making for cases granted and refused entry clearance, in order to determine whether decision making was:
- efficient, effective and fair;
  - in line with relevant Immigration Rules and UK Border Agency policy and guidance; and
  - appropriately supported by risk assessment tools to help entry clearance staff make the right decisions first time.
- 1.2 We found good evidence of effective joint working with stakeholders, and all stakeholders spoke positively of their relationship with the visa section. We also found evidence of initiatives to improve working practices, not only in Amman, but throughout the region. This included workshops for Entry Clearance Officers and Entry Clearance Assistants to encourage regional consistency in several aspects of Entry Clearance work – for example, staff training and correspondence handling.
- 1.3 Although there were significant delays in considering settlement applications, the main contributing factor was the time taken to conduct checks on documents issued in Iraq. These checks were facilitated by the International Organisation for Migration (IOM) on behalf of the Agency through liaison with the Iraqi authorities. This process was often time consuming due to the difficulties presented in verifying documents in Iraq.
- 1.4 We identified significant issues with the quality and consistency of decision making, with 55% of all sampled cases failing one or more decision making quality indicators. This included decisions not always being based on published policy and customer guidance. The visa section was also applying additional evidential requirements, which applicants were not notified about in advance and so could not meet. These applications were subsequently refused entry clearance because these additional requirements had not been met, including cases where:
- applicants had not provided evidence of the origin of funds in their or their sponsors' bank account;
  - employment letters were not considered "proper documentary evidence of employment"; and / or
  - applicants had not provided evidence of the whereabouts of remaining family in their country of origin.
- 1.5 In many cases, we were unable to determine from the Agency's caseworking IT system why these additional evidential requirements were made. During the onsite phase of our inspection, we established risk profiles were being used inappropriately to refuse applicants, without conducting verification checks or contacting applicants to meet the higher evidential requirements imposed.
- 1.6 We also noted that, whilst the guidance for all applicants was the same, there was a contrast between how the visa section treated applicants deemed high and low risk. This saw applicants deemed to be a higher risk, who had provided the supporting documentation in line with the guidance provided by the Agency, being subjected to additional evidential requirements beyond that set out in the published guidance.

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1 Other visitor visas include all visitor visa categories except for family visitor visas

- 1.7 That in itself would not necessarily be cause for concern, were it not for the fact that there was nothing in the guidance to suggest that in some circumstances a higher evidential burden would be required. More importantly, in these cases, we found applicants deemed to be a higher risk were not given an opportunity to submit the additional evidence in order to meet the higher threshold imposed, rather their applications were refused. In this respect, we consider the Agency had failed to provide clear information about the requirements applicants needed to fulfil in order for their visa applications to be successful.
- 1.8 Conversely, some lower risk applicants were issued entry clearance, even in cases where they had not submitted all the documents the UK Border Agency advises applicants to submit. This practice was unfair to many applicants who submitted applications in accordance with the published guidance and were entitled to expect that their application would be considered in accordance with that guidance.
- 1.9 In some cases, Entry Clearance Officers made unverified judgements about the authenticity of supporting documents and refused applications, in advance of verification checks to confirm or disprove their suspicion. This practice is unacceptable, particularly as in some cases documents were later found to be genuine. This was similar to the findings during our inspection of the UK Visa Section<sup>2</sup>, where evidence was disregarded or the validity of supporting documentation was doubted by Entry Clearance Officers, without further requisite checks being made to support their judgements.
- 1.10 Entry Clearance Officers frequently failed to retain relevant supporting documentation on file, particularly in relation to decisions made to issue visas. We noted this was contrary to the guidance issued by the Agency to Entry Clearance Officers in November 2009. In some of these cases we also noted that Entry Clearance Officers had failed to record sufficient information on the Agency's caseworking IT system, setting out clear reasons to support their decisions.
- 1.11 We believe the retention of relevant supporting documentation and adequacy of case notes has a key bearing in relation to maintaining public confidence in the immigration system. Such actions also support effective internal quality and external audit mechanisms. We consider that this is particularly true for visa applications that are issued, because unlike refusal cases, no other documentation is created setting out the rationale behind the decision.
- 1.12 We also found delays in dealing with administrative reviews of points-based applications. This has been a consistent finding in previous overseas inspections and, following our Guangzhou<sup>3</sup> inspection, the Agency accepted our recommendation to review whether its completion target of 28 days for administrative review remains realistic. We will continue to monitor this issue, and will assess the impact of this review once it has been completed.
- 1.13 Finally, the case file sampling analysis also indicated that Entry Clearance Manager case file reviews were not always effective. We consider this to be a fundamental part of supporting an efficient, effective and fair visa decision making system, and believe the Agency should take action to improve the effectiveness of these reviews.

<sup>2</sup> The UK Visa Section inspection report was published on 27 July 2010 and can be found on the Independent Chief Inspector's website at: <http://icinspector.independent.gov.uk/inspections/inspection-reports/>

<sup>3</sup> The Guangzhou inspection report was published on 16 December 2010 and can be found on the Independent Chief Inspector's website at: <http://icinspector.independent.gov.uk/inspections/inspection-reports/>

## 2. Summary of Recommendations

### We recommend that the UK Border Agency:

1. Provides applicants with clear information and guidance in advance of their application, about the requirements they need to meet for their visa application to be successful.
2. Allows applicants the opportunity to meet any additional evidence requirements in cases where they have followed published guidance, and Entry Clearance Officers require further information to support the decision making process.
3. Ensures risk profiles are only used as a guide for decision making, and that staff understand their purpose.
4. Ensures that where risk profiles are used to inform decision making, this is clearly recorded on the caseworking IT system.
5. Ensures that supporting documents pertinent to entry clearance decisions are retained on the file, in accordance with guidance.
6. Ensures that Entry Clearance Officers produce comprehensive casework notes for visas that are issued to provide an audit trail of their decision.
7. Ensures the practice of refusing applications prior to receiving the results of document verification checks is stopped immediately.
8. Improves the effectiveness of Entry Clearance Manager reviews and examines whether current targets are impacting negatively on the quality of reviews undertaken.

## 3. The Inspection

- 3.1 The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the UK Border Agency. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and contractors of the UK Border Agency<sup>4</sup>.
- 3.2 On 26 April 2009, the Independent Chief Inspector was also appointed to the statutory role of Independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in section 23 of the Immigration and Asylum Act 1999 as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006 (regarding the introduction of the points-based system from April 2008).
- 3.3 The Independent Chief Inspector's core inspection criteria<sup>5</sup> were used to assess the efficiency and effectiveness of the visa section in Amman under four broad headings:
- High level outcomes of the business;
  - Processes and procedures including quality of decision making and consistency of approach;
  - Impact on people subject to UK Border Agency services; and
  - Management and leadership.
- 3.4 In developing the Inspectorate's core criteria, it was decided that protecting the public, customer service and diversity would be key themes that all inspections would examine to assess performance. This inspection has therefore assessed performance, using the core criteria selected, to make assessments in all three areas.
- 3.5 This inspection also addressed the statutory remit of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal<sup>6</sup>.
- 3.6 To help us make an informed judgment about the quality of customer service, we measured the performance of the UK Border Agency against the objectives in its customer commitments<sup>7</sup> which set out the level of customer service that people subject to Agency services can expect.

### Purpose and Aim

- 3.7 This inspection measured the performance of the visa section in Amman against the strategic goals and performance targets set by the UK Border Agency's International Group. It also examined whether decision making was:
- efficient, effective and fair;
  - in line with relevant Immigration Rules and UK Border Agency policy and guidance; and
  - appropriately supported by risk assessment tools to help entry clearance staff make the right decisions first time.

4 [http://www.legislation.gov.uk/ukpga/2009/11/pdfs/ukpga\\_20090011\\_en.pdf](http://www.legislation.gov.uk/ukpga/2009/11/pdfs/ukpga_20090011_en.pdf)

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

6 Although the formal title of the Independent Monitor refers to cases without the right of appeal, all requests for entry clearance in fact carry appeal rights on the basis of humanitarian and race relations grounds.

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



3.8 The inspection also examined the service provided to applicants, assessing performance against the Agency's customer service targets and customer commitments.

### **Background**

3.9 The information in this section was provided by the UK Border Agency and sets out general background information about International Group and the work of the visa section in Amman.

3.10 The Agency's International Group has 3000 staff in 135 countries around the world, working to deliver the Government's objective of facilitating trade and travel that benefits the UK and preventing travel which does not. To manage its work overseas, International Group has structured its visa work into six regional locations:

- Africa;
- Americas;
- Asia Pacific;
- Gulf, Iran and Pakistan;
- EuroMed; and
- South Asia.

3.11 The Amman visa section is part of the EuroMed region.

### **Hub and Spoke**

3.12 The redesign of the Agency's global network of visa sections began in January 2007 as part of a wider programme of change, supported by the introduction of biometrics and commercial partners.

3.13 This redesign allowed the Agency to think about how and where it considered applications, giving it an opportunity to make better use of its resources overseas. The redesign of the network into a Hub and Spoke business model aimed to deliver three main benefits:

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

3.14 This business model has seen decision making move from small visa sections to larger regional hubs, or processing centres. In early 2007, there were over 150 posts around the world working largely independently and handling all aspects of visa processing including the receipt of applications and decision making. By late 2010, the number of locations in which an application could be registered (spokes) had increased to 315, serviced by 70 processing centres (hubs).

3.15 Amman is the capital and largest city of the Hashemite Kingdom of Jordan and has a population of around two million. The visa section is located within the British Embassy in Amman. It is a hub location, and considers applications for entry clearance from the visa application centre in Amman and the following spokes: Erbil, Baghdad<sup>8</sup>, the West Bank, Gaza, Jerusalem and Damascus. The majority of visa applicants based in Iraq are required to use visa application centres in Amman, Beirut or Damascus. Residents of the West Bank apply at the British Consulate General in Jerusalem, while those in Gaza apply at the affiliated British Information and Services Office in Gaza.

<sup>8</sup> Visa applications from within Iraq are restricted to a very limited range of special categories including those linked to diplomatic travel and visits to the UK by Government of Iraq delegations; these are accepted at the British Embassy in Baghdad and the British Embassy Office in Erbil.

### The application process

3.16 The visa application process is set out in the table at Figure 1.

**Figure 1: Amman visa section - application process**

1	Applicants complete an online application form (except in Iraq <sup>9</sup> )
2	Applicants book an online appointment to attend a visa application centre
3	Applicants attend the visa application centre to submit their supporting documents, visa fee and biometric data
4	The application form and supporting documents are sent to the visa section by private courier
5	The decision to issue or refuse entry clearance is made by an Entry Clearance Officer
6	The visa or the refusal notice is returned to the relevant visa application centre, together with the original supporting documents
7	Applicants check whether their applications have been decided and are ready for collection online
8	Applicants collect their visa or refusal notice and supporting documents from the visa application centre.

### The Amman visa section

3.17 The work of entry clearance staff is crucial in helping the UK Border Agency address its purpose of securing the border and controlling migration for the benefit of the United Kingdom. In the financial year 2009/10, the Agency dealt with 2.49 million applications. Amman received 25,228 applications, and was ranked 28th out of 115 posts by volume of applications. Figure 2 shows the number of applications assessed at the visa section in Amman for the various categories of visa applications in the financial year 2009/10.

**Figure 2: Amman applications by visa category 2009/10**

Endorsement Category	Number of applications	Percentage of total
EEA Family Permits	90	0.4%
Family Visit	3,277	13%
Other Non Settlement	529	2%
Other Visitor	15,459	61.3%
Points Based System (PBS) Tier 1	167	0.7%
Points Based System (PBS) Tier 2	110	0.4%
Points Based System (PBS) Tier 4	2,599	10.3%
Points Based System (PBS) Tier 5	41	0.2%
Settlement	2,510	9.9%
Student	212	0.8%
Transit	189	0.7%
Work Permit	45	0.2%
Working Holiday Maker	-	-
<b>Total</b>	<b>25,228</b>	<b>99.90%<sup>10</sup></b>

Note: Information provided by UK Border Agency, International Group.

<sup>9</sup> VISA4UK is currently being enabled for Iraq. This is the official British Government website for online visa applications and will enable Iraqi applicants to apply for a visa online.

<sup>10</sup> Figures rounded up or down to the nearest decimal point.

- 3.18 Amman was selected for inspection following an assessment of all visa issuing posts using the Independent Chief Inspector's core criteria overlaid with management information collated by the UK Border Agency from April 2009 – February 2010. This indicated that Amman was performing significantly below target against a number of the Agency's performance indicators, including:
- refusal of visa holders on arrival at a port in the UK;
  - visa appeals dismissed; and
  - performance against customer service standards.
- 3.19 Figure 3 records the staffing complement for the visa section in Amman at the time of our inspection (excluding seasonal relief).

**Figure 3: Staffing numbers at the visa section in Amman**

Visa Section Staff	
Regional Manager (based in Istanbul)	1
Operations Manager (based in Cairo)	1
Entry Clearance Manager	1
Entry Clearance Officers	4.5
Office Manager	1
Entry Clearance Assistants / Visa Writers	7
Risk and Liaison Overseas Network (RALON) Staff	
Immigration Liaison Manager	1
Immigration Liaison Officer	1
Immigration Liaison Assistants	2
<b>TOTAL</b>	<b>19.5</b>

Note: Information provided by UK Border Agency, International Group.

### Scope

- 3.20 The inspection focused on various aspects of the visa operation in Amman, including the quality and timeliness of visa decisions in three of the largest visa application categories:
- other visitor;
  - family visitor; and
  - settlement.
- 3.21 Other visitor visas were selected for examination because they formed the majority of visa applications in Amman in the financial year 2009/10 (see Figure 2). Assessing the quality and consistency of decision making in this category was therefore important in assessing the overall performance and effectiveness of the visa section. Examination of these cases also took into account the role of the Independent Chief Inspector as the Independent Monitor for Entry Clearance Refusals without the Right of Appeal.
- 3.22 Family visitor visas were selected for examination because they were the second largest visa application category in Amman. In addition, they had not previously been considered as a separate category for examination in previous inspections and we felt it was timely to now look at the service delivered to these applicants.

