



An inspection of entry clearance in Abu Dhabi and Islamabad

January – May 2010



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Independent Chief Inspector of the UK Border Agency



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Contents

Foreword	2
1. Executive Summary	4
2. Summary of Recommendations	6
3. The Inspection	7
4. Background	8
5. Inspection Findings – High level outcomes of the business	14
6. Inspection Findings – Processes and procedures including quality of decision making and consistency of approach	21
7. Inspection Findings – Impact on people subject to UK Border Agency services	45
8. Inspection Findings – Management and leadership	52
Appendix 1 Inspection framework and core criteria	57
Appendix 2 Staff survey results	59
Appendix 3 Glossary	73
Acknowledgements	77

Foreword from John Vine CBE QPM



This is the final inspection report in a series of three which together provide a comprehensive assessment of the efficiency and effectiveness of entry clearance operations in the United Arab Emirates, Pakistan and the UK visa section.

Prompted partly by the deteriorating security situation in Pakistan in 2008, the UK Border Agency had to make fundamental changes to its visa operation there. This entailed virtually all decision making being moved from Pakistan to the UK Visa Section in Croydon where all settlement applications were considered, or to Abu Dhabi in the United Arab Emirates, where all remaining visa categories were decided.

Pakistan is the fourth largest source of applications to enter the UK, so the quality and consistency of decision making is of great importance. Getting these decisions right is crucial if the UK Border Agency is to meet its objective of maintaining the integrity of the border.

This inspection closely examined the work of entry clearance staff in Abu Dhabi and Islamabad and I was pleased to find that a significant level of checks of visa applicant's circumstances were being completed before decisions were made. This was a marked improvement on what I found in the UK Visa Section. I was also pleased to see that the administrative review process was generally working effectively to tackle incorrect decision making. Disappointingly, however, the UK Border Agency was yet again failing to meet its 28 day target for conclusion.

I am increasingly concerned about the damage that the focus on numerical targets is having on the quality of decision making. Staff in Abu Dhabi believed targets impaired their capacity to make correct and fair decisions, and similar views have been expressed by staff in other visa sections I have inspected. My file sampling overseas (which now totals over 1,000 cases), continues to identify worrying levels of inconsistent and sometimes poor decision making. I therefore believe the UK Border Agency needs to do much more to find out why this is happening and to tackle it accordingly.

It also concerned me that senior UK Border Agency managers were dismissive of determinations made by immigration judges to allow appeals. This is far too complacent, and the Agency should discover why, at the time of my inspection, it was losing half of its appeals.

Most significant among my findings however, was the different approach taken by UK Border Agency staff towards customers from Abu Dhabi, Bahrain and Dubai (members of the Gulf Cooperation Council) and those from Pakistan. I found that staff were applying higher evidential requirements for entry to the UK to customers from Pakistan and this was not made clear to them. Exemptions under Section 19D of the Race Relations Act 1976 (as amended), allow discrimination in relation to particular nationalities for the purposes of carrying out immigration functions, if the appropriate authorisation is given. I am not aware of any such authorisation in this case.

I believe this means that the UK Border Agency was not only failing to be open and transparent about their approach towards customers, but also may be discriminating unlawfully in favour of Gulf Cooperation Council customers and against Pakistanis. I believe the UK Border Agency must take immediate action to ensure it is acting in compliance with its duties under the Race Relations Act 1976, and that, where it considers that different criteria are necessary, it ensures that it has the appropriate authorisation. This is a matter to which I shall be paying particular attention in future inspections.

Overall, I found that many of the key stakeholders I spoke to had a worrying lack of confidence in the work of the visa section – particularly in Pakistan visa operations. I hope this report's findings and recommendations will prompt the UK Border Agency to act decisively to restore public confidence in its services and to ensure equitable treatment for all visa customers.

A handwritten signature in black ink, reading "John Vine" followed by a period.

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

1. Executive Summary

1. This is one of three inspection reports which form a comprehensive assessment of the efficiency and effectiveness of entry clearance operations in the United Arab Emirates and the UK Visa Section¹.
2. This report covers the inspection of the Abu Dhabi and Islamabad visa sections which examined the UK Border Agency's handling of applications made by customers in Pakistan, Iran and three member states of the Gulf Cooperation Council (Abu Dhabi, Bahrain and Dubai). The inspection included a detailed assessment of cases both granted and refused entry clearance in the categories of General Visit and Tier 4 of the points-based system. A comparison was then made across both types of cases to determine whether decision making:
 - was efficient, effective and fair;
 - took account of relevant Immigration Rules and UK Border Agency policy and guidance; and
 - was appropriately supported by risk assessment tools to help entry clearance staff make the right decisions first time.
3. The inspection found that the initial planning for the transition of work from Islamabad to Abu Dhabi appeared robust and included a number of planning assumptions around the transfer of work. However, we found significant weaknesses in the way this high level plan was translated into an effective operational plan, covering both visa sections. This meant work was not joined-up – particularly important when different parts of the visa application process were completed in both visa sections.
4. We have previously commented about the poor implementation of the Hub and Spoke business model in Kuala Lumpur/Singapore and Chennai/Colombo, and we found the same problem affected the implementation of the Hub and Spoke model in Abu Dhabi/Islamabad. We recognise that the introduction of this model was more complicated because it effectively saw two hubs being created; one in Abu Dhabi and the other in the UK. We also understand that the transition of work was escalated following the deteriorating security situation in Pakistan. However, some of the underlying management problems we identified were neither complicated nor difficult to anticipate. For example, we found poor process management and ineffective communication across all three locations.
5. Stakeholders expressed strong concerns about the level of service provided since the transfer of work had taken place and we identified serious issues with the way in which the UK Border Agency handled and managed correspondence and complaints. As a result, we believe customers were not at the heart of the service, but had rather become part of the process.

¹ The inspection report of the UK Visa Section was published on 27 July 2010 and is available here: www.independent.gov.uk/icinspector/inspections/inspection-reports/ The inspection report of the Risk and Liaison Overseas Network (RALON) is being published alongside this report.

6. In contrast with the UK Visa Section, we found that entry clearance staff in Abu Dhabi and Islamabad were performing a range of additional checks on customers' applications to authenticate evidence. This meant staff were contributing to the UK Border Agency's strategic objective to protect the border. However, we found this approach was not supported by the Decision Support Tool² software because the risk profiling feature had not been used for approximately 12 months. We also found that entry clearance work was not effectively supported by risk profiles, although the presence of Risk and Liaison Overseas Network staff in both locations helped to lessen the impact of this issue. Our inspection report on the Risk and Liaison Overseas Network provides more detail.
7. Our file sampling identified inconsistent decision making and this is becoming a common theme across all of our overseas inspections. Entry clearance staff frequently referred to the intense focus on the achievement of numerical targets, which they believe affected their ability to make correct decisions. We consider that their concerns, along with our file sampling results, strongly suggest there is a correlation between a strong focus on numerical benchmark targets and inconsistent and poor decision quality. The UK Border Agency needs to do much more to establish whether this is the case.
8. We found the administrative review process was working well in Abu Dhabi, with refusal decisions being overturned following reviews by Entry Clearance Managers. It was therefore disappointing that we identified significant delays in these reviews being carried out. Conducting administrative reviews in a timely manner is important, particularly for Tier 4 students who have a relatively short time span in which to apply for entry clearance and take up their course of study.
9. We found that allowed appeals were not being routinely examined to determine why refusal decisions were being overturned. We believe this work is essential to help identify improvement opportunities and embed a culture of continuous improvement. It is also a key indicator of the effectiveness of entry clearance decision making.
10. We found an inconsistent approach was adopted by entry clearance staff over the weight that was attached to evidence, depending on the nationality of the customer. This effectively meant that customers from the three Gulf Cooperation Council countries appeared to be treated more favourably than customers from Pakistan. We also found that customers in Pakistan were subject to higher evidential requirements in support of their entry clearance applications, although this was not made clear to them at the time they made their applications. We were therefore concerned that the UK Border Agency may be discriminating unlawfully in favour of Gulf Cooperation Council customers and against Pakistanis.

² The Decision Support Tool is a web-based tool which is used to record visa application details and assists with the identification of risk.

2. Summary of Recommendations

We recommend that the UK Border Agency:

1. Implements a clear operational strategy for the management of all three visa sections, so that an improved level of service is delivered to customers irrespective of where different parts of the application process are handled.
2. Strategically assesses whether the existing focus on the achievement of numerical targets is impacting negatively against decision making quality.
3. Takes immediate action to ensure it is operating in compliance with its duties under the Race Relations Act 1976.
4. Ensures guidance issued to customers sets out clearly the supporting documentation they need to provide in support of their applications.
5. Takes prompt action to improve its customer service in alignment with the commitments set out in its Customer Charter and Customer Strategy.
6. Sets out clear roles and responsibilities for correspondence and complaint handling and communicates these to key stakeholders and customers; and
 - identifies complaints correctly;
 - trains staff appropriately and provides clear guidance – with examples – on what constitutes “an expression of dissatisfaction”;
 - responds to customers appropriately;
 - carries out effective quality assurance processes to ensure complaint procedures are being complied with; and
 - implements the service standards set out in its Customer Strategy.
7. Implements a formal review to determine the main reasons for allowed appeals and uses this analysis to drive improvements in decision making quality.