- 3.23 Settlement visas were selected because the inspection of the UK Visa Section identified real concerns with the quality and consistency of decision making in the settlement visa category. We therefore felt it was important to further investigate the Agency's performance in this area.
- 3.24 From 1 April 2010, the UK Border Agency measured its performance against the following customer service standards:
- to complete 90% of visa applications (except settlement categories), in not more than three weeks, 98% in six weeks and 100% in 12 weeks; and
  - to complete 95% of applications for settlement visas in not more than 12 weeks and 100% in not more than 24 weeks.
- 3.25 We therefore assessed the Agency's performance in line with these customer service standards, which covered the majority of our file sampling period (decisions made between 1 March 2010 and 31 May 2010).
- 3.26 The inspection also examined the timeliness of administrative review<sup>11</sup> decisions, in view of the significant administrative delays we found during our previous inspections of the visa sections in Kuala Lumpur, Chennai, Abu Dhabi/Islamabad and Guangzhou; and our thematic inspection of the points-based system (Tier 2)<sup>12</sup>. We consider that the administrative review process is an important aspect of the work carried out by visa section staff, because the introduction of the points-based system removed the right of appeal from many visa applicants.

### **Methodology**

- 3.27 The onsite phase of the inspection took place from 10 – 14 October 2010. A range of methods were used during the inspection, including:
- file sampling;
  - staff and stakeholder interviews;
  - staff focus groups; and
  - staff observation.
- 3.28 The inspection team provided feedback on high level emerging findings to the UK Border Agency on the final day of the onsite phase of the inspection.

<sup>11</sup> An administrative review is a mechanism for reviewing points-based system refusal decisions.

<sup>12</sup> All these inspection reports can be found on the Independent Chief Inspector's website at: <http://icinspector.independent.gov.uk/inspections/inspection-reports/>

## 4. Inspection Findings – High level outcomes of the business

### Customer service standards

- 4.1 At the time of our inspection, the UK Border Agency measured its performance against the following customer service standards:
- 90% of non-settlement applications would be dealt with within three weeks, 98% within six weeks, and 100% in not more than 12 weeks; and
  - 95% of settlement applications in not more than 12 weeks and 100% in not more than 24 weeks.
- 4.2 We therefore assessed cases against these customer service standards. Our file sampling in Amman showed that most of the processing times for other visitor and family visitor cases were being met. However, the Agency was missing its customer service targets for settlement applications. We found only 28 settlement applications (30% of the sample) met the 12 week target, with 88 settlement applications (93% of the sample) meeting the 24 week target. We were told these delays were primarily caused by problems surrounding the verification of documents supplied by Iraqi applicants in support of their settlement applications.
- 4.3 The Amman visa section had sought to achieve these customer service targets by setting benchmark targets for Entry Clearance Officers. These set out the number of applications they should aim to complete each day, depending on the visa application category they were considering. The daily targets for Entry Clearance Officers at the time of our inspection were as follows:
- 60 straightforward cases;
  - 25 non-straightforward cases<sup>13</sup> and 10 appeal cases; or
  - 15 – 20 points-based system cases.
- 4.4 We were told that these daily targets were determined following a regional conference for Entry Clearance Officers in March 2010. During many of our previous inspections, we have found that Entry Clearance Officers have not been consulted in setting daily targets. As a result, we have often been told targets were unrealistic and inflexible. We were therefore pleased to find that Entry Clearance Officers had been involved in this process in Amman.

### Stakeholders

- 4.5 Whilst in Amman, we met with representatives from the following organisations to obtain their views on their working relationship with the visa section in Amman:
- International Organisation for Migration (IOM);
  - Australian Embassy;
  - British Embassy Amman (Ambassador);
  - British Embassy Damascus (Ambassador);
  - British Council; and
  - UK Trade and Investment.

<sup>13</sup> Applications were streamed into straightforward and non-straightforward depending on a number of factors such as previous travel, immigration history and/or reason for travel. We were told straightforward cases were unlikely to require further enquiries, whereas non-straightforward cases often needed further enquiries.

- 4.6 Stakeholders told us they had a very good working relationship with the visa section. For example, a representative from the UK Trade and Investment Team told us the visa section provided them with good support. We also found evidence of effective joint working between the IOM and visa section staff.
- 4.7 A representative from the British Council also commented positively about the relationship with visa section staff, and we were told the visa team was co-operative and responsive to any concerns raised by the British Council. However, the British Council representative did express concerns about Tier 4 of the points-based system, which was seen to be inflexible at times.
- 4.8 This view was shared by both British Ambassadors, with the Ambassador in Damascus also commenting that the points-based system placed too much emphasis/reliance on documents and not enough emphasis on knowledge about applicants held at post. The Ambassador explained this approach would ensure high value/low risk applicants were processed in a manner that was more efficient, freeing up Agency resources to focus on higher risk applications. They believed it would also help to ensure that high value applicants were processed in a way consistent with the wider political and commercial objectives of the UK Government.
- 4.9 The Hub and Spoke business model was introduced in Amman in 2008. The Ambassador in Damascus told us there had been issues in ensuring that the Syrian government understood the move was not political. We were told that the Regional Manager and Operations Manager for Amman had assisted with the communication of this message, by running a number of events in Damascus. As a result, the Syrian perception was changing.
- 4.10 Senior managers told us that the visa section received a relatively high number of facilitation<sup>14</sup> requests from applicants through stakeholders (e.g. Ambassadors, UK Trade and Investment). We were told facilitation did not affect the outcome of cases, but an approved facilitation request would accelerate the application process. Managers told us there was an ongoing education process to ensure facilitation requests were only made when necessary. We were told that the Entry Clearance Manager had discretion in these cases, and would only consider a case for facilitation if the applicant gave enough information regarding the need to process a visa application more quickly. We reviewed a sample of facilitated cases and were satisfied they had been both managed appropriately and recorded accurately on the Agency's caseworking IT system.
- 4.11 Whilst in Amman, we also assessed the relationship between the visa section and the commercial partners with responsibility for the visa application centres. We found limited evidence of the UK Border Agency's oversight of visa application centre operations including customer enquiry and complaints handling.

### **Correspondence and Complaints Handling**

- 4.12 We found the Office Manager (a locally engaged member of staff) had access to all the correspondence received from applicants through the website operated by the commercial partner in Amman. However, although this member of staff reviewed correspondence assigned to the visa section by the visa application centre, they did not review other correspondence received by the visa application centre in order to:
- assess the level of service provided;
  - maintain an awareness of the types of enquiries and complaints received;
  - identify correspondence themes; or
  - determine whether the commercial partners were properly routing through all complaints about the service to the visa section.

<sup>14</sup> Facilitation is a "fast track" for visa applications, allowing applications to be considered more quickly due to exceptional circumstances. Facilitation should not influence the final decision, but can influence the speed at which the application is processed.

- 4.13 We believe the visa section should monitor the performance of its visa application centres much more carefully to ensure that good levels of customer service are being maintained, rather than relying solely on the commercial partners to make it aware of service related issues.
- 4.14 This was particularly important as we found a number of complaints on the complaints registers at the visa section and the visa application centre in Amman, concerning the conduct of staff and/or security guards at the visa application centre. The British Ambassador in Amman also raised concerns about the standard of customer service at the visa application centre in Amman, and cited an example of an applicant who told him the service they received from the visa application centre was unhelpful.
- 4.15 The last internal inspections carried out by the Agency of its visa application centres in Damascus and Amman were in October 2009 and February 2010 respectively. During the onsite phase of our inspection, we were told the visa application centre in Amman had recently been visited by staff from the Amman visa section, but were not provided with a copy of the inspection report. We believe systematic oversight by the Agency is essential in ensuring that its commercial partners are delivering an effective customer service to visa applicants.
- 4.16 Managers told us that one of the outcomes from a regional Entry Clearance Officer workshop in March 2010 was an action for visa section staff to carry out regular audits of the visa application centres. We agree that this action would help the Agency to improve oversight of visa application centres.

#### **Equality and Diversity**

- 4.17 Entry clearance staff and managers told us that there were no equality and diversity issues at the visa section. Staff were aware of the equality and diversity policy and had completed mandatory equality and diversity training. We also saw evidence of the positive working relationship between British and Jordanian staff who worked well together and spoke positively about each other.

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

- 5.1 This section gives the detailed results and analysis of the files we examined prior to conducting the onsite inspection in Amman. In total, 308 case files were requested, chosen randomly from decisions made in Amman between 1 March 2010 and 31 May 2010. Figure 4 sets out the visa categories examined, together with details of the case files produced by the UK Border Agency.

**Figure 4: Files requested and received from the UK Border Agency**

Category	Number requested	Number received
Family visitor - refusal	50	50
Family visitor - issue	50	51
Other visitor – refusal	50	47
Other visitor - issue	50	51
Settlement - refusal	50	48
Settlement - issue	50	47
Administrative review	8	8
<b>TOTAL</b>	<b>308</b>	<b>302</b>

### File management

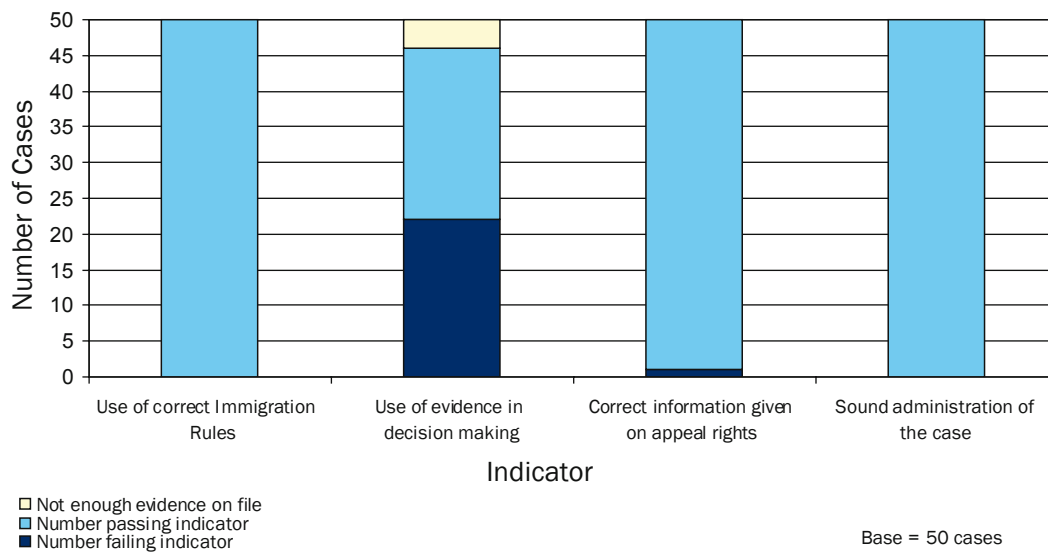
- 5.2 We identified a number of file management problems within the Amman visa section, primarily around incorrect classification of files. This meant we initially received more family visitor cases, and fewer settlement and other visitor cases than requested. As most of the family visitor cases arrived by the file submission deadline, we had time to randomly select an additional 12 other visitor cases to sample. However, one of the replacement other visitor refusal cases was actually a family visitor refusal case.
- 5.3 The visa section was also unable to locate six files requested. We were told these problems arose due to a flood within the visa section, around the time we made our file sampling request. While we accept this provides an explanation why some of the files were not despatched (two files were actually reported lost by the visa section due to the flood), it does not explain why such a large number of files were incorrectly categorised. Six settlement issue cases were also out of scope as the original decision was made outside the file sampling period.



### Results of the sample of family visitor refusals of entry clearance

- 5.4 Refused family visitor entry clearance cases were examined using the following criteria:
- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
  - Did the Entry Clearance Officer make their decision based on all the available evidence?
  - Was the correct information given on appeal rights?
  - Did the refusal decision suffer from maladministration<sup>15</sup>?
- 5.5 Of the 50 cases we reviewed, 26 cases<sup>16</sup> (52% of the sample) failed one or more decision making quality indicator. Figure 5 shows the file sampling results for family visitor refusal cases.

**Figure 5: Family visitor refusal cases assessed against indicators of decision making quality**



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

### Correct use of Immigration Rules

- 5.6 The decision to refuse entry clearance was assessed against the correct Immigration Rules in all cases examined.

### Decision in line with evidence

- 5.7 Refusal notices were examined to assess whether the Entry Clearance Officer's decision had taken into account all of the evidence provided.

<sup>15</sup> Maladministration refers to administrative failing which is so serious as to adversely affect the decision outcome, such as cases where processing delays mean the reason for the application has passed (e.g. attendance at a particular event) although the customer applied in good time.

<sup>16</sup> In all visa case categories examined, the total number of cases failing one or more decision making quality indicator included cases where relevant supporting documentation was not retained on file.

- 5.8 In 22 cases (44% of the sample), the decision was not made in accordance with the evidence, as set out below:
- eight cases where the Entry Clearance Officer disregarded or misinterpreted evidence with regards to maintenance or funding for the visit to the detriment of the applicant; and
  - fourteen cases where the Entry Clearance Officer applied additional evidential requirements and refused the application because:
    - the applicant had failed to evidence the origin of funds in their or their sponsor’s bank account;
    - an employment letter submitted as evidence of the applicant’s intention to return to their country of origin was not considered “proper documentary evidence of employment”; and/or
    - the applicant had failed to evidence the whereabouts of remaining family in their country of origin.
- 5.9 We discussed 13 of these cases with the UK Border Agency while onsite to reflect the concerns raised. The Agency accepted our findings in relation to three cases. In the first case, no further action was required as the decision had been overturned by the Entry Clearance Manager upon receipt of the applicant’s appeal papers. In the second case, while we found that some evidence had been disregarded (and the Agency agreed with our view), no further action was required as important financial evidence had not been submitted by the applicant. In the third case, the Agency agreed to refund the application fee to an applicant who had reapplied following the initial refusal decision, and had been issued a visa.
- 5.10 The Agency did not accept our findings in the remaining ten cases. In the first case, it told us it was not practical to refer to all positive evidence in the refusal notice. However, the guidance in place at the time the application was refused (issued in January 2009), instructed Entry Clearance Officers to list all of the documents considered in reaching a decision to demonstrate it is balanced and that all evidence has been considered.
- 5.11 In a further four cases, we were told the applicant was “high risk”, and therefore the evidence submitted to support the application was considered to be insufficient. Although we accept additional evidence may be required for applications deemed to be “higher risk” we believe applicants should be given the opportunity to submit any additional evidence to meet the higher threshold imposed by the UK Border Agency.
- 5.12 Additional evidential requirements were also made in the remaining five cases where the Agency did not accept our findings. The case study at Figure 6 below illustrates one such case.