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 the efficiency and effectiveness of the UK Border Agency. It includes monitoring entry clearance decisions where there is a limited right of appeal against refusal. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and contractors.³
- 3.2 The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.
- 3.3 The Independent Chief Inspector's core inspection criteria⁴ were used to assess the effectiveness and efficiency of entry clearance in Abu Dhabi and Islamabad 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 examined performance, using the core criteria selected, to make assessments in all three areas.
- 3.5 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 set out in its Customer Strategy, published in April 2009. This identified four key objectives the UK Border Agency recognised it needed to achieve in order to realise its vision of delivering excellent customer service:
- *learn lessons from customer feedback;*
 - *modernise our customer contact and change the way our people behave;*
 - *use a better understanding of our customers to provide more effective services; and*
 - *consider customers' needs when redesigning our business.*

³ http://www.legislation.gov.uk/ukpga/2009/11/pdfs/ukpga_20090011_en.pdf

⁴ 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

4. Background

- 4.1 The information in this section was provided by the UK Border Agency. It provides general background about the International Group and the work of the visa sections in Abu Dhabi and Islamabad which, at the time of the inspection, were part of International Group's South Asia and Gulf region.
- 4.2 The UK Border 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. The redesign of its global network of visa sections began in January 2007 as part of a wider programme of change, supported by the introduction of biometrics and commercial partners.
- 4.3 This redesign was intended to allow the UK Border Agency to think about how and where it considered applications, giving it an opportunity to restructure and make better use of its resources overseas. The redesign of the network into a Hub and Spoke business model aimed to deliver three main benefits:
- *improved quality and consistency of decision making;*
 - *improved efficiency and productivity; and*
 - *greater resilience and flexibility.*
- 4.4 This business model has seen decision making moved from small visa sections to larger regional hubs, or processing centres. In early 2007, there were over 150 posts around the world working largely independently and handling all aspects of visa processing including the receipt of applications and decision making. By late 2009, the number of locations in which an application could be registered had increased to over 250, serviced by fewer than 80 processing centres (hubs).
- 4.5 To manage its work overseas, International Group structured its visa work into six regional locations⁵:
- Africa;
 - Americas;
 - Asia-Pacific;
 - Gulf, Iran and Pakistan;
 - EuroMed; and
 - South Asia.

Hub and Spoke

- 4.6 The UK Border Agency told us it had been considering transferring visa work away from Pakistan, as part of its move to the Hub and Spoke business model. However, the deteriorating security situation in Pakistan⁶ meant this was escalated and the work was transferred faster than originally planned. Following discussions with the Foreign & Commonwealth Office, the UK Border Agency told us that Abu Dhabi was identified as an appropriate hub because it had:

⁵ Correct as at 6 April 2010.

⁶ A series of incidents culminating in the Marriott hotel bombing in Islamabad in September 2008.

- the ability to accommodate most of the workload from Pakistan;
- the ability to recruit sufficient numbers of Urdu-speaking staff;
- a large pool of expatriates to enable the visa section to expand with high quality staff;
- a safe working and home environment for staff;
- a reliable domestic infrastructure, a business friendly environment and straightforward customs clearance; and
- good airline connections to link the various spokes with the hub.

4.7 The UK Border Agency estimated the introduction of the Hub and Spoke model in Abu Dhabi represented a net cost of £1.9 million to March 2010.

Abu Dhabi and Islamabad

4.8 Visa operations in the United Arab Emirates and Pakistan were located in International Group's South Asia and Gulf region at the time this inspection was conducted⁷. Abu Dhabi has operated as a regional hub since 2008, receiving applications from commercially run UK visa application centres located in Abu Dhabi, Bahrain, Dubai and Pakistan. It also received applications made at the British Embassy in Iran.

4.9 The visa section in Abu Dhabi receives the vast majority of non-settlement applications from the four visa application centres in Pakistan (Islamabad, Lahore, Mirpur and Karachi), all applications from the visa application centres in Abu Dhabi, Dubai and Bahrain, and all applications (except those relating to VIPs and diplomats) submitted at the British Embassy in Tehran. The visa section at the British High Commission in Islamabad also retains the facility to issue emergency and VIP visas. Neither Dubai nor Bahrain retains a visa issuing capability. Settlement applications made in Pakistan are collated at the Islamabad visa application centre and forwarded to the UK Visa Section in Croydon for consideration.

Staffing

4.10 Figure 1 records the staffing complements at the visa sections in Abu Dhabi and Islamabad at the time of our on-site inspections (excluding seasonal relief).

Figure 1: Staffing numbers at Abu Dhabi and Islamabad

	Abu Dhabi	Islamabad
Regional Manager (Grade 7)	1	0
Regional Operations Manager (Senior Executive Officer)	2	1
Regional Business Manager (Senior Executive Officer)	1	0
Immigration Regional Manager (Senior Executive Officer)	1	0
Immigration Liaison Manager (Higher Executive Officer)	1	2
Entry Clearance Manager (Higher Executive Officer)	13	2
Entry Clearance Officer (Executive Officer)	39	8
Immigration Liaison Officer (Executive Officer)	3	3
Entry Clearance Assistants ⁸	120	112
Immigration Liaison Assistants ⁹	4	9

Note: Information provided by UK Border Agency, International Group

⁷ Now located in Gulf, Iran and Pakistan region.

⁸ This category includes support staff at various grades undertaking a range of roles in support of the visa operation.

⁹ This category includes support staff at various grades undertaking a range of roles in support of the Risk and Liaison Overseas Network.

Visa application process

- 4.11 When a customer applies for any type of entry clearance to the UK, they are required to provide their fingerprints¹⁰ and photograph (together commonly referred to as biometrics), when submitting their application. The UK Border Agency then uses this biometric information to check whether the customer has committed previous immigration or criminal offences in the UK. Any adverse history is then considered by an Entry Clearance Officer, along with the information provided by the customer in their application form and supporting documentation.
- 4.12 The visa application centres in Abu Dhabi, Bahrain and Dubai receive applications together with supporting documents and visa fees and also take biometric data from customers. They then sort the applications into risk categories prior to forwarding them to the visa section at Abu Dhabi. This is done to help Entry Clearance Managers manage workloads more effectively in the visa section. Decisions are then relayed to customers via the visa application centres.
- 4.13 In Iran, applications are received directly at the visa section in the British Embassy. Customers are required to provide their biometric data and submit a duplicate set of supporting documents with their applications. The original supporting documents, passport and duplicate application form are retained in Tehran, whilst the duplicate set of supporting documents and original application form are forwarded to the Abu Dhabi hub to be received the next working day. Notifications of decisions are relayed to Tehran electronically where UK Border Agency staff print either visa vignettes or refusal notices and forward these to customers.
- 4.14 In Pakistan, the visa application centres receive applications together with supporting documents and visa fees. They also take biometric data from customers. Customers are required to submit a duplicate set of documents which are forwarded directly to the Abu Dhabi visa section, whilst the original set and passport are forwarded to the visa section in Islamabad.
- 4.15 Applications from the visa application centres in Pakistan are received in Abu Dhabi on the second working day after submission. Vignettes (visas) and refusal notices for Tier 4 points-based applications (students) are printed in Abu Dhabi and returned with the passport via the visa application centre. For all other application categories, except settlement, entry clearance decisions are made in Abu Dhabi. They are then relayed electronically to the visa section in Islamabad, where vignettes and refusal notices are printed and returned to customers via the respective visa application centre.
- 4.16 Settlement applications made in Pakistan are collated at the Islamabad visa application centre and duplicate sets forwarded to the UK Visa Section in Croydon for consideration. Original documentation is retained in Islamabad, where a decision is made locally about any verification checks that should be made in respect of customers. Entry Clearance decisions are made in the UK and relayed electronically to the visa section in Islamabad for printing of vignettes and refusal notices.

Applications

- 4.17 Figures 2 and 3 show the number of applications assessed at the Abu Dhabi hub and Islamabad spoke for various categories of visa applications for the calendar years 2008 and 2009.

¹⁰ Fingerprints are not a requirement for children aged under five or those exempt from immigration control, such as Heads of State.