## Figure 6: Case study – Family visitor refusal application

### The applicant:

- submitted a family visitor application on 12 April 2010 with evidence of employment, funds and sponsor's circumstances
- had travelled to the UK previously
- was refused entry clearance on 15 April 2010 because the Entry Clearance Officer felt that:
  - i) the employment letter was “unsupported by proper documentary evidence of employment”
  - ii) the savings book did not show origin of funds
  - iii) no evidence of income, or personal circumstances or family remaining in Iraq had been submitted
- submitted appeal papers – with no additional supporting documentation – to the Agency on 13 May 2010 and was issued a visa on 25 August 2010

### Chief Inspector's comments:

- the necessary evidence was submitted by the applicant
- further checks should have been undertaken by the Agency if it had doubts about the employment or financial evidence
- the Agency's assertion that the applicant failed to submit evidence of personal circumstances was incorrect as a copy of the applicants house deed and evidence of their employment was provided
- it is of particular concern that the decision was upheld by the Entry Clearance Manager (ECM) on 19 April 2010
- the decision was reviewed by a different Entry Clearance Officer on 25 July who noted that the Agency was “unlikely to win at appeal” and the visa was subsequently issued

### The UK Border Agency:

- felt that this case was “a borderline refusal” and accepted that the original ECM review “could have been more robust”

- 5.13 As the Agency had overturned the decision in the Figure 6 case study following a subsequent appeal, we were surprised that it considered the decision in this case was “borderline” and that the original Entry Clearance Manager review “could have been more robust”. We believe the original decision and the subsequent Entry Clearance Manager review were neither efficient nor fair.
- 5.14 As illustrated in this case study and in a number of other cases examined, although applicants had submitted evidence of funds, they were refused for failing to provide evidence about the origin of these funds. In some cases, for example where a bank statement showed a recent large deposit, we understand why Entry Clearance Officers would question the origin of such funds. However, in other cases applicants had simply followed Agency guidance and produced a bank letter, setting out the balance of their account. In these cases we noted there was no requirement set out in the guidance that also required them to demonstrate the origin of these funds.

- 5.15 We asked local management in the visa section why applicants were being refused on this basis, as applicants had not been informed of the need to evidence the origin of their funds in regard to bank letters. Local management informed us that the onus was on the applicant to provide the evidence they believed best supported their application. In these cases we were told the evidence provided was not considered satisfactory evidence of the applicant's financial circumstances. However, we noted that local management were unable to set out why these bank letters were not considered satisfactory evidence. For example:
- through production of a verification check which demonstrated the document was not genuine;
  - by contacting applicants to seek further information which might have indicated the documents were false; or
  - through production of caseworking notes, made by Entry Clearance Officers, that provided sound reasoning to support local management's assertion.
- 5.16 In the absence of any such evidence, we believe the response provided by local management was unsupported by the facts. As a result, applicants who had followed published guidance were treated unfairly.
- 5.17 We found very similar problems in relation to the weight attached to employment letters produced by applicants. The customer guidance issued by the Agency informed applicants they could demonstrate their intention to leave the UK at the end of their visit by submitting an employment letter. However, in five cases we found that although an applicant had submitted a letter confirming their employment as evidence of intention to leave the UK, the application was then refused for failing to support the employment letter with "proper documentary evidence of employment", such as payslips or tax records. In these cases, Entry Clearance Officers simply dismissed the employment letter because they doubted the applicants' personal circumstances were as stated.
- 5.18 We noted Entry Clearance Officers had not raised any specific concerns about the validity of these employment letters or undertaken any further checks to verify their suspicions. The documents were not referred to RALON Officers for verification checks, nor were employers contacted to verify employment status. Instead, applicants were refused despite adhering to the guidance published by the Agency in regards to the provision of such letters. As no further checks were undertaken, there was no evidence to suggest these employment letters were anything other than what they purported to be – i.e. evidence of employment.
- 5.19 In other cases, we also found Entry Clearance Officers refusing applications because applicants had failed to evidence the whereabouts of remaining family in their country of origin. The UK Border Agency accepted that the guidance for applicants did not specify a requirement for them to provide this evidence. However, it added that:
- evidence of the whereabouts of remaining family was indicative of an applicant's intention to leave the UK;
  - supporting documents guidance was not a prescriptive list of documents an applicant must submit, but rather provided examples of what would be useful; and
  - the onus was on the applicant to provide evidence they believed best supported their application.
- 5.20 While we accept that evidence of the whereabouts of remaining family is potentially useful evidence of an applicant's intention to leave the UK, we noted that the guidance provided to applicants gave no indication that they should provide such evidence and they were given no opportunity to do so. We therefore believe the adoption of this practice is unfair.
- 5.21 We also believe the Agency, in applying additional evidential requirements of which applicants are unaware (i.e. the applicant is not advised to submit the evidence at the time of application), should contact applicants and give them an opportunity to provide any additional evidence that entry clearance staff deem necessary. Otherwise, the decision to refuse is distinctly unfair.

- 5.22 In view of the Agency's responses to these and other similar cases, we reviewed the guidance available for applicants. While we noted that the information provided to applicants was for guidance only, we did not believe this statement constituted clear information about the requirements applicants would need to fulfil in order for their visa application to be successful. It is a key concept of procedural fairness that applicants will know how to prepare for and participate in the decision making process. Guidance which states that "*it is your decision how you satisfy the Entry Clearance Officer that your intentions are as you state in your application. It is your choice which documents you submit*" did not, in our view, fulfil this requirement. This was particularly the case in circumstances where applicants were not given the opportunity to provide additional documents where further information was required by Entry Clearance Officers and where, as the guidance on the website states, having all the required documents is not a guarantee that a visa application will be successful.
- 5.23 Procedural fairness is a fundamental principle of just decision making which is recognised in common law and it is important that the Agency adheres to it when making decisions: *it is a feature of a fair procedure of a decision making process that the person affected by it will know in advance how it will operate, and so how to prepare for it and participate in it...*<sup>17</sup> The concept of fairness is drawn from the: *constitutional principle of the rule of law, which requires regularity, and predictability and certainty in government's dealings with the public*<sup>18</sup>. Failure to act in a manner that is procedurally fair could lay decisions open to the risk of legal challenge.
- 5.24 In all of these cases, we found applicants were refused entry clearance for failing to provide evidence which was not requested by the UK Border Agency at the time they made their applications and which they were subsequently given no opportunity to provide. These applicants were not therefore aware of how to prepare for or participate in the application process. We consider this practice unfair.

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

- Provides applicants with clear information and guidance in advance of their application, about the requirements they need to meet for their visa application to be successful.
- Allows applicants the opportunity to meet any additional evidence requirements in cases where they have followed published guidance, and Entry Clearance Officers require further information to support the decision making process.

#### **Supporting documentation**

- 5.25 In four family visitor refusal cases (8% of the sample), we found there was not enough evidence on file or recorded on the UK Border Agency caseworking IT system, for us to determine whether the decision was in line with evidence. We noted this practice was contrary to the guidance issued by the Agency to entry clearance staff in November 2009, which stated that *any document pertinent to the decision is retained*.
- 5.26 We identified similar concerns during our inspections in Abu Dhabi/Islamabad and Guangzhou, and recommended that the Agency ensured entry clearance staff retain relevant supporting documents on file to evidence the decisions they make. This recommendation was accepted.

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

- 5.27 In one case (2% of the sample), the applicant was not given the correct information on appeal rights. In this case the applicant was not offered a full right of appeal in accordance with the Immigration Rules<sup>19</sup>.

17 The judge over your shoulder, edition 4: January 2006, page 18, Paragraph 2.41.

18 DeSmith Woolf and Jowell, Judicial Review of Administrative Action (5th Edition 1995) Paragraph 8-038 p417

19 Section 82(1) of the Nationality, Immigration and Asylum Act 2002.

## Maladministration

5.28 There were no cases of maladministration in the handling of cases.

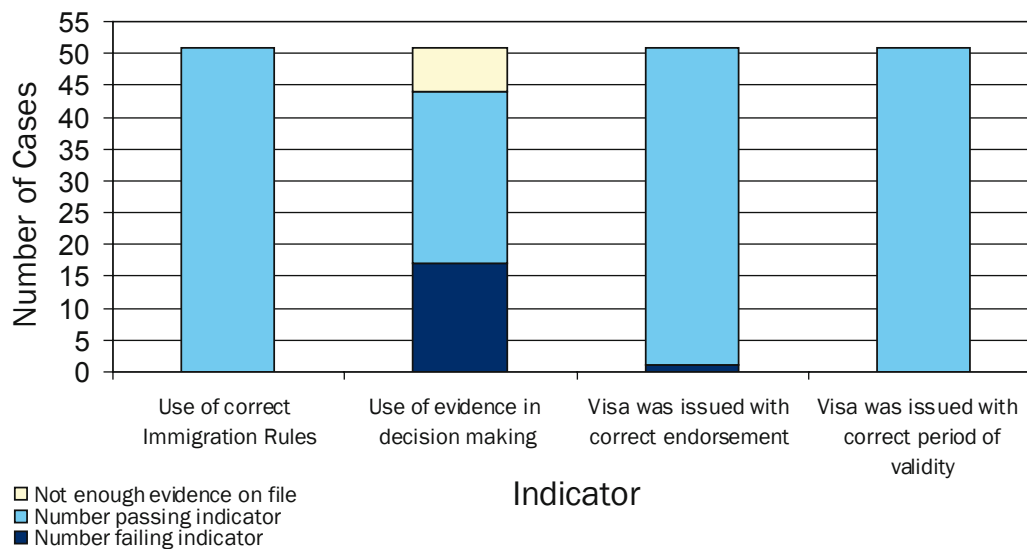
## Results of the sample of family visitor grants of entry clearance

5.29 Granted family visitor entry clearance cases were examined using the following criteria:

- Was the decision to issue entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based on all the available evidence?
- Was the visa issued with the correct endorsement and for the correct period of validity?

5.30 We examined the information on the Agency's caseworking IT system to assess whether the Entry Clearance Officer's decision had taken into account all of the evidence provided. Of the 51 cases we reviewed, 24 cases (47% of the sample) failed one or more decision making quality indicators. Figure 7 shows the results of our sampling of cases granted entry clearance.

**Figure 7: Family visitor issue cases assessed against indicators of decision making quality**



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

## Correct use of Immigration Rules

5.31 In all cases the decision to grant entry clearance was assessed against the correct Immigration Rules.

## Visa issued in line with evidence

5.32 The decision was not made in accordance with the evidence in 17 cases (33% of the sample), as follows:

- ten cases where the Entry Clearance Officer issued an entry clearance despite negative or absent financial evidence;
- four cases where the Entry Clearance Officer issued an entry clearance despite the fact that no or limited evidence of the applicant's sponsor had been submitted;
- two cases where we found the Entry Clearance Officer failed to spot inconsistencies between different pieces of evidence submitted; and
- one case where the Entry Clearance Officer issued an entry clearance even though the applicant had signed their own employment letter confirming their salary, position and purpose of the trip.

- 5.33 We discussed five of these cases with the UK Border Agency while onsite to reflect the concerns the wider cohort raised. The Agency accepted our findings in relation to one case, and agreed that further enquiries should have been carried out to confirm the validity of the application.
- 5.34 The Agency did not accept our findings in the remaining four cases, primarily because it considered these applicants were “low risk”. In three of these cases, we found applicants had been issued with an entry clearance, even though they had submitted either no evidence of funds or extremely limited evidence of funds available for the trip.
- 5.35 In the final case we found that the origin of funds was not questioned, although the applicant had made a large cash deposit shortly before the date of the application. This was completely inconsistent with decision making in family visitor refusal cases, where several applicants – even those who had not submitted large cash deposits - were refused an entry clearance for failure to evidence the origin of funds in their account.
- 5.36 As with the previous cases, we were told the applicant was “low risk” therefore the evidence submitted was considered to be sufficient. We were shown examples of risk profiles produced by RALON, which set out “high risk” and “low risk” factors. We found these risk profiles were clear and detailed. In this particular case we found the applicant was categorised as “high risk” because of one factor and “low risk” because of another and it was difficult to understand why one risk factor appeared to outweigh another. We found there was nothing to explain this on either the file or the Agency’s caseworking IT system. This is a good example of a case where further enquiries would have provided justification for the decision to issue the visa.
- 5.37 The case study at Figure 8 illustrates another case of concern.

#### Figure 8: Case study – Family visitor issue

##### The applicant:

- submitted a family visit application on 10 May 2010 with the following supporting evidence:
  - i) an employment letter confirming their salary
  - ii) an untranslated bank statement
  - iii) a letter from their sponsor in the UK
- was issued entry clearance on 26 May 2010

##### Chief Inspector’s comments:

- the applicant stated they were financing the cost of their travel to the UK, whilst other expenses and accommodation would be covered by their sponsor
- no evidence was submitted of accommodation or the sponsor’s circumstances in the UK
- this case demonstrates the inconsistency of decision making, given applicants were routinely refused for failing to provide the evidence that was lacking in this application

- 5.38 In the Figure 8 case study, an employment letter and an untranslated bank statement were accepted, although such documents had not been accepted as satisfactory evidence in a number of family visitor refusal cases. In addition, in this case the sponsor's requirement to provide evidence of their accommodation and funds was waived. We were told that this particular applicant was "low risk", therefore the evidence submitted was considered to be sufficient. We were concerned by this for the following reasons:
- the applicant had not complied with the Agency's guidance in relation to the submission of supporting evidence;
  - the Entry Clearance Officer did not make clear notes at the time of the decision, setting out why the applicant was issued entry clearance despite their failure to submit all the evidence the Agency advised them to submit, and did not mention risk profiling being used; hence no clear audit trail was left to demonstrate the logic behind this decision; and
  - the Entry Clearance Manager involved in the onsite discussions about this case (and other similar cases) was on maternity leave at the time the decision was made and could only offer an opinion, based on experience, as to why the case was issued.
- 5.39 We accept it is important for Entry Clearance Officers to consider an applicant's risk profile in considering an application. However, we believe that if Entry Clearance Officers issue entry clearance without having assessed all the evidence the Agency advises applicants to submit, such as in this case and the others described in this section, they must set out clear notes to support their decision. This is important, because it helps to:
- demonstrate decision making is fair and transparent and is based on all relevant considerations;
  - ensure Entry Clearance Officers can be held accountable for the decisions they make; and
  - underpin internal quality control and internal and external audit.

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

- Ensures risk profiles are only used as a guide for decision making, and that staff understand their purpose.
- Ensures that where risk profiles are used to inform decision making, this is clearly recorded on the case working IT system.

#### **Supporting documentation**

- 5.40 There was not enough evidence either on file or on the Agency's caseworking IT system to allow assessment of whether the decision was in line with the evidence in seven cases (14% of the sample). We identified similar problems when sampling visa issues in other visitor (nine cases) and settlement visa categories (18 cases).
- 5.41 We were told that following a regional Entry Clearance Officer workshop in March 2010, guidance had been issued to Entry Clearance Officers throughout the region, reminding them about the information they needed to input on the case working IT system when issuing a visa. This stated that their notes should be *honest, fair, clear, brief and detailed and should as a minimum include:*
- *the length, purpose and destination of travel;*
  - *a brief description of the employment, salary and bank balance evidenced in the documents submitted to support the application;*
  - *details of the applicant's previous travel; and*
  - *sponsor's details and immigration status, including financial details if they are funding the visit.*



- 5.42 As the guidance was issued to Entry Clearance Officers after the workshop on 16–17 March 2010, and our file sampling period was between 1 March 2010 and 31 May 2010, we expected to find evidence of this guidance being implemented in cases we sampled. However, we found Entry Clearance Officers were not following this guidance and failed to record the reasons for issuing visas in a large number of cases, particularly settlement cases. We noted a number of these cases had been reviewed by an Entry Clearance Manager, but this failing had not been identified.
- 5.43 Guidance was reissued to staff in July 2010. We believe the Agency needs to continually monitor this guidance to ensure it is complied with and that appropriate issue notes are produced. This will be beneficial for internal and external audit purposes and as an aid to identify staff training and development needs.
- 5.44 It is also important for relevant documents to be retained on file and for comprehensive caseworking notes to be made in cases where entry clearance is issued since, unlike refusal cases (where refusal notices are created), no other documentation is produced setting out the reason for the decision. This made it extremely difficult for local managers to respond to a number of the concerns we raised in relation to the files examined, because Entry Clearance Officers had left no clear audit trail to demonstrate the logic behind the decisions they made.
- 5.45 As a result, many of the responses provided by local managers were based upon their experience and knowledge of the entry clearance operation, rather than supporting documents and caseworking notes, which would have helped to determine how the evidence was assessed in each individual case. This is a key failing, because decision making was not transparent and could not easily be supported as part of any subsequent internal quality review or external auditing mechanism.
- 5.46 There are expectations of public bodies to carefully record decision making and to keep relevant supporting documentation and case notes in order to maintain an effective audit trail in regard to the decisions taken – this is particularly true for visa applications that are issued.

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

- Ensures that supporting documents pertinent to entry clearance decisions are retained on the file, in accordance with the guidance.
- Ensures that Entry Clearance Officers produce comprehensive casework notes for visas that are issued to provide an audit trail of their decision.

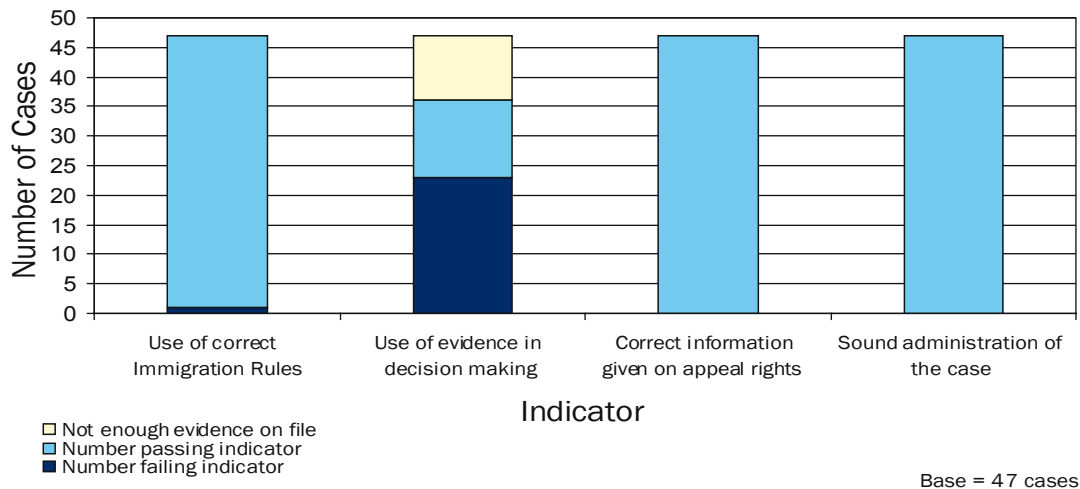
#### **Visa validity and endorsement**

- 5.47 We found all cases had been issued with the correct period of validity. However, in one case (2% of the sample), a visa had been endorsed *VISIT* and was missing the correct sub-category of *FAMILY VISIT*.

#### **Results of the sample of other visitor refusals of entry clearance**

- 5.48 Refused other visitor entry clearance cases were examined using the criteria set out in Figure 9. Of the 47 cases reviewed, 34 cases (72% of the sample) failed one or more decision making quality indicators. Figure 9 shows the file sampling results of other visitor refusal cases.

**Figure 9: Other visitor refusal cases assessed against indicators of decision making quality**



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

### Correct use of Immigration Rules

- 5.49 The decision to refuse entry clearance was not assessed against the correct Immigration Rules in one case (2% of the sample). The applicant was assessed as a general visitor under paragraph 41 of the Immigration Rules instead of as a child visitor under paragraph 46a.

### Decision in line with evidence

- 5.50 We examined refusal notices to assess whether the Entry Clearance Officer's decision had taken into account all of the evidence provided. The decision was not made in accordance with the evidence in 23 cases (49% of the sample), as follows:

- ten cases where Entry Clearance Officers disregarded or misinterpreted evidence with regards to maintenance or funding for the visit to the detriment of the applicant;
- 13 cases where Entry Clearance Officers made additional evidential requirements and refused the application because:
  - the applicant had failed to evidence the origin of funds in their or their sponsor's bank account; and/or
  - an employment letter submitted as evidence of the applicant's intention to return to their country of origin was not considered "proper documentary evidence of employment".

- 5.51 We reported our findings to the UK Border Agency reflecting the concerns raised. The Agency accepted our findings in relation to three cases and told us it would invite applicants in two cases to make fresh visa applications free of charge. In the remaining case it accepted our findings, but stated no further action would be taken as the applicant had subsequently reapplied and been issued with a visa. The case study at Figure 10 illustrates this case in more detail.

### Figure 10: Case study – other visitor refusal application

#### The applicant:

- submitted a business visitor application on 26 April 2010 with the following supporting documentation:
  - evidence of employment
  - evidence of salary
  - letter from employer
  - invitation to attend his company’s annual sales meeting in Edinburg
- was refused entry clearance on 28 April 2010 because the Entry Clearance Officer asserted the applicant had not:
  - i) submitted “proper documentary evidence of employment”
  - ii) provided evidence of being employed as claimed
  - iii) provided financial evidence of how they supported themselves
  - iv) provided accurate information about the location of the annual sales meeting

#### Chief Inspector’s comments:

- the applicant appeared to have met the requirements of the Immigration Rules in full
- the Entry Clearance Officer had ignored evidence submitted and had misinterpreted the company’s registered address in the UK with the location of the annual sales meeting and used this misinterpretation against the applicant
- the Entry Clearance Officer’s decision was reviewed and upheld by the Entry Clearance Manager on 29 April 2010, who failed to identify either that material evidence was ignored or evidence was misinterpreted to the detriment of the applicant
- the applicant reapplied on 10 May 2010 and was issued a visa on 23 May 2010
- the applicant received an extremely poor standard of service from the UK Border Agency with no apology and no offer to refund the visa application fee

#### The UK Border Agency:

- agreed with the Chief Inspector that satisfactory evidence had been submitted by the applicant as part of their initial application
- chose not to take any further action to redress its customer service failings

- 5.52 In the case study at Figure 10, it is clear the applicant received a poor level of customer service. However, the Agency decided to take no further action in this case. We consider that, at the very least, a refund was due as the UK Border Agency accepted its original refusal decision was wrong.
- 5.53 The Agency did not accept our findings in the remaining five cases. In one of these cases, the applicant had been refused on two separate grounds. The applicant stated they intended to accompany their mother, but had not submitted any evidence that their mother had been granted a visa to travel to the UK. An employment letter was also considered to have been unsupported by “proper documentary evidence of the applicant’s employment” e.g. wage slips, tax documents or a bank statement detailing salary (our overall sampling found this to be a common ground for refusal).

- 5.54 However, we noted that a subsequent check undertaken by the Agency using its own IT systems revealed the applicant's mother had been issued with a visa. We were surprised such a check was not undertaken at the time of the application. Although the employment was deemed insufficient evidence, the applicant had followed the guidance set out on the UK Visas website in relation to the type of supporting documentation that they should submit. Based on the evidence in this case, we believe the decision was neither effective nor fair.
- 5.55 In another three cases, we were told that the applicants were "high risk" and therefore the evidence submitted was considered to be insufficient. For example, employment letters were not supported by pay slips etc. and origin of funds had not been shown. As with many family visitor refusal cases, in these cases we found risk profiles were being used to make rather than to inform decision making.
- 5.56 In the final case, evidence had been misinterpreted, positive evidence was ignored and correspondence from the applicant had not been linked to the file. While we considered the overall refusal decision in this case may have been correct, we believe the way it was made, coupled with a poor refusal notice, did not present a professional image of the UK Border Agency to the applicant.
- 5.57 The Figure 11 case study illustrates some of the concerns with the quality of decision making in relation to other visitor refusal applications.

#### Figure 11: Case study – other visitor refusal application

##### The applicant:

- submitted a business visitor application on 15 April 2010, together with the following supporting documentation:
  - invitation letter from the BBC World Service Trust
  - letter from employer confirming status and purpose of visit
  - bank statement showing regular salary credits
  - deed of residence from Ministry of Interior
- was refused entry clearance on 20 April 2010 as the Entry Clearance Officer believed that:
  - the employment letter was "unsupported by proper documentary evidence" of the applicant's employment
  - the applicant had "failed to provide any wage slips, bank statement detailing salary, tax documents or any satisfactory evidence of income"
  - the applicant had failed to provide any evidence of how they supported themselves financially
  - the applicant's economic circumstances were not as stated
  - the applicant had failed to provide any satisfactory evidence of their current personal circumstances
  - the applicant had failed to provide any satisfactory evidence of any business, employment or any evidence of income
  - the applicant had failed to provide any satisfactory evidence of any family remaining in Syria
  - the applicant did not have sufficiently strong economic and family ties to Syria so as to return

**Chief Inspector's comments:**

- the applicant had met the requirements of the Immigration Rules and followed the documentary guidance provided by the Agency on its website
- the Entry Clearance Officer had ignored evidence submitted by the applicant and had unfairly applied additional evidential requirements without informing the applicant

**The UK Border Agency:**

- acknowledged the “decision was questionable”
- agreed to contact the applicant and, if appropriate, reconsider the application and offer a free application

5.58 Overall, our examination of refused other visitor cases identified similar concerns with decision making to those observed in relation to family visitor refusal applications. These typically related to positive evidence being misinterpreted or disregarded by Entry Clearance Officers or additional evidential requirements being made. In the latter instance, applicants were treated unfairly since they were not provided with an opportunity to address the additional evidential requirements made by the Agency during the decision making stage. As mentioned previously, we do not believe this practice is procedurally fair.

**Supporting documentation**

5.59 There was not enough evidence on file or the Agency's caseworking IT system, for us to determine whether the decision was in line with evidence in 11 other visitor refusal cases (23% of the sample). As mentioned previously, the Agency needs to ensure staff comply with its guidance regarding the retention of the key supporting documents pertinent to the decision made.

**Correct information on appeal rights**

5.60 Applicants were given the correct information on appeal rights in all 47 cases.

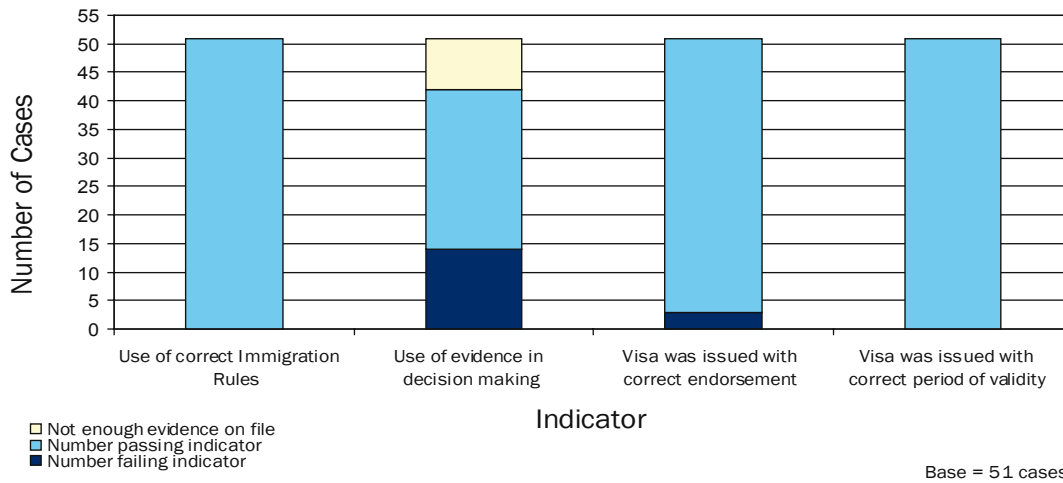
**Maladministration**

5.61 There were no cases of maladministration in the handling of the case.

**Results of the sample of other visitor grants of entry clearance**

5.62 Granted other visitor entry clearance cases were examined using the criteria set out in Figure 12. Of the 51 cases reviewed, 29 cases (57% of the sample) failed one or more decision making quality indicators. Figure 12 shows the results of our file sampling of cases that were granted entry clearance.

**Figure 12: Other visitor issue cases assessed against indicators of decision making quality**



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

### Correct use of Immigration Rules

5.63 The decision to issue entry clearance was assessed against the correct Immigration Rules in all cases.

### Visas issued in line with evidence

5.64 The decision was not made in accordance with the evidence in 14 cases (27% of the sample), as follows:

- nine cases where applicants were granted entry clearance despite the provision of limited supporting evidence;
- four cases where the applicants were granted entry clearance despite a number of errors and/or inconsistencies in the evidence submitted; and
- one case where the applicant was granted entry clearance although they did not meet the requirements of the Immigration Rules.

5.65 We discussed our findings in six of these cases with the UK Border Agency to reflect the concerns raised. The Agency accepted our findings in relation to one case, and agreed to contact the applicant and review their circumstances.

5.66 In four of these cases, local managers stated that these applicants were “low risk,” and therefore the evidence submitted was considered to be sufficient. However, as we have previously set out, we noted there was no information on the Agency’s caseworking IT system indicating how risk factors were taken into account when these decisions were made, and as a result we considered local managers could not be certain that risk factors were used appropriately by Entry Clearance Officers in these cases. Without such explanation, it is our view entry clearance was issued even though applicants had not complied with the Agency’s guidance on the submission of supporting evidence.

5.67 In the final case, we found that an entry clearance was granted following an initial decision to refuse. We reviewed the information on file and the Agency’s case working IT system, but could find nothing to explain why entry clearance was subsequently issued. This case is illustrated in the Figure 13 case study.