Figure 2: Visa applications assessed in Abu Dhabi

TYPE	2008	2009
EEA Family Permits	19	47
Family Visit	4,998	38,099
Other Non- Settlement	1,816	3,793
Other Visitor	21,006	60,606
PBS Tier 1	587	4,716
PBS Tier 2	1	994
PBS Tier 4	5	19,439
PBS Tier 5	1	206
Settlement	114	449
Student	4,099	5,402
Transit	150	412
Work Permit	273	1,035
Working Holiday Maker	21	5
Total	33,090	135,203

Note: Information provided by UK Border Agency, International Group

Figure 3: Visa applications assessed in Islamabad

TYPE	2008	2009
EEA Family Permits	674	88
Family Visit	56,026	12,160
Other Non- Settlement	8,721	940
Other Visitor	38,559	6,027
PBS Tier 1	1,044	750
PBS Tier 2	2	66
PBS Tier 4	1	426
PBS Tier 5	1	59
Settlement	13,755	831
Student	26,942	3,968
Transit	483	106
Work Permit	1,202	216
Total	147,410	25,637

Note: Information provided by UK Border Agency, International Group

Customer service standards

- 4.18 The inspection team compared processing times of these applications for the period April to December 2009 against the UK Border Agency's customer service standards¹¹ and found that:
- for straightforward non-settlement applications, the processing time targets of completing 90%, 98% and 100% of applications within five, 10 and 60 days respectively, were met as a total of all visa categories but the Family Visit and Transit visa applications consistently missed the five and 10 day targets; and
 - for non-straightforward, non-settlement applications, there was poor performance across all visa categories in the third and fourth quarters of 2009, with nearly all targets of completing 90% (within three weeks); 98% (within six weeks); and 100% (in not more than 12 weeks) of applications missed, with especially poor performance in all tiers (one to five) of the points-based system¹².

Refusal rates

- 4.19 The UK Border Agency told us that the average visa refusal rate in Abu Dhabi increased from 9% to 32% from 2007/2008 to 2008/2009. This followed the change¹³ in the proportion of nationalities dealt with by the visa section after the introduction of the Hub and Spoke model. However, the average refusal rate in Abu Dhabi across all visa categories over the same period for visa applications made in Pakistan rose from 39% (before work was transferred) to 57% (after work was transferred to Abu Dhabi).

Inspection methodology

- 4.20 At the outset, 340 files were randomly selected by the inspection team drawn from a list of decisions made in Abu Dhabi between 1 September and 30 November 2009. The UK Border Agency was asked to provide the following case files to the Independent Chief Inspector:
- 50 General Visit refusals;
 - 50 General Visit issues;
 - 50 Tier 4 refusals;
 - 50 Tier 4 issues;
 - 50 decisions under the points-based system where an administrative review was requested;
 - 50 cases where paragraph 320 7(A) or 7(B) was applied¹⁴; and
 - 40 cases subject to correspondence from Members of Parliament.
- 4.21 These files were then assessed to determine:
- the quality of decision making, within the spirit of fairness and consistency; and
 - whether the correct Immigration Rules and procedures were used to reach balanced decisions.

11 Following a recommendation from the Independent Chief Inspector, the UK Border Agency has introduced a simplified customer service standard in April 2010: for 90% of visa applications (except settlement categories) to be processed in not more than three weeks, 98% in six weeks and 100% in 12 weeks

12 Note: Tier 4 applications increased ten-fold during this period, from 837 to 8887.

13 In 2007/08, Pakistani and UAE nationals accounted for 8.5% and 50% respectively of all nationalities dealt with by the Visa Section in Abu Dhabi. Corresponding figures in 2008/09 were 53% and 26% respectively.

14 See Paragraph 6.57.

4.22 The inspection team also examined the quality of the service provided by the UK Border Agency to its customers overseas. This included assessing whether:

- the information it provided was in plain language, accurate and met customer needs;
- applications were processed in line with published customer service standards;
- customers received appropriate, accurate and detailed responses to enquiries and/or complaints they made; and
- refusal notices provided a clear and detailed explanation of why the application was refused and explained how customers could appeal.

4.23 In addition to file sampling, we conducted a staff survey. Whilst on site, we also interviewed a range of staff, hosted eight focus groups, held 'drop-in' sessions and observed staff undertake their work.

5. Inspection findings – High level outcomes of the business

Change management

- 5.1 The UK Border Agency told us it had taken a decision in April 2008 to transfer visa work away from Pakistan as part of its move to the Hub and Spoke business model. This would see Pakistan becoming the “spoke” and another unnamed location, outside Pakistan, becoming the “hub”. The deteriorating security situation meant this work was transferred faster than originally planned. Agreement was reached with the Foreign and Commonwealth Office that Abu Dhabi would become the location for the hub, predominantly because it could accommodate a significant increase in staffing to undertake this work.
- 5.2 The UK Border Agency told us the transfer of work from Pakistan to Abu Dhabi was complicated, not least because of the:
- volume of work involved (the Pakistan visa operation was the fourth largest visa application country by volume in 2008/2009);
 - decision made by the Government of Pakistan not to allow the passports of its citizens to accompany visa applications outside its borders; and
 - significant IT problems.
- 5.3 The UK Border Agency told us the transfer of work from Pakistan to Abu Dhabi required extensive planning and they provided a number of planning documents relating to this major change programme. We reviewed this documentation and saw that a number of planning assumptions had been made at the outset of the project, setting out how visa work would be transferred to Abu Dhabi in a staged manner, between October 2008 and June 2009¹⁵. Figure 4 sets out the timetable.

Figure 4: Pakistan casework transferred to Abu Dhabi

No:	Visa Application Centre	Work transferred to Abu Dhabi
1	Lahore	October 08
2	Karachi	November 08
3	Islamabad	May 09
4	Mirpur	June 09

- 5.4 We make no formal assessment about the effectiveness of the planning that went into developing the proposals for the transfer of work from Pakistan to Abu Dhabi, mainly because our inspection took place over 12 months later. However, we did examine how well the planning around this change had been implemented. We also used the staff survey we conducted to gather the views of staff about the introduction of the Hub and Spoke model. This revealed that:
- 61% of respondents in Abu Dhabi (86 out of 142) either agreed or strongly agreed that the Hub and Spoke model had been implemented effectively; and
 - 50% of respondents in Islamabad (52 out of 104) either agreed or strongly agreed that the Hub and Spoke model had been implemented effectively.

¹⁵ All applications for settlement made in Pakistan were transferred to the UK Visa Section in January 2009.

- 5.5 We cover the results of the staff survey in greater detail in the chapter on *Management and leadership*.
- 5.6 We therefore assessed the performance of the UK Border Agency against its Customer Strategy and the benefits it had set out for its Hub and Spoke business model, which were to:
- improve quality and consistency of decision making;
 - improve efficiency and productivity; and
 - provide greater resilience and flexibility.
- 5.7 Senior management in Abu Dhabi took the view that the increase in the visa refusal rate for customers from Pakistan, following the transfer of work to Abu Dhabi (from 39% to 57%), meant the new business model was delivering improved quality and consistency of decision making. They also considered this was demonstrated through more appeals being dismissed and a reduction in the number of asylum claims made by Pakistanis in the UK. This view was in stark contrast to our inspection findings, with stakeholders, staff and our file sampling indicating that there remained significant room for improvement in delivering correct and fair decisions in a timely manner.
- 5.8 Stakeholders in Pakistan told us that, following the transfer of visa work to Abu Dhabi, they were faced with inconsistent decision making and a poor level of customer service. For example, representatives from three separate Chambers of Commerce in Pakistan¹⁶ told us about the very poor level of service their members received when applying for business visas for the UK. This included the UK Border Agency:
- not taking into account previous frequent travel and compliance with UK visa conditions; and
 - retaining documents and passports for extensive periods of time, meaning business customers could not travel to other countries to conduct business, even when they had valid visas for those countries.
- 5.9 The British Council in Islamabad echoed many of the issues expressed by the representatives of the Chambers of Commerce. They included long delays in issuing visas for students under the points-based system (Tier 4), coupled with delays in returning documents and passports. They also referred to the need to challenge inconsistent visa decision making.
- 5.10 Stakeholders views were supported by our file sampling. This revealed significant issues around long delays in processing visa applications, inconsistent decision making and poor correspondence and complaint handling. We also noted that the allowed appeal rate had fluctuated widely, dropping from 54% in September 2009 to 29% in December 2009, before rising to 51% in March 2010, effectively meaning that, at the time of the inspection, one in every two appeals was allowed.
- 5.11 We do not believe that citing an increased refusal rate (as evidence of improving quality and consistency in visa decision making) was substantiated. We found work had not been undertaken in Abu Dhabi to evaluate why appeals were being allowed; moreover, our file sampling also revealed inconsistencies in decision making. As a result, we consider there was clear evidence that the introduction of the Hub and Spoke model in Abu Dhabi/Pakistan had neither:
- improved quality and consistency of decision making; nor
 - improved efficiency and productivity.

We recommend that the UK Border Agency:

- Takes prompt action to improve its customer service in alignment with the commitments set out in its Customer Charter and Customer Strategy.

¹⁶ Sialkot, Rawalpindi & Islamabad.

Stakeholders

- 5.12 Given the significant impact that the UK Border Agency's visa operations have on customers, we met with a range of its stakeholders in Abu Dhabi and Islamabad. These included representatives of:
- The Ministry of the Interior of Pakistan;
 - The Ministry of Foreign Affairs of Pakistan;
 - The Pakistani Federal Investigation Agency;
 - Pakistani Chambers of Commerce;
 - The British High Commissioner (Pakistan);
 - The British Ambassador (United Arab Emirates);
 - The British Council;
 - A representative of Abu Dhabi Police's Organised Crime Department;
 - The Dubai Naturalisation and Residency Administration; and
 - Representatives of various airlines.
- 5.13 All the stakeholders we met in Islamabad expressed dissatisfaction at the way applications for visas had been handled, following the introduction of the Hub and Spoke model. Stakeholders consistently expressed concern over:
- delays in the UK Border Agency visa decision making process;
 - the slow return of passports to customers after a decision had been made;
 - passports and other documentation being lost;
 - failures to respond to enquiries and complaints adequately; and
 - the lack of a formal point of contact within the visa section in Islamabad to raise issues of concern.
- 5.14 As we set out later in our report, we found clear evidence in support of these concerns.
- 5.15 Stakeholders told us of many instances where applications for visas had not been processed by the UK Border Agency within its published customer service standards. These delays had affected business visitors wishing to travel to the UK, who sometimes experienced delays exceeding six months. As a result, they were unable to carry out their business in the UK. The delays had, on occasions, also prevented business visitors from travelling to other countries to conduct their business while their passports were retained by the UK Border Agency.
- 5.16 We also heard that the delays by the UK Border Agency in considering applications and in returning passports had impacted negatively on customers who had applied for a visa to travel to the UK to study. We met representatives of the British Council, whose role includes promoting British education and facilitating exchanges between British and Pakistani universities and other educational establishments. They also voiced concerns about the length of time the UK Border Agency took to consider applications and return passports to customers after their applications had been considered.
- 5.17 The British Council highlighted specific problems experienced by the University of Bradford, as a result of delays by the UK Border Agency in considering student applications and returning passports to customers. We spoke to a representative of the University of Bradford to explore these concerns further. They informed us that, due to the delays, the University had to postpone the start of the university term for 60 students from Pakistan. In addition, 34 students had not been able to attend their courses because it was too late for them to enrol by the time their visas were issued. The University had also experienced problems with Pakistani students being unable to join their course because their passports had not been returned in time, even though the UK Border Agency had decided to grant visas.

- 5.18 Stakeholders also told us it was much more difficult to know who they should contact about visa-related enquiries following the introduction of the Hub and Spoke model. This was particularly true when applications were refused or not decided within the timeframes set out by the UK Border Agency in its customer service standards. This uncertainty led some key stakeholders to approach other members of staff in the British High Commission in Islamabad for assistance regarding visa queries. For example:
- two separate Pakistani Ministries had developed informal contacts in the Islamabad Visa Section to resolve individual cases where expeditious handling was required; and
 - the British Council had turned to the British High Commission's Migration Delivery Officer¹⁷ for assistance and we confirmed that this Officer had spent a considerable amount of time dealing with 'visa-related' issues, particularly during the summer of 2009.
- 5.19 At the time of our inspection (April 2010), the High Commissioner in Islamabad described the UK's visa operation for Pakistani applicants as being the "single most toxic" issue in the UK-Pakistan relationship. Delays in issuing visas, delays in returning passports, lost and missing passports (and the associated adverse publicity), the variable quality of decision making and poor levels of customer service had all been impacting on wider UK interests.
- 5.20 The High Commissioner told us he had written to the Home Secretary, at the latter's request, in March 2010, drawing attention to these problems and making a number of recommendations. He added his most immediate concern at the time of our inspection visit was that there should be no repeat of the backlog of cases that had occurred in 2009. Beyond that, he considered the main longer term challenge would be to drive up the quality of decision making.

We recommend that the UK Border Agency:

- Sets out clear roles and responsibilities for complaint handling and communicates this to key stakeholders and customers.

Joint working

- 5.21 Following the introduction of the Hub and Spoke model, we were particularly interested to examine whether there was effective joint working between the visa sections in Abu Dhabi and Islamabad. We were also interested in the relationship between the UK Visa Section (which considered settlement applications made by customers in Pakistan), and the visa section in Islamabad.
- 5.22 While we found evidence that the UK Border Agency had planned for the transition of work from Pakistan to Abu Dhabi, we were surprised that staff were unable to provide us with a clear operational plan for the transition of work. For example, setting out key issues such as how the model was to be introduced, including milestones and stages against which progress was to be measured. We made a similar finding when we inspected the UK Visa Section.
- 5.23 We were also told by a senior manager in Abu Dhabi that there was a five year plan to bring the visa service for Pakistani nationals to a reasonable standard following the implementation of Hub and Spoke. However, no one in the UK Border Agency was able to provide us with a copy of this plan. We consider that, if there was such a plan, five years was far too long to bring the service up to a "reasonable standard". We also note that the Hub and Spoke business model was introduced to improve customer service, not diminish it.

¹⁷ A Migration Delivery Officer post was funded by the UK Border Agency to work with the Government of Pakistan on establishing initiatives to facilitate the return of Pakistan nationals who did not have permission to remain in the UK.

- 5.24 Staff told us that time zone differences, different local holidays, and variations in working week patterns (Abu Dhabi works Sunday to Thursday, while Islamabad and the UK work Monday to Friday) were an obstacle to joint working between all three visa sections. We were told that the visa section in Abu Dhabi was about to introduce some late shifts for staff in an effort to mitigate these difficulties. We fail to understand how issues as basic as these were not foreseen and mitigated at the outset when the work was transferred. We were also concerned that these issues had been allowed to continue for so long.
- 5.25 While the planning documentation we saw was evidence of management effort being put into the initial transfer of work, we consider the UK Border Agency had failed to adequately address the needs and inter-dependencies between the three different locations. This was because they all relied on each other in different ways. Figure 5 sets out some of the key inter-dependencies between each of the three visa sections.

Figure 5: Key processes undertaken in all three visa sections in relation to visa applications made in Pakistan

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

- 5.26 We believe that, after the initial transition phase, it was critical for senior management to maintain close oversight of the operation. This would have helped to ensure that operational planning going forward was effective and covered all three locations; that contingency arrangements were in place to deal effectively with any performance issues; that communication channels across all three locations were robust and that regular performance management meetings were held to maintain customer service levels in alignment with the organisation's Customer Strategy and Customer Charter (published in May 2009) commitments, which state *"We aim to provide a high level of service for all our customers. As a customer you can expect the following:*

- *For our staff and our business partners' staff, whether in the UK or overseas, to be thorough, polite and professional;*
- *For the information we provide to be in plain language, accurate and meet your needs;*
- *For us to process applications in line with our published delivery standard;*
- *For us to provide you with a detailed response to an enquiry or complaint;*
- *If we refuse your application, for us to give you a clear and detailed explanation of why we refused it and details of if and how you can appeal; and*
- *Where possible, we will sort out any complaints immediately or pass them on to the appropriate person to resolve."*

- 5.27 We found that, because senior management did not maintain this level of oversight, operational problems and customer service issues that arose were not dealt with quickly or in a seamless manner across all three locations. For example, we found a number of instances where customers had contacted the Abu Dhabi and Islamabad Visa Sections, as well as the visa application centre in Islamabad (managed by Gerry's¹⁸), in an effort to establish how their applications were progressing. However, instead of clear procedures and responsibilities in place within the region to deal with correspondence and/or complaints in accordance with the UK Border Agency's Customer Charter, we were dismayed to find that customers were routinely either ignored, provided with wholly inappropriate responses or that their complaints were simply not recorded.
- 5.28 Our review of complaints and correspondence quickly identified that there were problems relating to the printing of visas in passports, the return of customers' passports and supporting documentation. We also found serious issues regarding customers being advised to contact Gerry's through both visa sections' generic enquiry responses.
- 5.29 The key problem here was that customers were being told to contact Gerry's about the collection of their passports / documents, when in fact the UK Border Agency was still dealing with their applications. As a result Gerry's were unable to help customers or advise them about the progress of their applications. Not surprisingly, this led to customers (and stakeholders) becoming more frustrated, simply because they were not being provided with accurate information about their applications, particularly important when customer service standards were being missed by significant margins.
- 5.30 We also found there had been a greater emphasis on managers 'fire-fighting' and responding to problems as they arose, rather than anticipating potential problems and putting plans in place to manage them effectively.