### Figure 13: Case study – other visitor issue application

#### The applicant:

- submitted a business visit application on 12 February 2010 with the following supporting evidence:
  - i) an employment letter confirming their salary and one-week leave of absence
  - ii) scanned copy of a letter from the inviting organisation in the UK
  - iii) untranslated bank statements together with a letter from a translator providing a brief summary of the information on the statements
- was refused entry clearance on 17 February 2010
- was subsequently issued entry clearance on 2 March 2010 after being interviewed by the Entry Clearance Manager

#### Chief Inspector's comments:

- the applicant was a junior member of staff in a Jerusalem-based company whose attendance at a high level seminar in the UK featuring the top regional directors of a health club company was considered vital by the inviting organisation in the UK – the Chief Inspector could not see what assessment the Agency had made of this
- the applicant stated they were financing the costs of the business visit themselves – the Chief Inspector could not see what assessment the Agency had made of this
- it was unclear whether evidence had been submitted indicating that the applicant held sufficient funds to cover the cost of the visit
- it was not clear why a scanned copy of the invitation letter had been accepted in this case whilst other applications fell for refusal on this basis
- it was unclear why a translator's summary of the applicant's finances was accepted in this case in lieu of proper translations of all the financial statements submitted
- there was no record of the interview that took place with the applicant nor was it clear what further evidence was provided to the Entry Clearance Manager
- the Chief Inspector had serious concerns about the decision making in this case, both in terms of quality and the lack of transparency

#### The UK Border Agency:

- accepted that the caseworking notes in this case could have been more comprehensive and agreed that the notes did not explain fully why this case was issued
- stated that, based on local knowledge, they were aware that the applicant's family name indicated they were from a "good family"
- despite not being able to confirm the full reasons for issuing entry clearance, chose to take no further action

- 5.68 In the above case study, local managers told us that the original refusal decision was overturned following the receipt of further representations from the applicant. We noted there is no right of appeal in other visitor cases, and no provision in the Immigration Rules for such applicants to have an application reviewed on receipt of further representations.
- 5.69 We were particularly concerned that there was no clear audit trail setting out why this case had been issued. We believe it is important for the UK Border Agency to provide clear justification for all decisions, particularly where a decision is being overturned, to avoid possible accusations of corruption.

**Supporting documentation**

5.70 There was not enough evidence on file or on the Agency’s caseworking IT system for us to determine whether the decision was in line with the evidence in nine cases (18% of the sample).

**Visa validity and endorsement**

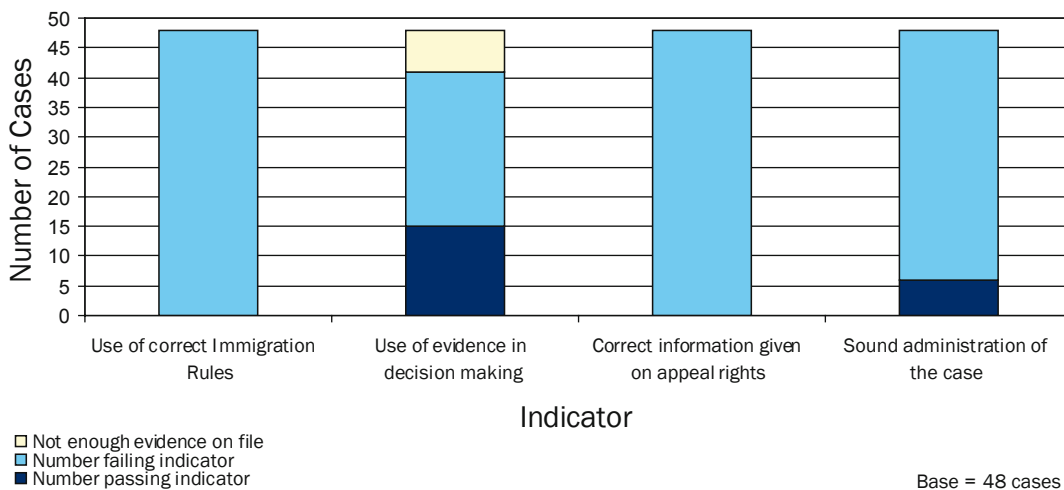
5.71 All cases had been issued with the correct period of validity. However, we found three cases (6% of the sample) had been issued with the incorrect endorsement. These cases are broken down as follows:

- one case where a visa had been endorsed CLINICAL ATTACHMENT instead of VISIT;
- one case where a visa had been endorsed FAMILY VISIT instead of VISIT; and
- one case where a visa had been endorsed VISIT but was missing the correct sub-category of BUSINESS VISIT.

**Results of the sample of other settlement refusals of entry clearance**

5.72 Refused settlement entry clearance cases were examined using the criteria set out in Figure 14. Twenty-three of the 48 cases we reviewed (48% of the sample) failed one or more decision making quality indicators. Figure 14 shows the results of our file sampling of settlement refusal cases.

**Figure 14: Settlement refusal cases assessed against indicators of decision making quality**



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

**Correct use of Immigration Rules**

5.73 The decision to refuse entry clearance was assessed against the correct Immigration Rules in all cases.

**Decision in line with evidence**

5.74 We examined refusal notices to assess whether the Entry Clearance Officer’s decision had taken into account all of the evidence provided. The decision was not made in accordance with the evidence in 15 cases (31% of the sample), as follows:

- five cases where the Entry Clearance Officer disregarded positive evidence relating to the applicant’s or sponsor’s personal circumstances to the detriment of the applicant;
- two cases where the Entry Clearance Officer disregarded or misinterpreted positive evidence with regards to maintenance or funding for the visit to the detriment of the applicant;
- six cases where the application was refused on the grounds that a document was not genuine before detailed checks had been carried out to prove this (and in three of these cases the Entry Clearance Officer also made additional evidential requirements relating to evidencing a long-term or subsisting relationship); and



- two cases where the Entry Clearance Officer made unverified judgements relating to the applicants credibility or personal circumstances.
- 5.75 We discussed seven of these cases with the UK Border Agency to reflect the concerns raised. The Agency accepted our findings in relation to four cases. In the first two cases (one of which is detailed in Figure 15) the decisions were overturned at appeal, or following the submission of appeal papers. In the final two cases, although we found the decisions were not made in accordance with the evidence, on balance, we agreed that the evidence did not appear to support an issue of entry clearance and therefore no further action was required.
- 5.76 The Agency did not accept our findings in three cases. In the first case, we were told there was no requirement to mention positive evidence in the refusal notice. We noted that guidance in place at the time the application was refused stated that Entry Clearance Officers did not need to refer to positive evidence in refusal notices. However, in this case we noted that pertinent positive evidence was not acknowledged on the Agency's caseworking IT system. We could therefore not be satisfied that this evidence was considered appropriately.
- 5.77 In the final two cases, the UK Border Agency maintained it was right to refuse the application because the applicant failed to evidence a long-term or subsisting relationship. We were told the onus was on the applicant to satisfy the Entry Clearance Officer that, on the balance of probabilities, they satisfied the Immigration Rules.
- 5.78 However, our view is that this alone would not ensure consistency of decision making and fairness to applicants. The Agency must inform applicants about how they are expected to evidence a long-term and subsisting relationship, beyond saying in its guidance: *letters from you and your sponsor that are relevant to your application*. We therefore believe that additional evidential requirements were placed on the applicants in these cases. We do note, however, that the new supporting documents guidance issued by the Agency on 20 September 2010, is much clearer and more informative and goes some way towards dealing with the issues raised here.
- 5.79 The case study at Figure 15 illustrates some of the concerns we had in regard to quality of decision making for settlement refusal applications.

### Figure 15: Settlement refusal case study

#### The applicant:

- submitted a settlement visa application on 15 December 2009 with good evidence of their sponsor's circumstances
- was refused entry clearance on 23 March 2010 because the Entry Clearance Officer:
  - i) stated that the applicant's marriage certificate contained a spelling mistake
  - ii) felt that the photographs submitted did not evidence a long term or subsisting relationship as they were all taken on the same day
- submitted an appeal on 28 April 2010
- was issued a visa on 2 November 2010 following reconsideration of the decision by the UK Border Agency

**Chief Inspector's comments:**

- the Agency did not inform applicants how they were expected to evidence a long term and subsisting relationship beyond “letters from you and your sponsor that are relevant to your application”
- although the Entry Clearance Officer commented on the lack of evidence of a long term and subsisting relationship, they did not refuse on the basis of Paragraph 281(iii) of the Immigration Rules which states that “each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting” – the Chief Inspector concludes that the Entry Clearance Officer was therefore satisfied that this requirement had been met
- although a check undertaken by RALON on the marriage certificate revealed a spelling mistake, the check was recorded as “inconclusive”
- it is unclear what the spelling mistake was and why it was significant as no further detail had been provided in the RALON report and the Entry Clearance Officer did not request it
- an Entry Clearance Manager authorised the Entry Clearance Officer to refuse the applicant’s application prior to a document verification check being completed – the Chief Inspector considers this maladministration
- the applicant explained in their appeal papers that Arabic names do not have a consistent spelling translation into English as it often depends on the translator. In this case, there appeared to be a minor discrepancy (one letter) in the sponsor’s mother’s name on the marriage certificate
- on 4 May 2010, the result of the verification check – undertaken after the applicant had been refused – confirmed that the marriage certificate was genuine
- on 27 September 2010, the outcome of a further check undertaken by UK Border Agency staff in Damascus also confirmed that the marriage certificate was genuine. Another Entry Clearance Officer reviewed the case and:
  - i) noted that the other reason for refusal was the lack of photographic evidence;
  - ii) noted that such evidence was not a requirement of the Immigration Rules
  - iii) was satisfied that the applicant had met all the requirements of the Immigration Rules and that there was no reason to uphold the original refusal
  - iv) revoked the original decision
- the visa was not issued until 2 November 2010, over 10 months after the applicant applied. The Chief Inspector considers that an extremely poor level of service was provided to the applicant

**The UK Border Agency:**

- agreed this was a poor decision
- did not respond to all of the issues raised by the Chief Inspector

5.80 In the case study at Figure 15, the UK Border Agency did not respond to all of the issues raised. This was a general finding across our case analysis (in all visa categories). Although the Agency responded to some points of concern, it did not respond to many of our specific questions. This made it difficult for us to gain a full understanding of the reasons for the decisions made by Entry Clearance Officers. As a result, in many of these cases, we maintained our view that decisions were not made in accordance with the evidence.

- 5.81 We identified a further four cases (8% of the sample) where the grounds for refusal cited by Entry Clearance Officers included the fact that spelling mistakes in Syrian marriage certificates caused them to doubt their validity. In three cases this was cited as the sole refusal reason, while in the remaining case, the refusal notice also referred to a lack of supporting evidence proving a subsisting relationship – identical refusal reasons to those set out in the case study at Figure 15. However, we noted the refusal notices in both of these cases only referred to the application failing to meet Paragraph 281 (i) (a) of the Immigration Rules – *the applicant is married to or the civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement*.
- 5.82 Notes made on the Agency’s IT caseworking system also noted that: *given the nature of the refusal, authorised to go ahead with the refusal and send for checks post decision* (both checks related to the marriage certificates). This indicated that both applications were solely refused on the basis of spelling mistakes in the marriage certificates.
- 5.83 We agreed with the case notes in both cases, as the concerns raised by the Entry Clearance Officer about a subsisting relationship were weak. This would also explain why Paragraph 281 (iii) of the Immigration Rules, which sets out that a marriage or civil partnership must be subsisting<sup>20</sup> was not specifically referred to or cited as a refusal reason in either refusal notice.
- 5.84 In all five cases examined, we noted that while checks undertaken by the local RALON team indicated four marriage certificates contained spelling mistakes, the outcomes were recorded as “inconclusive” in three cases, while the fourth recommended that further checks be undertaken. We were unable to ascertain, from the records available, whether the final case was reviewed by the RALON team.
- 5.85 In all five cases, we found that the assertions made by Entry Clearance Officers about the validity of Syrian marriage certificates were made prior to proper verification checks being carried out. For example, in one case an entry on the Agency’s caseworking IT system noted that *“evidence of employment, income and accommodation and credible match, but spelling mistakes in marriage certificate and refused in line with Entry Clearance Manager Instructions for refusal before checks”*. In two other cases, we saw the following entries on the Agency’s case working IT system: *“Given the nature of the refusal, Entry Clearance Manager authorised to go ahead with the refusal and send for checks post decision*.
- 5.86 In all five cases, decisions were made to refuse applicants, even though internal checks by RALON did not verify whether the marriage certificates were genuine or not. Despite this, it appears local management instructed entry clearance staff to refuse applications, based on the fact that the marriage certificates were not consistent with other genuine examples of such documents and contained spelling mistakes. Local management were not satisfied that genuine marriage certificates would contain such errors.
- 5.87 We were surprised that such statements were relied upon for refusal grounds, particularly as we were not made aware of any work taking place, prior to these decisions being made, that would support this approach. Indeed, staff in the visa section told us about a verification exercise that was subsequently undertaken to establish whether Syrian marriage certificates were genuine or not (unrelated of our file sample). This saw a sample of approximately 35 marriage certificates being sent for verification to a lawyer in Damascus and all documents were found to be genuine.

<sup>20</sup> The requirements to be met by a person seeking leave to enter the United Kingdom with a view to settlement as the spouse or civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement are that: (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting.

- 5.88 In the five cases we examined, subsequent checks carried out in Damascus similarly revealed that the marriage certificates were genuine, and as a result all five applicants were issued with entry clearance<sup>21</sup>, but not before they suffered significant delays, averaging between five and ten months (original refusal date to visa issue date). Our file sampling also indicated these checks could be turned around quite quickly (a few weeks) and we fail to understand why they were not carried out at the time, before decisions to refuse were made.
- 5.89 We believe these five cases suffered from significant maladministration, because an Entry Clearance Officer refused applications on the grounds that applicants had failed to submit satisfactory documentary evidence of marriage, when in fact applicants had provided genuine marriage certificates. We also noted that verification checks were not undertaken until after a refusal decision was made or an appeal was submitted. It is of the utmost concern that this process was authorised on each occasion by an Entry Clearance Manager. We believe this practice was unacceptable and:
- disadvantaged applicants who had complied with the application requirements set by the Agency; and
  - undermined the transparency and fairness of UK Border Agency decision making.
- 5.90 We believe applicants were not at the heart of the service being provided. The level of customer service afforded in these and other cases we have highlighted in this report was far from satisfactory.

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

- Ensures the practice of refusing applications prior to receiving the results of document verification checks is stopped immediately.

#### **Delays**

- 5.91 There were considerable delays between the date settlement applications were refused and the date refusal notices were sent to applicants. On average we found it took 21 calendar days to issue a refusal notice following the date of the decision. The longest time it took to issue a refusal notice following the decision was 67 calendar days. We believe this demonstrates poor customer service and is of particular concern as there were already significant delays in deciding settlement applications (as detailed in chapter 4). Decisions made by the Agency have a major impact on settlement applicants and we believe it is important that it ensures decisions are sent out in a timely manner.

#### **Supporting documentation**

- 5.92 There was not enough evidence on file or recorded on the Agency's caseworking IT system in seven cases (15% of the sample), to determine whether the decision was in line with evidence.

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

- 5.93 Applicants had been given the correct information on appeal rights in all 48 cases.

<sup>21</sup> One applicant still has to collect their visa.

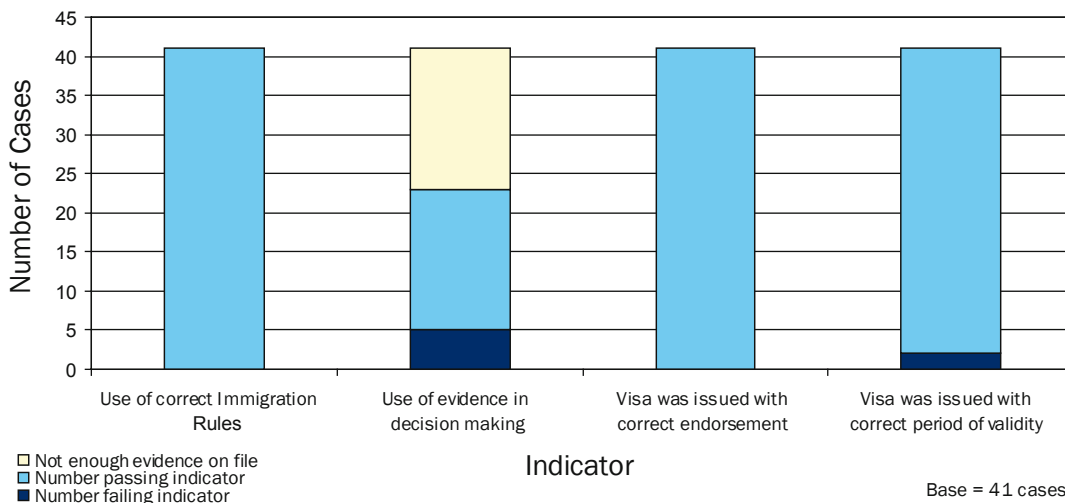
## Maladministration

- 5.94 There was maladministration in the handling of six cases. Five of these cases related to Syrian marriage certificates which we have referred to earlier in this report. In the final case, an Entry Clearance Officer refused the application on the grounds that insufficient evidence had been submitted. However, it then took 67 calendar days for the Agency to send the refusal notice to the applicant. In this case, the applicant's representative contacted the visa section to complain about the Agency's failure to correctly consider the evidence submitted, and the delay in sending the refusal notice. Subsequently, the UK Border Agency admitted administrative failure, and a revised refusal notice was issued.

## Results of the sample of other settlement grants of entry clearance

- 5.95 Granted settlement cases were examined using the criteria set out in Figure 16. Of the 47 cases received, six were out of scope and were therefore not included in the sample. In all six cases the original decision was made outside the period of our file sample. Of the 41 cases sampled, 23 cases (56% of the sample) failed one or more decision making quality indicators. Figure 16 shows the results of our file sampling of cases that were granted entry clearance.

**Figure 16: Settlement issue cases assessed against indicators of decision making quality and visa quality**



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

## Correct use of Immigration Rules

- 5.96 The decision to issue entry clearance was assessed against the correct Immigration Rules in all cases.

## Visa issued in line with evidence

- 5.97 Decisions were not made in accordance with the evidence in five cases (12% of the sample), as follows:

- two cases in which entry clearance was issued despite the absence of evidence requested in the supporting documents guidance for applicants;
- one case where entry clearance was issued, although checks on the applicant's marriage certificate proved to be inconclusive – a common reason for refusal in a number of other cases;
- one case where the Entry Clearance Officer failed to spot inconsistencies in the evidence submitted; and
- one case where the Entry Clearance Officer disregarded negative financial evidence.

- 5.98 We discussed two of these cases with the UK Border Agency to reflect the concerns raised. The Agency did not accept our findings that negative financial evidence had been disregarded by the Entry Clearance Officer when making the decision in one of these cases, even though the applicant had submitted a bank statement that showed their sponsor's account was generally overdrawn.
- 5.99 In the second case, the Agency partially accepted our findings and agreed that the Entry Clearance Officer could have carried out further enquiries into inconsistencies in the evidence. However, the Agency decided to take no further action in this case. This case is illustrated in the case study at Figure 17.

### Figure 17: Settlement issue case study

#### The applicant:

- submitted a settlement application on 8 December 2009 to join their husband in the UK
- declared that their sponsor's total income from all sources was approximately £1,000 per month and that they had no other income or savings
- was issued entry clearance on 8 April 2010 as the Entry Clearance Officer was satisfied with the evidence submitted

#### Chief Inspector's comments:

- there were multiple and frequent cash deposits into the sponsor's bank account in addition to their salary
- it was unclear what assessment the Agency made of the sponsor's financial circumstances – particularly the source of funds - or how it reconciled the declarations made on the visa application form with the evidence submitted
- the Agency failed to undertake adequate enquiries into the sponsor's background to provide sufficient assurance that it had sought to protect the UK border

#### The UK Border Agency:

- accepted that it might have made mention of these deposits in the caseworking notes or made enquiries about the source of the sponsor's funds
- stated it was satisfied with the sponsor's salary
- did not feel that any incorrect statements had been made on the visa application form
- felt that money going into a bank account was not necessarily additional income
- chose not to take any further action

- 5.100 The case details set out in Figure 17 were inconsistent with decision making compared with some of the settlement refusal cases, where several applicants were refused entry clearance on financial grounds despite providing more comprehensive evidence of their sponsors' financial circumstances. One example of this was a case which was refused even though the applicant had submitted bank statements showing regular monthly payments in line with their sponsor's stated salary.

### Supporting documentation

- 5.101 There was not enough evidence either on file or on the Agency's caseworking IT system in 18 cases (44% of the sample) to allow assessment of whether the decision was in line with the evidence.

### Visa validity and endorsement

- 5.102 All cases had been issued with the correct endorsement. However, two cases had been issued with the incorrect period of validity. In both cases the applicant was granted entry clearance for six months although they should have been granted entry clearance in line with their sponsor.

### Administrative review processing times

- 5.103 We have found significant administrative delays in the administrative review process during previous inspections (Kuala Lumpur, Chennai, Abu Dhabi/Islamabad and Guangzhou). We therefore looked at administrative review processing times in Amman to assess whether this was also a problem.
- 5.104 Only eight administrative review cases were decided during our file sampling period. We examined these cases and found none were finalised within the published 28-day timescale. On average it took 74 days to process an administrative review application. The shortest time it took to process an application was 38 days, and the longest time was 98 days – 70 days longer than the published timescale. This demonstrates poor customer service.
- 5.105 We have made three previous recommendations on this issue which the UK Border Agency has accepted. Most recently, in our report on the visa section in Guangzhou, we recommended that the Agency determines whether the 28-day completion target for administrative reviews is realistic, and if it is, takes action to ensure its overseas visa sections routinely meet this timescale. We believe this is essential in ensuring good customer service, particularly as an administrative review is the only way for applicants to have their points-based system refusal decision reviewed.

### Overall file sample

#### Detailed checks

- 5.106 Sampled cases were examined to establish if verification checks were being undertaken to assess the validity of supporting documents. We found that 52 out of 288<sup>22</sup> cases (18% of the sample) had received more detailed scrutiny, typically through an employment or financial check. Figure 18 shows the number of cases in each category subject to a detailed check.

**Figure 18: Number of cases in each category subject to a detailed check**

Category	Number of cases	Percentage of cases
Family visitor refusal	2	4%
Family visitor issue	1	1%
Other visitor refusal	2	4%
Other visitor issue	5	10%
Settlement refusal	27	54%
Settlement issue	15	37%
<b>Total cases</b>	<b>52</b>	<b>17%</b>

- 5.107 While we note that the majority of checks (81% of all checks) were carried out in settlement cases, we believe that carrying out more detailed checks demonstrated Entry Clearance Officers were challenging supporting documents in cases where they had concerns about the applications they were examining.

<sup>22</sup> This figure excludes the eight administrative review cases.

- 5.108 However, our file sampling indicated there were significant opportunities to increase the number of checks on both family visitor and other visitor cases, for cases both granted and refused, in order to support effective and fair decision making. For example, in a number of cases a detailed check was not undertaken when it would have been beneficial, including:
- checks not being conducted despite inconsistencies between different pieces of evidence submitted;
  - checks not being conducted although the evidence submitted was of a poor quality (e.g. containing a number of spelling mistakes); and
  - Entry Clearance Officers casting doubt on the credibility of documents submitted by applicants, without carrying out checks to confirm their suspicions.
- 5.109 The Figure 19 case study illustrates some of our concerns in cases where we believe checks should have been carried out.

### Figure 19 – Family visitor issue case

#### The applicant:

- submitted a family visit application on 13 April 2010 with the following supporting evidence:
  - i) invitation letter from their son in the UK
  - ii) one payslip in the son's name
  - iii) two payslips in the name of another individual with no clear link to the family
  - iv) a council tax bill dated February 2009 indicating the son's student exemption from council tax
  - v) letter from the Palestinian Chamber of Commerce stating the applicant was a merchant intending to travel to the UK for business
  - vi) a letter from two individuals stating that they would pay for the applicant's visit to the UK as well as a bank statement from the same individuals indicating a balance of approximately £4,500
- was issued entry clearance on 18 May 2010 as the Entry Clearance Officer felt that there were no reasons to doubt the applicant's intentions

#### Chief Inspector's comments:

- the applicant applied to visit the UK with his wife and stated that he had US\$10k available to him
- the applicant declared an income of US\$4k per month and US\$2k per month for his wife
- the applicant's son stated he was a student in the UK and had a part-time job
- only one payslip was submitted in the applicant's son's name; two other payslips on file were in the name of another individual residing at the same address as the son and with a different national insurance number – there was no explanation either from the applicant or the UK Border Agency as to who these payslips belonged to
- further checks were not undertaken by the Agency in relation to the payslips submitted and it was not clear what assessment the Agency made of them
- the applicant submitted no evidence of his declared funds
- it was unclear why the Agency appeared to be satisfied with a council tax bill that was 14 months old at the time of the application, dated as evidence of the applicant's son's status
- it was unclear what assessment the Agency made of the letter from the Chamber of Commerce indicating that the applicant was travelling for business, although a family visitor visa application was made



**The UK Border Agency:**

- accepted the inconsistencies in the payslips should have been spotted
- stated that a preliminary risk assessment was undertaken by its office in Jerusalem which indicated that the applicant was a well-known business figure and therefore low risk
- stated that caseworking notes made by the Entry Clearance Officer indicated that they had seen evidence of the applicant's funds
- accepted that further enquiries could have been made in this case but that the Entry Clearance Officer had "considered the requirements of a low risk family visitor and issued accordingly"
- chose to take no further action.

- 5.110 We believe detailed checks should be completed when evidence accompanying visa applications is considered doubtful or suspicious. Such action helps the Agency to:
- identify fraudulent applications for entry clearance;
  - refuse applications under Paragraph 320 7(A)<sup>23</sup> of the Immigration Rules; and
  - reinforce the message that abuse of the immigration system will not be tolerated.
- 5.111 Following our inspection report on the UK Visa Section, and a UK Border Agency exercise looking at a sample of settlement visas issued in Croydon, the Agency circulated new guidance on 6 April 2010 requesting that all visa sections carry out sponsor checks in all settlement cases. This included verifying a sponsor was employed as claimed by telephone, email or fax. Local managers told us this requirement was waived in Amman owing to the large numbers of checks being carried out on applicants in settlement cases.
- 5.112 While acknowledging that the visa section had conducted checks on applicants in a large number of settlement cases, we believe the decision made locally not to perform sponsor checks was flawed. This is because sponsors play a key role in supporting applicants and are required to demonstrate that they meet a number of attributes, including:
- sufficient income, with no reliance on public funds;
  - employment or other means of support to help maintain the applicant;
  - suitable accommodation; and
  - lawful immigration status in the UK.
- 5.113 RALON had identified concerns regarding the numbers of checks being carried out in all categories, and had commenced a six week document verification pilot exercise at the time of our inspection. The exercise involved Entry Clearance Assistants using their expertise and knowledge to carry out checks on documents in cases matching a set of pre-agreed criteria, before an Entry Clearance Officer considered the application. The aim was to accelerate the decision making process in cases where checks were required. At the time of our inspection, it was too early to assess the impact of this approach.

**Quality of refusal notices**

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

<sup>23</sup> Paragraph 320 (7A) is a general ground for refusal which means that cases involving deception have to be established to a higher standard than refusals under category-specific Immigration Rules. Where deception is identified, applicants can be banned from entering the UK for up to ten years.

5.115 To assess the quality of refusal notices, we used the following quality pointers:

- Accuracy – does the refusal notice include the purpose of the visit and the length of stay?
- Evidence – does the refusal notice use evidence provided by the applicant and does it include positive as well as negative points?
- Quality – is the refusal notice well-presented and free from spelling or grammatical errors?

### **Correct Period and Purpose**

5.116 Of the 146 refusal notices assessed, we found 53 refusal notices (36% of the refusal notices assessed) did not quote the correct period and purpose. Twenty-three were family visitor refusal notices, 21 were other visitor refusal notices and nine were settlement refusal notices. We consider this was too high an error rate for what is the most rudimentary basis of a refusal notice and believe the UK Border Agency needs to ensure both its training and quality assurance processes tackle this problem.

5.117 We believe it is important that the correct period and purpose is stated, because it shows Entry Clearance Officers have a clear idea of what they are looking for when deciding whether to issue or refuse an application. For example, the financial needs for a tourist or family or business visitor are very different, even though all are considered under the same Immigration Rules. We also consider that, if Entry Clearance Officers do not have a period and purpose firmly in their mind, it is easier to make mistakes in weighing and assessing evidence.

### **Evidence**

5.118 We assessed whether the use of evidence was applied correctly in refusal notices, including whether refusal notices referred to both positive and negative evidence provided by the applicant. Ninety-four refusal notices (64% of the refusal notices assessed) did not refer to some of the positive evidence provided by applicants. Thirty-one of these were family visitor refusal notices, 33 were other visitor refusal notices and 30 were settlement refusal notices. This meant that applicants were not always clear why their application had been refused, and what evidence would be required to support any subsequent applications.