We recommend that the UK Border Agency:

- Implements a clear operational strategy for the management of all three visa sections, so that an improved level of service is delivered to customers irrespective of where different parts of the application process are handled.

¹⁸ Visa application centres around the world are managed on behalf of the UK Border Agency by two commercial partners. In the United Arab Emirates and Pakistan, visa application centres are managed by VFS Global Services, who in turn subcontract the service to Gerry's in Pakistan.

Performance Targets

- 5.31 At the time of our inspection, the UK Border Agency measured its performance against the following customer service standards for processing General Visit and Tier 4 applications:
- *90% of 'straightforward', non-settlement applications would be dealt with within one week, 98% within two weeks, and 100% in not more than 12 weeks; and*
 - *90% of 'non-straightforward', non-settlement applications in not more than three weeks, 98% within six weeks and 100% in not more than twelve weeks.*
- 5.32 We found that the Abu Dhabi visa section had sought to achieve these targets by setting clear benchmark targets for Entry Clearance Officers. These set out the number of applications entry clearance staff should aim to complete each day, depending on the type of visa applications they were considering. However, we found that many of these benchmark targets had been set without undergoing any formal process to assess whether they were realistic or achievable.
- 5.33 We were concerned that a range of staff, including some managers, did not believe that some of these targets could be consistently achieved without having a negative impact on quality. We were told that time and motion exercises had been conducted, which supported the rationale around these benchmark targets. However, reports documenting these findings were not provided to us during the inspection.
- 5.34 Managers also informed us that an operational review was taking place at the time of our inspection. Although we noted that this was intended to examine whether targets were realistic and achievable, we were concerned that something this important had not been carried out earlier. We comment in more detail about the performance of the Abu Dhabi visa section in the following chapter on *Processes and procedures including quality of decision making and consistency of approach*.

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

- 6.1 This section gives the detailed results and analysis of the files we examined from the Abu Dhabi visa section. In total, we requested 340 case files which were chosen randomly from decisions made between 1 September and 30 November 2009. Figure 6 sets out the type of visa categories we examined, together with details of the case files actually produced by the UK Border Agency.

Figure 6: Files requested from UK Border Agency

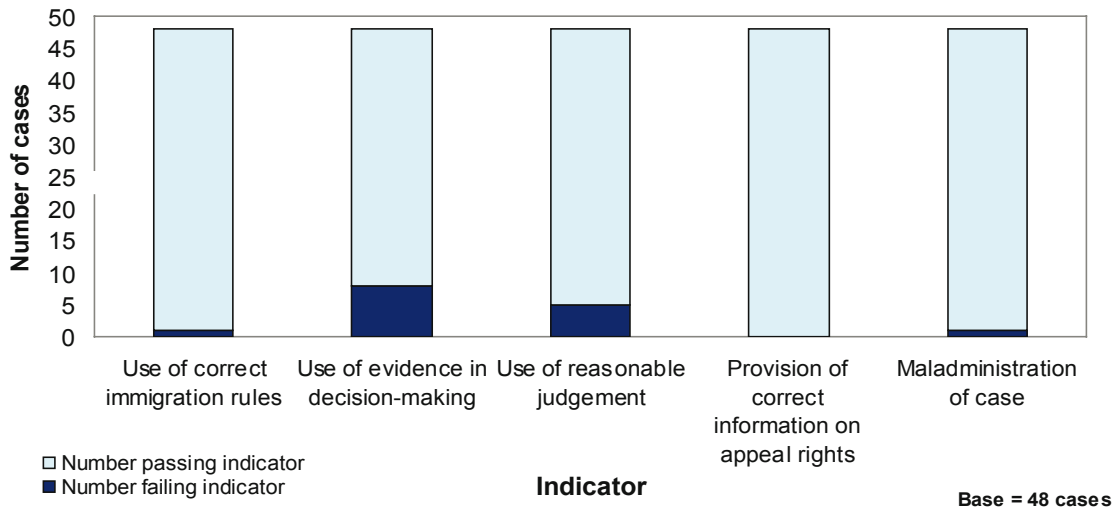
Category	Number requested	Number received
General visit – refusal	50	48
General visit – issue	50	50
Tier 4 – refusal	50	45
Tier 4 – issue	50	49
Paragraph 320 (7A)/(7B) refusals	50	48
Administrative review	50	41
Cases with MPs' correspondence	40	37
TOTAL	340	318

Inspection results of the sample of General Visits refused entry clearance

- 6.2 Data accuracy was good, with 48 of the 50 case files sampled being accurately recorded on the case management system used by the UK Border Agency. The two remaining files were not examined because the visa section was unable to locate one of the files, while the other was not received by the Inspectorate. We reviewed these 48 case files against a five-point scale to assess whether the decision and refusal notice were lawful and reasonable (a reasonable refusal notice is one that is in accordance with the Immigration Rules and is based on the evidence provided, with correct information on appeal rights). The five-point scale is set out below:
- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
 - Was the use of evidence applied correctly in the refusal notice?
 - Was the Entry Clearance Officer's judgment reasonable?
 - Was the correct information given on appeal rights?
 - Did the refusal decision suffer from significant maladministration?
- 6.3 We consider a case to have poor quality decision making if it fails one or more of the criteria against the five-point scale. We found 9 of the 48 files (19% of the sample) failed this test.

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

Figure 7: General Visit refusal cases assessed against indicators of decision making quality



Correct use of Immigration Rules

6.5 We found that the correct Immigration Rules had been applied in all but one of the cases we reviewed (2% of the sample). In this case, the customer was refused as a child visitor when they were in fact an adult for immigration purposes.

Use of evidence / reasonable judgement

6.6 We examined refusal notices under these categories to assess whether the Entry Clearance Officer's decision had taken into account all of the evidence provided including evidence obtained at interview or in supporting documents. We found that eight decisions (17% of the sample) were not made in accordance with the evidence provided. In these cases, we found Entry Clearance Officers had disregarded positive evidence. For example:

- frequent travel to the UK and no evidence of non-compliance with visa conditions;
- evidence of employment in home country; and
- evidence of funds.

6.7 Because of these issues we had concerns about the effectiveness and fairness of the decision making process. We reported our concerns to the UK Border Agency in connection with these eight cases. They accepted our findings and told us they would:

- reconsider the applications in four cases, with a view to either issue entry clearance or offer a further application free of charge;
- accept refusal notices were poor in two cases,¹⁹ but both had proceeded to appeal so would take no further action at present;
- send out an amended refusal notice in one case; and
- review and amend refusal notices to remove inappropriate use of standard paragraphs in one case (we found that the use of inappropriate paragraphs was a common factor throughout our file sampling).

6.8 To illustrate our concerns with the quality of decision making in these eight cases, we set out two case studies as shown in Figure 8 and 9.

¹⁹ One appeal has been dismissed by the Asylum & Immigration Tribunal

Figure 8: Case study 1 – General Refusal – failure to consider supporting documentation appropriately**The customer:**

- was a child wishing to travel with their family;
- intended to travel to visit a respected member of the community in the UK;
- provided a letter of support from the member of the community; and
- was refused by the Entry Clearance Officer because they were not satisfied:
 - sufficient satisfactory evidence of employment and income had been provided by the child's parents;
 - the planned expenditure on the trip was in line with the parent's monthly income.

The Chief Inspector's comments:

- a letter was produced showing that the customer's parent was a civil servant in Pakistan, who had taken up their position in 1999;
- a payslip was provided giving details of the parent's pay; and
- a bank statement was provided showing the parent held a bank account with a local currency term deposit of 4.3 million Pakistani Rupees (approximately £34,000).

UK Border Agency response:

- accepted the Entry Clearance Officer had not considered all of the evidence in this case; and
- overturned the decision and issued an entry clearance.

Figure 9: Case study 2 – General Refusal – failure to consider supporting documentation appropriately

The customer:

- was an adult who had applied to travel to the UK for a two week holiday, accompanied by his parents;
- had previously been issued three UK visas (the last for a period of five years) and had travelled to the UK on several occasions;
- was assessed as a child visitor by the Entry Clearance Officer, who was not satisfied that suitable arrangements would be in place for the customer's travel to, reception and care in the UK; and
- was refused on the basis that the parents' applications had been refused.

The Chief Inspector's comments:

- the customer's application was assessed against the wrong Immigration Rules; he was an adult not a child;
- reference to reception and care arrangements was not applicable;
- evidence of significant previous travel to and compliance in the UK was not taken into consideration;
- the customer's parents' applications were not assessed correctly because evidence produced by the father was not considered; and
- the refusal notice for the father used inappropriate wording, i.e. the Entry Clearance Officer concluded the father's failure to provide details of his personal circumstances, given in a previous application, was "*a deliberate choice on your part not to provide the details relevant to my consideration of this application*".