5.119 We identified a similar concern in regard to the balance in refusal notices during our inspection of the visa section in Guangzhou, at which time we informed the Agency of our concerns about the lack of balance in refusal notices. We were told that the need for balance had been removed when new operational policy guidance was issued on 14 May 2010 as part of the review of refusal notices.

5.120 We reported this again in Amman and were told Entry Clearance Officers were not required to refer to all positive evidence in their refusal notices. However, most of the files we sampled were refused prior to the implementation of the new operational policy guidance on 14 May 2010. This therefore did not explain why Entry Clearance Officers had not included positive evidence in such a large number of the refusal notices sampled.

### **Quality**

5.121 In 36 cases (25% of the refusal notices assessed) the correspondence contained either grammatical errors, repetitive sentences or referred to evidence incorrectly.

5.122 We believe Entry Clearance Officers must ensure refusal notices are accurate and written in plain English. Because the majority of our file sampling pre-dated the new guidance circulated on 14 May 2010, we were not able to determine whether this had improved accuracy and overall quality in Amman. However, during our recent short-notice inspection of the visa section in Istanbul, we assessed the quality of refusal notices issued after 14 May 2010 and found they were well structured and easier to understand. This is an area we will continue to review in future inspections.

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

- 6.1 To help make an informed judgment about the level of customer service provided by the visa section in Amman, we took into account the objectives set out by the UK Border Agency on its UK Visas website regarding its customer commitments. These set out the level of customer service visa applicants can expect and we paid particular attention to the following customer commitments:
- *For our staff and our commercial partners' staff 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 how you can appeal; and*
  - *For us to give you the opportunity to give us feedback on our services and to complain if necessary.*

- 6.2 We visited and assessed the visa application centre in Amman to assess the impact on people subject to UK Border Agency services. We also looked at processes for handling correspondence and complaints, both in the visa section and the visa application centre, and examined visa application processing times (detailed in chapter 5).

### **Visa application centre**

- 6.3 In order to assess the visa application centre in Amman, we observed how applicants were treated from the point they made their applications until they provided their biometric details. We also examined the complaint handling processes adopted by the visa application centre and looked at the commercial partners' websites (CSC WorldBridge Services in Amman and VFS Global Services in Damascus) to assess whether the provision of information and the website design were customer friendly.
- 6.4 The visa application centre in Amman was located in the main business district of Shmeisani. It was easy to locate and accessible to disabled visitors. Access to the visa application centre was controlled by a security officer. The waiting area was clean, and drinking water was available.
- 6.5 We were told that the visa application centre had capacity for approximately 80-90 appointments each day and that since the introduction of the appointment system there had been little queuing. We noted that there were no queues on the day we visited. The process for applicants at the visa application centre was as follows. Applicants would:
- check their application and documents against the relevant document checklist with an enquiry officer;
  - make a payment at the payment desk; and
  - have their biometrics taken.

- 6.6 We interviewed six applicants during our visit to the visa application centre. We asked them about their experience of the online application process, and their visit to the visa application centre. All applicants spoke positively about their experiences, and none experienced any problems with the service provided.
- 6.7 We reviewed the websites provided by the commercial partners to assess website accessibility and to make judgments about their design, provision of information and signposting. Figure 24 records our findings.

**Figure 24: CSC WorldBridge Services Website for Jordan and VFS Services Website for Damascus**

Design & layout	<ul style="list-style-type: none"> <li>• a simple, consistent use of the three UK Border Agency corporate colours – red, blue and white</li> <li>• a clear index to help applicants navigate around the site</li> <li>• a short FAQ for applicants who require quick responses</li> </ul>
Information	<ul style="list-style-type: none"> <li>• information was up-to-date, sufficiently detailed and easily accessible</li> <li>• clear information about opening and closing times</li> <li>• location maps for each of the visa application centres</li> <li>• a contact email address</li> <li>• facility to track an application</li> <li>• details of how to submit feedback or register a complaint</li> </ul>
Signposting	<ul style="list-style-type: none"> <li>• clear links to other useful web pages, such as UK Visas and UK Border Agency which allowed applicants to check visa application processing times and to access supporting document checklists</li> </ul>

#### **Relationship between staff at the visa section and the commercial partners**

- 6.8 Staff and local managers told us there was good communication between staff at the visa section and the commercial partners, and we were told that the Office Manager had almost daily contact with the visa application centre in Amman.
- 6.9 We examined the Service Level Agreements between both commercial partners and the UK Border Agency prior to the onsite phase of the inspection. We were told that monthly face-to-face meetings were held between the Entry Clearance Manager and visa application centre managers, to sign off the Service Level Agreement performance data. The meeting was also used as an opportunity to discuss any complaints that were relevant to the visa application centre.
- 6.10 We found that the Service Level Agreements required the commercial partner to undertake surveys (although they did not specify frequency) of both staff and customer satisfaction and to share the results of such exercises with the UK Border Agency. We were told no specific exercises had been carried out by the commercial partners in 2010 because the customer survey process was suspended following the announcement of the UK general election in April 2010.
- 6.11 The Entry Clearance Manager told us that online surveys were routinely collected by the commercial partners globally, and the results of these surveys were collated and published on the UK Border Agency website, but were not shared directly with individual visa sections.
- 6.12 We reviewed the last customer survey that was available on the UK Visas website<sup>24</sup>. We noted it covered August – September 2008 and that it contained 9518 usable responses covering 142 countries, of which 7690 were paper surveys and 1828 were completed on the website. We found it

<sup>24</sup> Link to UKvisas customer survey: <http://www.ukvisas.gov.uk/resources/en/docs/10368946/servicesurveyreport>

provided high level results, which were not broken down to visa section level. We also noted that the survey was conducted by International Group, via its own website, rather than the surveys conducted directly by visa application centres operated by the Agency's two commercial partners.

- 6.13 We believe it would be beneficial for the Amman visa section to see the results of these online surveys relating to its own performance, because identifying the quality of the service provided locally would allow the visa section to properly assess its performance and that of the visa application centres in Amman and Damascus, against the standards set out in the Service Level Agreements.
- 6.14 However, the visa application centre in Amman did share paper-based customer surveys that it conducted and these had restarted approximately two weeks prior to the onsite phase of our inspection. We examined the responses that had been received and found they were broadly positive. We identified a few negative responses which referred to issues with staff conduct and other measures of the service received. As the respondents did not fully explain the reasons for their dissatisfaction, we were unable to explore these issues any further with the visa application centre manager.
- 6.15 We examined the complaints log at the visa application centre in Amman and noted that approximately ten complaints had been registered. Some of these complaints related to the conduct of staff including security guards. We also found that the complaints register in the visa section referred to some complaints about the conduct of staff and/or security guards at the visa application centre. The British Ambassador in Amman also raised a concern about the standard of customer service at the visa application centre in Amman, relating to the helpfulness of staff.
- 6.16 We asked local managers how these complaints relating to the visa application centre in Amman were investigated. We were told it was difficult to investigate these complaints, but where possible, the Entry Clearance Manager spoke to applicants directly to explore the reasons for dissatisfaction. We believe the visa section needs to be much more proactive in tackling these issues, particularly when negative evidence of the commercial partner's staff conduct was found in different sources of customer feedback.

### **Receipt of applications at the visa section**

- 6.17 We observed visa section staff receiving applications at the visa section. On the day we inspected this process, applications were delivered by private courier from the visa application centres in Amman, Damascus, Jerusalem, the West Bank, Gaza, Baghdad and Erbil. Applications from all visa application centres were transported in sealed diplomatic bags. We noted that the bags were still sealed upon arrival at the visa section and overall we considered that the process was secure and well managed.
- 6.18 We were present when the sealed bags of applications from the visa application centres in Amman and Damascus were opened by a member of staff and observed applications from Amman being checked against the number of applications listed on the visa application centre daily report sheet. Applications from Damascus were checked against an email from the visa application centre, which set out how many applications had been sent. We were told that any discrepancies would be reported immediately to the visa application centre, who would be asked to submit any missing files the following day. We were told that missing files were a rare occurrence.
- 6.19 Only a few applications were received from Jerusalem, the West Bank, Gaza, Baghdad and Erbil. However, we noted that a similar process was used to check that the correct number of applications had been received.

### Correspondence and complaints at the visa section

- 6.20 All email correspondence sent to the visa section received an automated response. Prior to the onsite phase of the inspection we sent an email to the visa section to assess the quality of the automated response. We found the automated response was:
- unprofessional;
  - poorly written; and
  - contained a surprising number of spelling mistakes.
- 6.21 Our initial findings raised some concerns about the level of management oversight over this key business function. However, the problem was identified and rectified as part of the work carried out by the visa section prior to our inspection. We reviewed the amended automated response during the onsite phase of our inspection and found it had improved – the new format of the response was easier to read and there were no spelling mistakes.
- 6.22 We observed entry clearance staff responsible for managing incoming correspondence at the visa section in Amman. We were told that the visa section received approximately 20-40 emails each day. Visa section staff used a number of standard responses to reply to the most common enquiries received. We were shown a copy of the standard responses, and found they were clear and concise.
- 6.23 The officer responsible for the general correspondence inbox identified non-straightforward correspondence, including any correspondence relating to complaints, and forwarded these to the Entry Clearance Manager for action. While we identified that some analysis of complaints was being undertaken by the visa section, we consider the lack of management oversight limited the value gained from this work.
- 6.24 Prior to the end of September 2010, copies of incoming and outgoing correspondence were not routinely kept and no correspondence log was used between March 2010 and June 2010. This meant that the Agency had no way of quality assuring correspondence received and replies made. Moreover, it also meant that if an enquiry was escalated, the Agency had no way of knowing whether any related correspondence had been received previously. We were therefore unable to assess the level of customer service that was provided by the visa section prior to September 2010.
- 6.25 However, copies of incoming and outgoing correspondence were being kept on file and linked to the UK Border Agency caseworking IT system at the time of our inspection. This meant the Agency was able to monitor correspondence for quality assurance purposes, and address any issues identified through repeated correspondence received, subject to local managers taking a greater interest in this work.
- 6.26 We reviewed 24 cases on the correspondence log to assess the timeliness of the Agency's responses. Although there was no time limit set for responding to general correspondence, we were told that correspondence was normally responded to within 24 hours. We assessed the time taken to respond to correspondence in the cases examined and found that the Agency had responded to correspondence within four working days in all cases and in most cases, within 24 hours.
- 6.27 We identified two pieces of correspondence that were treated as general correspondence which we believe should have been classified as a complaint. In the first case, the applicant stated that they would like to "register a concern regarding the current system of handling visa application", following their refusal of entry clearance. The Agency responded by setting out the options to consider following refusal of an application. However, the applicant appeared to be making a complaint about the application process, rather than complaining directly about their refusal decision.

- 6.28 In the second case, the applicant's representative contacted the Agency to chase the progress of an application. They stated the applicant had been informed their visa decision was ready for collection two months earlier and was now deeply concerned about the lack of information provided since this communication. We noted the representatives received a standard response setting out the timescales for processing these types of applications, rather than receiving a tailored response to deal with the issues raised.
- 6.29 We found no evidence of how senior managers satisfied themselves that complaints were correctly identified during the onsite phase of the inspection. We have raised concerns about complaints identification in previous overseas inspections (Abu Dhabi/Islamabad and Guangzhou), and have recommended that the UK Border Agency provides clear guidance to staff on what constitutes a complaint and ensures complaints are accurately recorded in line with the Agency's complaint handling procedures. We believe such guidance would also be beneficial for staff in Amman.
- 6.30 Applicants were chasing the progress of their settlement applications in most of the cases we reviewed. Some of this correspondence related to applicants who had already been waiting longer than the target processing time of 12 weeks. These applicants were sent a standard response stating that further enquiries were taking longer than usual. However, they were not reminded of the 24 week customer service standard and a number continued to regularly contact the Agency for progress updates.
- 6.31 We believe the Agency could better manage applicants' expectations by reminding them of the 24 week customer service processing time for all settlement applications. This could help reduce the amount of correspondence received chasing the progress of settlement applications, particularly those that were within the overall customer service standard of 24 weeks.
- 6.32 We make no separate recommendation in this report related to complaints handling, primarily because the UK Border Agency has recently accepted a recommendation on this issue linked to our inspection of the Guangzhou visa section.

# 7. Inspection Findings – Management and Leadership

## Methodology

- 7.1 We held a number of interviews in order to gather information and views from a wide range of staff in Amman. We interviewed:
- the Regional Manager;
  - the Operations Manager;
  - the Entry Clearance Manager;
  - four Entry Clearance Officers;
  - the Office Manager; and
  - the Immigration Liaison Manager.
- 7.2 We also spoke with the Regional Director, held a focus group with Entry Clearance Assistants, and observed five staff performing their duties.

## Change management

- 7.3 We were told there had been a number of staffing issues within the visa section over the previous 12 months and some staff and stakeholders told us these issues had negatively effected staff morale. However, we were also told the permanent Entry Clearance Manager had worked hard to improve staff morale since returning to the visa section.
- 7.4 One of the most significant challenges faced by the Amman visa section had been the problems encountered in verifying Iraqi documents. We were told this was primarily caused by the difficulties presented in verifying documents in Iraq, added to the high numbers of documents needing verification. This resulted in a backlog of settlement applications from February 2010, which were awaiting document verification.
- 7.5 The backlog problem was exacerbated in June 2010, when IOM document verification activity was suspended by the Iraqi government (at the time of our inspection this suspension was still in force). We were told this suspension had caused additional problems in processing Iraqi settlement applications, contributing to an overall backlog of approximately 500-600 settlement applications dating back to February 2010.
- 7.6 We were told managers had introduced a range of measures to help mitigate these problems. They included:
- utilising knowledge gained through previous results on IOM checks to verify documents;
  - RALON staff carrying out verification checks on identity cards; and
  - the delivery of forgery detection training for visa section staff.
- 7.7 We were told these initiatives were helping to reduce the backlog.



## Leadership

- 7.8 Staff at all grades spoke positively about the leadership provided by managers. Staff told us managers were confident, motivated and committed to delivery. We were also informed that either the Operations Manager (based in Cairo) or the Regional Manager (based in Istanbul) visited the visa section at least once every two months.
- 7.9 Entry clearance staff told us that the Entry Clearance Manager was approachable and supportive and that weekly team meetings were held with Entry Clearance Officers to discuss any developments in policy, and/or processes. Staff told us these meetings were useful. However, in light of our file sampling findings, we believe these meetings should also be used as a key driver to improve both decision quality and consistency.