UK Border Agency response:

- agreed the customer and parents were refused incorrectly;
- accepted the use of inappropriate wording as described above was incorrect and had instructed Entry Clearance Officers to stop using this wording in refusal notices; and
- stated it had reassessed these applications and as a result would be granting visas to the customer and his parents.

6.9 We noted that, following the refusals made in the above case study, the visa section received correspondence from the family about their refusal decisions. We note that, in its response, the visa section stated the contents of the letter had been considered but the refusals stood. In view of our findings, we were surprised the mistakes we found were not identified by the visa section when they had originally reviewed these cases, particularly as it subsequently agreed with our findings. We refer to correspondence handling in more detail in the section on *Impact on people subject to UK Border Agency services*.

6.10 We found that 10 cases (21% of the sample) had received more detailed scrutiny, typically through an employment or financial check. This demonstrates Entry Clearance Officers were challenging supporting documents in those cases where they had concerns about the applications they were examining. We believe this demonstrates a commitment to the UK Border Agency's strategic objective to protect the border.

Correct information on appeal rights

6.11 We found that in all 48 cases customers had been given the correct information on appeal rights.

Maladministration

- 6.12 We also found one case (2% of the sample) where we considered that maladministration had occurred. We were not satisfied that after the customer's application was refused, their detailed grounds of appeal or their supporting evidence had been properly reviewed. After raising this with UK Border Agency, it agreed to overturn the decision and contact the customer to advise them of this.

Inspection results of the sample of General Visits granted entry clearance

- 6.13 The UK Border Agency provided all 50 randomly selected files we requested in this category. Having assessed these against a two-point scale, we were satisfied that in all cases the:
- decision was assessed against the correct Immigration Rules; and
 - Entry Clearance Officer's judgement was reasonable.
- 6.14 However, we found visas had been issued in 17 cases to nationals of Gulf Co-operation Council countries, where customers had provided limited documentary evidence in support of their applications. Figure 10 records one such case.

Figure 10: Case study 3 – General Issue – Gulf Co-operation Council national

The customer:

- wished to travel to the UK for 15 days;
- applied for a five year multi-visit visa; and
- was issued with a two year visa.

The Chief Inspector's comments:

- the only evidence provided in support of the application consisted of a travel document (passport) and a passport photograph; and
- the Entry Clearance Officer issuing the visa commented *"although limited supporting documents provided, given the Visa Waiver Test evidence of very low risk for immigration offences, I am therefore satisfied on maintenance, accommodation and intention"*.

- 6.15 Staff told us they adopted a different approach to nationals of the three Gulf Cooperation Council countries, predominantly because they posed a lower risk of non-compliance with their visa. We were told that these decisions were based on the application of the Visa Waiver Test, which used a wide range of criteria designed to determine the overall level of harm to the UK posed by nationals of a particular country. The underlying presumption behind the criteria was that all non-European Economic Area countries failing the test would, unless risks could be mitigated satisfactorily, be subject to a visa regime. Those countries found to be meeting the benchmark within the criteria would not be subject to a visa regime.
- 6.16 Although we understand the rationale behind this approach, we noted that customers from Abu Dhabi, Dubai and Bahrain were subject to a visa regime, as were customers from Pakistan. We also noted that the UK Border Agency website (www.ukvisas.gov.uk), provided identical information about required supporting documentation to its customers in all four countries.

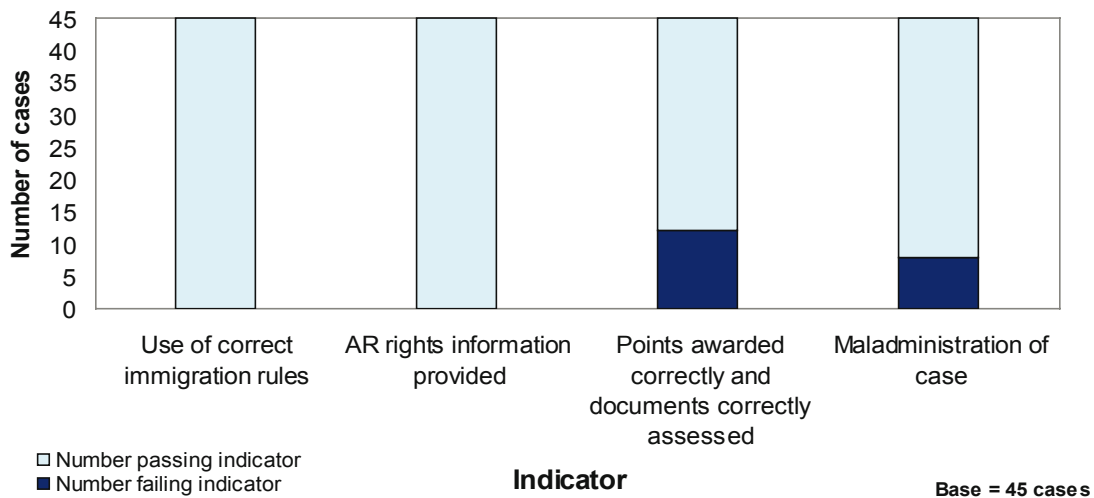
- 6.17 We therefore reviewed the findings from our file sampling and established inconsistent approaches were taken in regard to the weight attached to evidence, depending on the nationality of the customer. We found that customers from Gulf Cooperation Council countries, who provided limited evidence to support their applications, were granted entry clearance, whereas customers from Pakistan were being refused in similar circumstances. Furthermore customers from Pakistan were also being refused for not providing enough information, even when such evidence was not stipulated as a requirement in the guidance issued by the UK Border Agency. For example, Pakistan customers were refused because they had not provided:
- land registry title deed to properties;
 - accommodation reports from council housing departments; and
 - evidence of family, economic and social ties to Pakistan.
- 6.18 We are therefore concerned that the UK Border Agency may be discriminating against those customers applying in Pakistan for entry clearance to the UK. If the UK Border Agency considers that it is necessary to apply different criteria for entry clearance for customers from Pakistan, we consider that this policy should be adopted transparently and consideration given to the necessity of obtaining a Ministerial authorisation under section 19D of the Race Relations Act 1976 (as amended).
- 6.19 In any event, we consider that when the UK Border Agency believes there is an operational need to require more evidence from particular nationalities, it should ensure that the guidance given to customers reflects this. In the absence of clear guidance, we found that the UK Border Agency was not meeting the service standard set out in its Customer Strategy to provide information that is in plain language, accurate and that meets customers' needs.

We recommend that the UK Border Agency:

- Takes immediate action to ensure it is operating in compliance with its duties under the Race Relations Act 1976
- Ensures guidance issued to customers sets out clearly the supporting documentation they need to provide in support of their applications.

Inspection results of the sample of Tier 4 refusals

- 6.20 Data accuracy was good, with 49 of the 50 files sampled being accurately recorded on the case management system used by the UK Border Agency. The remaining file was not examined because the visa section was unable to locate it. A further four files were removed from the sample because customers had applied for an administrative review and we did not want to delay this process by retaining the files. We reviewed the remaining 45 files against a four-point scale to assess the quality of these decisions:
- Was the decision assessed against the correct Immigration Rules?
 - Was the customer advised of their right to an administrative review?
 - Were the required documents submitted and if so, were they correctly assessed and were points correctly awarded in line with guidance?
 - Was there any significant maladministration which materially affected the quality of the decision?
- 6.21 We consider a case to have poor quality decision making if it fails one or more of the criteria against the four point scale. We found that 13 of the 45 files (29% of the sample) failed this test.
- 6.22 Figure 11 shows the breakdown of the results of our file sampling of refusal cases.

Figure 11: Tier 4 refusal cases assessed against indicators of decision making quality

Correct use of Immigration Rules / Right to an Administrative Review

6.23 We found all of the cases had been properly assessed against the correct Immigration Rules and that refusal notices included information about administrative reviews.

Points awarded correctly / Documents correctly assessed

6.24 We were satisfied that documents were correctly assessed and points correctly awarded in 33 cases (73%). However, we found that documents had not been correctly assessed and points had not been correctly awarded in 12 cases (27% of the sample). They are broken down as follows:

- five cases were not awarded points because Entry Clearance Officers used the course starting date as the latest date to join the course (even though the latter information was not a mandatory requirement when customers submitted their applications);
- two cases were not awarded points because Entry Clearance Officers cited that the company sponsoring the customer was not “internationally recognised”;
- two cases were not awarded points due to lack of funds (but evidence of funds was supplied by both customers);
- one case where points were not awarded because a visa letter and degree transcript had not been provided (but both had been submitted with the customer’s application);
- one case where points were not awarded because the Entry Clearance Officer stated the body awarding the examinations was not mentioned on the visa letter (there is no requirement in the T4 guidance that the awarding body must be mentioned); and
- one case where a document verification check was not classified correctly (it should have been classified as “inconclusive” but was in fact classified as “not genuine”).