## Performance Measurement

- 7.10 The Regional Manager told us they used the monthly Performance Management Analysis and Forecasting (PMAF) report to monitor the performance of the posts under their remit, including Amman. At the time of the onsite phase of our inspection, we were told Amman was meeting most of its customer service targets. We reviewed the most recent monthly report for September 2010 (the month preceding our inspection) on the Agency's Guide to visa processing times webpage, and found that with the exception of settlement cases, all performance targets were being met.
- 7.11 At the time of the inspection, Entry Clearance Managers were expected to undertake random sample checks of:
- 25% of limited appeal right refusal decisions;
  - 25% of settlement refusal decisions; and
  - 10% of visa issue decisions.
- 7.12 An Entry Clearance Manager case review had been undertaken in 40 of the 288 cases we sampled (14% of our sample). In 19 of these cases (48% of the sample) we found decisions had not been made in accordance with the evidence. We would have expected these reviews to have identified and addressed some of the concerns we noted, prior to communication of the case outcome to applicants and for this reason we believe a number of the reviews were ineffective.
- 7.13 Ineffective Entry Clearance Manager case reviews have been observed in previous overseas inspections, including the most recent short-notice inspection of the Istanbul visa section. We believe management reviews are a fundamental part of supporting an efficient, effective and fair visa decision making system. For this reason, we believe the Agency should undertake more work to determine whether the targets set for this area of work are having a negative impact on the quality of reviews.

### We recommend that the UK Border Agency:

- Improves the effectiveness of Entry Clearance Manager reviews and examines whether the current targets are impacting negatively on the quality of reviews undertaken.

- 7.14 The Operations Manager told us they considered the quality of Entry Clearance Managers reviews remotely using information available on the caseworking IT system. However, they agreed it was difficult to identify specific quality issues meaningfully without having sight of an applicant's files.
- 7.15 Entry Clearance Officers told us that feedback was on a one-to-one basis; however, some Entry Clearance Officers told us that they had not received any feedback about their performance against either targets or customer service standards. It is important for staff to receive feedback about their performance as a way of identifying areas for improvement or indeed recognising staff achievement. We were told that one of the outcomes of an Entry Clearance Officer workshop in March 2010, was that Entry Clearance Managers will provide more specific feedback to Entry Clearance Officers. We were therefore surprised to find that, over six months later, this was still not happening.

7.16 We were told that the Entry Clearance Manager looked at all allowed appeals and the Operations Manager also conducted some reviews of appeals. The Regional Manager told us that although there were no formal reviews in Amman of decisions overturned at appeal due to resource issues (only one ECM at the visa section), any themes or improvement opportunities identified through appeals analysis at other posts in the region were shared. The Operations Manager agreed that there were some shortcomings with the current process for assessing management information about appeals, and agreed that further appeals analysis was required.

### **Training and development**

- 7.17 Overall, we found good evidence of opportunities for training and development within the visa section. An example of this was forgery detection training delivered by a representative from the German Embassy in Amman in January 2010. The training course was attended by a number of Entry Clearance Assistants with responsibility for detecting forged documents. We were told this training was extremely useful, and a further two Entry Clearance Assistants attended a similar forgery detection training course in September 2010.
- 7.18 Developmental activities included regional workshops for Entry Clearance Assistants from 9-10 March 2010 and Entry Clearance Officers from 16-17 March 2010. These workshops were attended by staff from across the region including Entry Clearance Assistants and Entry Clearance Officers from Amman.
- 7.19 We were also shown a copy of a draft agenda for a regional workshop for Entry Clearance Managers scheduled to take place on 20 - 21 October 2010 (after our inspection). Some of the themes to be discussed were:
- performance in 2010/11;
  - forward look to 2011/12;
  - decision quality and consistency across the region; and
  - customer service.
- 7.20 Such workshops give entry clearance staff an opportunity to discuss key issues with colleagues throughout the region. We believe this practice would also be beneficial for other International Group regions in supporting regional consistency and disseminating best practice. We noted decision quality and consistency was an agenda item at the upcoming Entry Clearance Managers workshop, and hope this may help in addressing some of the quality and consistency issues identified during this inspection.
- 7.21 Staff told us there was no formal local induction training for Entry Clearance Officers, and new staff did not receive an induction training pack. New Entry Clearance Officers shadowed an experienced member of staff for only half a day before assessing applications independently. Some Entry Clearance Officers told us that a structured local induction programme would be beneficial to help ensure all new Entry Clearance Officers were equipped with the skills and knowledge required to carry out their work effectively.
- 7.22 We raised this with the Regional Manager who told us one of the outputs from the Entry Clearance Officer conference in March 2010 was that local induction training would be standardised across the region. We believe local induction training is important and very relevant for new Entry Clearance Officers. We were shown an induction pack developed for staff in Moscow, and were told this would be customised locally for use in Amman. The induction pack included various pieces of information for staff including:

- background information about the British Embassy/Consulate;
  - information about IT systems;
  - health and safety information; and
  - useful telephone numbers and website addresses.
- 7.23 We noted that the pack did not include any information for staff about the types of applications they would be assessing. We believe local induction packs, setting out cultural differences that exist between the UK and the visa section in question are important in helping new entry clearance staff make more informed decisions. For example, during our inspection of the UK Visa Section, staff expressed a clear desire to receive more cultural training as part of the induction process, including knowledge of:
- local pay rates for different types of jobs; and
  - official documents, such as marriage certificates, to help distinguish genuine and false documents (particularly relevant in Amman following the results of our file sampling).
- 7.24 Staff told us that training on the points-based system was limited, both for staff already at post and for new staff who received points-based system training delivered as part of the Entry Clearance Officer training course. This is consistent with findings during other overseas inspections, and is an issue the Agency needs to be aware of as part of the work going forward to reform the student immigration system.
- 7.25 The Amman visa section had sought to address this problem to some extent by inviting the regional points-based system champion to visit the visa section. We also noted that the new induction pack developed in Moscow included points-based system refresher training.
- 7.26 All staff told us that they had completed mandatory equality and diversity training.
- IT**
- 7.27 Some Entry Clearance Officers felt that the inability to access information held on Agency systems in the UK not only delayed applications because they had to send requests for information through RALON, but hindered more joined-up working with other parts of the Agency.

# Appendix 1

## Inspection Framework and Core Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Core Inspection Criteria. They are shown below.

<b>1. High level outcomes of the business</b>	
1.1(a)	There are clear and realistic performance targets to drive improvement
1.1(c)	There is effective joint working with delivery partners and stakeholders including enforcement and security agencies; commercial partners and relevant overseas stakeholders
1.1(d)	There are clear procedures for handling data, including identity management, in accordance with national security and data protection requirements
1.1(e)	There are effective arrangements to manage demand so as to reduce existing backlogs and minimise future backlogs
1.2(e)	The Agency demonstrates its commitment to equality, fairness and respect for all applicants, stakeholders and staff
1.3(e)	The Agency evaluates information from complaints so that they can provide early warning of problems and areas of risk
<b>2. Processes and procedures (including quality of decision making and consistency of approach)</b>	
2.2(d)	Decisions are made clearly based on all of the evidence and in accordance with current statutory requirements, published policy, guidance and procedures
2.2(e)	Training and written guidance enables staff to make the right decisions (lawful and reasonable)
2.3(a)	Decisions are taken within the timescales set out by the Agency
2.4(c)	Risks, including protecting the public, are assessed and inform decision making
2.4(g)	Managers regularly review the quality of decisions and consistency across the agency
<b>3. Impact on people subject to UKBA services</b>	
3.2(f)	The needs of those travelling and trading are properly balanced with the need to protect the security of the UK
3.2(g)	Provision of information via hard copy and websites is accessible, clear, easy to use, in plain language and accurate including self serve where available
3.3(c)	The Agency provides prompt, detailed responses to complaints etc
3.4(c)	Applicants receive a clear and detailed explanation if their application is refused, with details of any appeal rights

#### 4. Management and Leadership

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

## Appendix 2

# Information on visa fees

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

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 the UK Border Agency will refund the fee.

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

The fees are effective for all visa applications made from 22 November 2010.

# Appendix 3

## Glossary

Term	Description
Agency	Refers to the UK Border Agency
Audit trail	Chronological list of events
Biometrics	All applicants are now routinely required to provide ten digit finger scans and a digital photograph when applying for a United Kingdom visa. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five.
Complaint	Defined by the UK Border Agency as ‘any expression of dissatisfaction about the services provided by or for the UK Border Agency and/or about the professional conduct of UK Border Agency staff including contractors’.
Entry Clearance	<p>A person requires leave to enter the United Kingdom if they are neither a British nor Commonwealth citizen with the right of abode, nor a person who is entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 European Economic Area Regulations. Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non-visa nationals).</p> <p>These documents are taken as evidence of the holder’s eligibility for entry into the United Kingdom and, accordingly, accepted as “entry clearances” within the meaning of the Immigration Act 1971. The United Kingdom Government decides which countries’ citizens require a visa. Non-visa nationals also require entry clearance if they seek to enter the United Kingdom for purposes other than a visit or intend to stay for a period longer than six months.</p> <p>More detailed information about Entry Clearance can be found on the UK Border Agency website: <a href="http://ukba.homeoffice.gov.uk/">http://ukba.homeoffice.gov.uk/</a></p> <p>The Immigration Rules say that an applicant making an application for an entry clearance as a visitor must be outside the United Kingdom and Islands at the time of their application and must apply to a visa section designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant.</p>
Entry Clearance Manager	Manages the visa application process within a visa section.
Entry Clearance Officer	Processes visa applications making the decision whether to grant or refuse entry clearance.

Hub and Spoke	<p>Prior to 2007, virtually all British diplomatic missions had a visa section. Each worked largely independently; handling all aspects of visa processing including taking decisions onsite.</p> <p>Hub and Spoke was introduced to move away from the traditional model which was based on the physical presence of the visa section. Consideration of an application does not need to happen in the same place as it is collected.</p> <p>Applications can be moved from the collection point (the spoke) to the processing point (the hub). This separation between the collection network and the decision making network aims to improve quality and consistency of decision making, efficiency and flexibility. Work can be moved to staff rather than the other way around.</p>
Immigration Liaison Assistant	Performs a range of tasks within RALON e.g. helping in the identification of forged documents or the creation of risk profiles.
Immigration Liaison Officer	Supports the Immigration Liaison Manager in progressing RALON objectives.
Immigration Liaison Manager	UK Border Agency role which encompasses posts previously known as Airline Liaison Officers and Risk Assessment Managers. The Immigration Liaison Manager oversees the work of RALON within the visa sections.
Independent Chief Inspector of the UK Border Agency	The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.
Independent Monitor and legislation	<p>The legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal, was set out in section 23 of the Immigration and Asylum Act 1999 and amended by paragraph 27 of schedule 7 of the Nationality, Immigration &amp; Asylum Act 2002 and Statutory Instrument 2008/310 regarding the points-based system (from April 2008).</p> <p>Section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, stipulates:</p> <ul style="list-style-type: none"> <li>• The Secretary of State must appoint a person to monitor, in such a manner as the Secretary of State may determine, refusals of entry clearance in cases where, as a result of section 88A of the Nationality, Immigration &amp; Asylum Act 2002 (c.41)(entry clearance: non-family visitors and students), an appeal under section 82(1) of that Act may be brought only on the grounds referred to in section 84(1)(b) and (c) of that Act (racial discrimination and human rights).</li> <li>• The Secretary of State may not appoint a member of his staff.</li> <li>• The Secretary of State must lay a copy of any report made to him under subsection (3) before each House of Parliament.</li> </ul> <p>Although the legislation and the Independent Monitor's formal title refer to "no right of appeal", all applicants have limited rights of appeal on human rights and race relations grounds. Parliament decides which categories of visa applicants should not have full rights of appeal; the UK Border Agency's role is to implement the laws set by Parliament and as interpreted by Government policies.</p>



	John Vine, the Independent Chief Inspector of the UK Border Agency was appointed to this role by the Home Secretary on 26 April 2009, effectively bringing this work within his remit.
International Group	The overseas arm of the UK Border Agency, responsible for running visa operations in 135 countries. Formerly known as UK Visas.
International Organisation for Migration (IOM)	An intergovernmental organisation which runs a number of return schemes for failed asylum seekers who voluntarily return to their country of origin.
Locally employed staff	Staff recruited directly by the British Embassy or High Commission in the country where they are employed
Maladministration	Includes cases where the visa decision would or might have been different if there had not been an administrative failing. For example, an applicant applies for entry clearance to attend a fixed date conference in the UK. The applicant would have been otherwise issued but is refused because a delay in processing the application means the conference has already finished.
Paragraph 320 (7a) – deception rules	From 29 February 2008, under Paragraph 320 (7A) of the Immigration Rules, an applicant must be refused entry clearance if false representations or documents are used, or material facts not disclosed, whether or not the false representations or documents are material to the application, and whether or not the deception is with the applicant's knowledge.
Points-Based System (PBS)	<p>On 29 February 2008, a new immigration system was launched to ensure that only those with the right skills or the right contribution can come to the United Kingdom to work or study. The points-based system was designed to enable the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers. The system:</p> <ul style="list-style-type: none"> <li>• combines more than 80 previous work and study routes to the United Kingdom into five tiers; and</li> <li>• awards points according to workers' skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector.</li> </ul> <p>Employers and education providers play a crucial part in making sure that the points-based system is not abused. They must apply for a licence to sponsor migrants, bring them into the United Kingdom and meet a number of duties while they are sponsoring migrants.</p>
Risk and Liaison Overseas Network (RALON)	An amalgamation of the former Airline Liaison Officer Network and Overseas Risk Assessment Unit Network. RALON has responsibility for identifying threats to the UK border, preventing inadequately documented passengers from reaching UK shores, providing risk assessment to the UK Border Agency visa issuing regime and supporting criminal investigations against individuals and organisations which cause harm to the UK.
Risk Profile	An outline that determines the relative potential harm (to the UK of a visa applicant / travelling passenger) based on characteristics of an individual when compared to existing evidence of adverse activity either in the UK or overseas.
Settlement application	Application to come to the UK on a permanent basis, most commonly as the spouse or other dependent of a British Citizen or a UK resident.

UK Visas	One of the legacy organisations that made up the UK Border Agency and is now known as International Group. UK Visas was previously responsible for visa operations at overseas locations.
UK Border Agency	The agency of the Home Office responsible for border control, enforcing immigration and customs regulations. It also considers applications for permission to enter and stay in the UK, including nationality and asylum applications. The UK Border Agency has been a full executive agency of the Home Office since April 2009.

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