6.25 We reported our concerns to the UK Border Agency in connection with these 12 cases. They accepted our findings in relation to 10 cases. As a result they:

- invited customers in six cases to reapply free of charge, submitting a fresh confirmation of studies;
- sent out amended refusal notices in two cases;
- overturned the refusal decision in one case; and
- accepted in another case that the refusal decision was incorrect; that a subsequent administrative review had identified this, following which the customer was granted entry clearance.

- 6.26 In the two remaining cases the UK Border Agency said the original refusal reasons were sound on the basis that the bank statements provided were not from “internationally recognised companies”. They added both customers had subsequently reapplied, providing fresh evidence of funds and had been issued with entry clearance.
- 6.27 We referred to the Tier 4 policy guidance to ascertain the UK Border Agency’s definition of an *internationally recognised company*. We could find neither any reference to nor a definition of an *internationally recognised company*. The guidance advised customers that a *student can receive official financial sponsorship from Her Majesty’s Government, the student’s home government, the British Council or any international organisation, international company, university or an independent school*.
- 6.28 We therefore asked visa section managers the UK Border Agency’s definition of either an *international company* or an *internationally recognised company*, and whether any guidance had been circulated to Entry Clearance Officers about either term. They were unable to provide us with a definition for either term.
- 6.29 However, the UK Border Agency then referred us to an operational policy instruction dated 1 September 2009. It stated that *Companies providing financial sponsorship for Tier 4 students will be limited to “International” companies only. This will ensure that only companies with the appropriate financial standing will be able to financially sponsor applicants for their studies in the UK*.
- 6.30 We do not believe this terminology provided any additional clarification for either customers or Entry Clearance Officers, nor did it clarify by whom a company needed to be *internationally recognised*. As a result, we believe customers had been disadvantaged because entry clearance staff in Abu Dhabi were applying an interpretation which had not been communicated to them.
- 6.31 This was clearly demonstrated by the two cases in our file sample, because both customers were subsequently issued visas when they reapplied. This strongly suggests that, had they been made aware of this interpretation prior to their original applications being made, they would have had the opportunity to provide what was required without having to reapply and incur additional fees.
- 6.32 We consider that in 8 of these 12 cases, the failure to assess documents and award points correctly led to poor quality decisions being made and this fact, coupled with long processing delays in some cases, constituted maladministration.
- 6.33 To illustrate our concerns with the quality of decision making in these 12 cases, we set out two case studies in Figure 12 and 13.

Figure 12: Case study 4 – Tier 4 application incorrectly refused

The customer:

- made an application for a visa;
- supplied a visa letter and degree transcript in accordance with UK Border Agency’s Tier 4 guidance; and
- was refused on the basis that the customer had not provided a visa letter or degree transcript.

The Chief Inspector’s comments:

- the customer had supplied a visa letter and degree transcript, in accordance with Tier 4 guidance and should not have had their application refused.

UK Border Agency response:

- accepted a visa letter and degree transcript had been provided by the customer;
- stated it would invite the customer to resubmit a new visa letter for the application to be reconsidered; and
- said the customer would not be charged for this fresh application.

Figure 13: Case study 5 – Tier 4 application incorrectly refused

The customer:

- applied to study in the UK under Tier 4;
- provided a visa letter setting out that the:
 - course fees for the first year were £8,950;
 - customer was entitled to a scholarship of £1,000;
 - fees required for the first year were therefore £7,950.
- provided a receipt showing they had paid £3,500 towards the fees for the first year;
- provided a bank statement showing sufficient funds to pay the remaining fees and cover living costs for nine months; and
- was refused entry clearance by the Entry Clearance Officer on the basis that they were not satisfied the customer had sufficient funds.

The Chief Inspector's comments:

- in assessing the customer's funds, the Entry Clearance Officer failed to take into account that the customer was entitled to a scholarship and had already paid £3,500 towards their course fees;
- An Entry Clearance Manager review identified this error and instructed that the refusal decision be revoked and a visa issued. However, despite this, the refusal decision was issued and sent to the customer; and
- the case suffered significant delays throughout as set out below:
 - the customer applied for their visa on the 6 August 2009 for a course commencing on 14 September 2009;
 - was refused by the visa section on 29 October 2009;²⁰
 - submitted an administrative review on 9 February 2010;
 - the administrative review was conducted on 6 April 2010 and initially upheld the refusal decision, but this was subsequently overturned two days later.

UK Border Agency response:

- accepted maladministration had occurred in this case; and
- overturned the refusal decision and invited the customer to send an updated visa letter from the university.

6.34 We consider the level of customer service provided to the customer in the latter case was extremely poor. Apart from the initial refusal decision being incorrect (a serious matter in itself), we consider the visa section had failed to respond appropriately to numerous enquiries and three complaints (UK Border Agency definition used) from the customer. We also identified significant delays in this case including:

- 12 weeks elapsing between the application being submitted and the initial refusal decision being made;
- at least three weeks elapsing before the refusal decision was conveyed to the customer (and likely to have been much longer due to the problems the inspection identified between Abu Dhabi and Islamabad); and
- over five months elapsing from the refusal decision being made to the administrative review finally getting the decision right.

²⁰ It is difficult to ascertain from the Case Reference System when the customer would have been notified of this refusal decision, but there is clear evidence that this took several months.

- 6.35 As a result nearly a year had passed since the customer made their visa application and they still had not been issued a visa (July 2010 – correct at time of writing report).
- 6.36 In April 2009, the UK Border Agency published its Customer Strategy. This was followed in May 2009 by publication of a Customer Charter, a customer-facing document in which the UK Border Agency explained to its customers what they could expect when they interacted with any part of the UK Border Agency.
- 6.37 In a number of cases, including that shown in Figure 13, we found that the visa section in Abu Dhabi had simply failed to meet the UK Border Agency's published customer service aims. We made a similar finding when we inspected the UK Visa Section and believe the UK Border Agency needs to take immediate action to meet its own standards in order that the service it provides to customers is fair, efficient and effective.
- 6.38 We found that 24 cases (53% of the sample) had received more detailed scrutiny, typically through a financial check, an educational sponsor check or an employment check. This shows that Entry Clearance Officers were challenging supporting documents in those cases where they had concerns about the applications they were examining. We believe this demonstrates a commitment to the UK Border Agency's objective to protect the border.

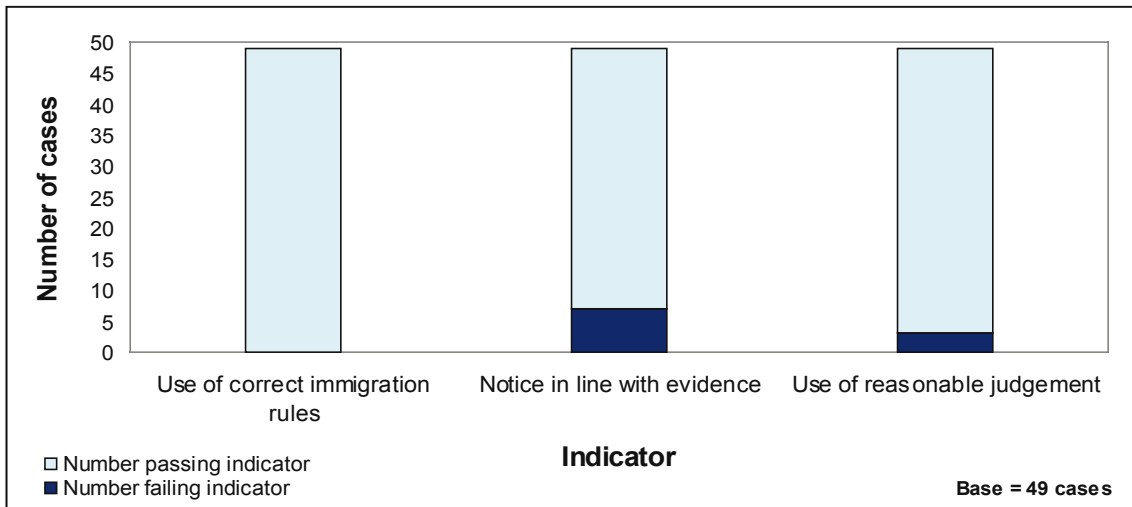
We recommend that the UK Border Agency:

- Takes prompt action to improve its customer service in accordance with the commitments set out in its Customer Charter and Customer Strategy.

Inspection results of the sample of Tier 4 cases granted entry clearance

- 6.39 Data accuracy was good, with 49 of the 50 case files sampled being recorded accurately on the case management system used by the UK Border Agency. The remaining file was not examined because the visa section was unable to locate it. We reviewed these 49 case files against a three-point scale to assess the quality of these decisions:
- Was the decision assessed against the correct Immigration Rules?
 - Were the required documents submitted and if so, were they correctly assessed (and points awarded) against the guidance?
 - Was the Entry Clearance Officer's judgement reasonable?
- 6.40 We consider a case to have poor quality decision making if it fails one or more of the criteria against the three-point scale. The outcome of our review of Tier 4 issue cases was that 7 of the 49 files (14% of the sample) failed this test.
- 6.41 Figure 14 shows the breakdown of results of our file sampling of refusal cases.

Figure 14: Tier 4 cases granted entry clearance assessed against indicators of decision making quality



Correct use of Immigration Rules

6.42 We found that the correct Immigration Rules had been used in all of the cases we reviewed.

Notice in line with evidence / reasonable judgement

6.43 We found that the decision to issue visas in 42 cases (86% of those sampled) was in line with the evidence provided and that Entry Clearance Officers had used reasonable judgment in reaching their decisions. However, we found seven cases (14% of those sampled) failed to meet these criteria, broken down as follows:

- three cases where the evidence provided did not support the decision to grant entry clearance; and
- four cases where evidence taken into account by Entry Clearance Officers had not been retained on file – it was therefore not possible to say whether the decision to issue was made in accordance with the evidence.

6.44 We reported our concerns to the UK Border Agency in connection with these seven cases. They accepted our findings in relation to them and told us they would:

- undertake compliance checks in three cases with colleges in the UK to check whether customers were attending lessons and consider adding their details to the watch list if necessary; and
- remind staff again about the importance of retaining supporting documentation to support decision making (four cases).

6.45 To illustrate our concerns with the quality of decision making in these seven cases, we set out two case studies. Figure 15 shows a case where the evidence did not support the issue of an entry clearance and Figure 16 a case where the supporting evidence was not retained on file.

Figure 15: Case study 6 – Tier 4 Issue where evidence provided did not support issue of entry clearance

The customer:

- applied for a visa to study in the UK;
- submitted evidence including:
 - a visa letter, which stated that the qualifications awarded were; Bachelor of Law and Bachelor of Commerce;
 - transcripts of marks awarded to the customer each year.
- was awarded points for the visa letter by the Entry Clearance Officer; and
- was issued a visa as the Entry Clearance Officer was also satisfied with the customer's funds.

The Chief Inspector's comments:

- there was no evidence in the file to show a degree had been awarded, only transcripts of marks obtained in individual years; and
- there were no notes from either the Entry Clearance Officer, or the Entry Clearance Manager who reviewed the decision as to why the transcripts alone were considered adequate evidence of degrees awarded.

UK Border Agency response:

- accepted that the Entry Clearance Officer had failed to comment on why the points had been awarded for the visa letter given that only provisional certificates were provided;
- confirmed the college would be contacted to ascertain whether the customer had attended; and
- would consider adding the customer's details to the watch list if necessary.

Figure 16: Case study 7 – Tier 4 Issue where supporting evidence was not retained on file

The customer:

- applied to study for a doctorate; and
- was issued with an entry clearance because the Entry Clearance Officer was satisfied they had a valid visa letter, that the customer's parent was willing to fund the tuition and living costs, and that the parent had adequate funds to pay for these.

The Chief Inspector's comments:

- Neither an original or copy of a bank statement, showing the customer's parent's ability to fund the tuition or living costs, was on file.

UK Border Agency response:

- accepted that copies of documents should have been kept in this case to support the entry clearance decision; and
- issued a reminder to all staff about the need to ensure that copies of relevant documents were retained.

6.46 We found that nine cases (18% of the sample) had received more detailed scrutiny, typically through a financial check or an educational sponsor check. We believe this demonstrates a commitment to the UK Border Agency's strategic objective to protect the border.

Administrative Reviews

- 6.47 If a customer applying under the points-based system is refused, they may apply for that decision to be administratively reviewed. The UK Border Agency's own target is that these reviews should be undertaken within 28 days (four weeks). This review replaced the process under which customers had the right of appeal to the Asylum First-tier Tribunal (Immigration and Asylum Chamber)²¹ – hereafter referred to as 'the tribunal' against the refusal of their application. It is therefore important that it is managed effectively and that reviews are carried out to a high standard. When a customer requests an administrative review, it must be carried out by an Entry Clearance Manager other than the Entry Clearance Manager who gave advice on or reviewed the original decision.
- 6.48 We requested 50 randomly selected cases in which the UK Border Agency's data showed that an administrative review had been performed. We were provided with 45 files. The UK Border Agency was unable to locate three of the files requested, stating they had possibly gone missing when files were transferred to the Abu Dhabi Visa Section. The remaining two files were marked as being sent to us but were not received.
- 6.49 We reviewed the remaining 45 files and found that five files were out of scope. This was because four files had been misclassified (they did not relate to administrative reviews), and one file was not a points-based application and therefore was not subject to an administrative review. Consequently, we assessed the quality of administrative reviews in 40 cases. In doing so, we considered whether the:
- points had been correctly awarded by the administrative reviewer;
 - documents had been correctly assessed by the administrative reviewer; and
 - cases had been reviewed within the 28 day target set by the UK Border Agency.
- 6.50 The administrative review process had been concluded in all of the 40 files sampled. We noted the initial decision had been:
- upheld in 24 cases (60% of the sample);
 - overturned in favour of the customer in 14 cases (35% of the sample); and
 - revised in 2 cases (5% of the sample), with a new refusal being issued as a result of the administrative review.
- 6.51 We were satisfied that the administrative review process had been properly followed in 36 cases (90% of cases sampled). Examples of good outcomes of administrative reviews included the administrative reviewer:
- overturning decisions where Entry Clearance Officers had failed to assess evidence of customers' funds properly;
 - upholding decisions where customers had sought to submit additional evidence not submitted at the time of application – this is not permitted; and
 - overturning a decision where an Entry Clearance Officer had invoked paragraph 320 (7A) of the Immigration Rules incorrectly.

²¹ Previously known as the Asylum and Immigration Tribunal. On 15 February 2010 Immigration and Asylum Chambers were established in both the upper and lower tiers of the Unified Tribunals framework.

- 6.52 We found that administrative reviews were generally being carried out effectively and this included a considerable number of decisions being overturned in favour of the customer. However, we noted that in four of the cases we sampled (10%), the administrative review failed one or more of the above quality indicators as detailed below:
- in two cases the administrative reviewer awarded the incorrect number of points; and
 - in three cases documents submitted by customers had been incorrectly assessed by the administrative reviewer.
- 6.53 The UK Border Agency confirmed that in two of these cases entry clearance had been granted, in one case an amended refusal notice had been issued and in the final case no further action had been taken.
- 6.54 We also examined the time taken to conduct these administrative reviews and found a significant number had not been completed within the processing target of 28 days. Figure 17 sets out our findings.

Figure 17: Processing times of administrative reviews by Abu Dhabi

Correspondence interval (calendar days)	Number of cases	Percentage of cases
14 or under	5	13%
Between 15 and 28	6	16%
Failed target cases: over 28	27	71%
Total cases	38	100%

Note: two cases were out of scope because administrative review dates were not recorded on the case working IT system (Central Reference System) used by the UK Border Agency.

- 6.55 Out of the 27 cases that failed the target (71 % of the sample), the majority (20) had processing times between 30 and 50 days (inclusive). The longest amount of time to process an administrative review was 117 days, 89 days over the 28 day target. The second and third highest processing times were 96 and 80 days respectively.
- 6.56 We consider the creation of administrative review backlogs impacts negatively against customers, who have to wait longer than they should for a decision in their case. This was particularly important in this inspection because the customers were students who typically had a short period of time to take up their place of study in the United Kingdom. We found similar problems with delays in the administrative review process in Kuala Lumpur and Chennai and the UK Border Agency accepted the recommendations we made in these earlier inspection reports to take action to meet its 28 day target in relation to conducting administrative reviews. We make no separate recommendation in this report but would encourage the UK Border Agency to implement our previous recommendations.

Paragraph 320 (7A) and (7B) Refusals

- 6.57 Under paragraph 320 (7A) of the Immigration Rules, an application must be refused where an Entry Clearance Officer is satisfied that there is positive evidence of deception demonstrated to a high standard. 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. Entry Clearance Officers are therefore responsible for assessing whether there is positive evidence that:
- false representations have been made or false information provided;
 - material facts have not been disclosed in the application; or
 - false documentation has been submitted (whether or not to the customer's knowledge and whether or not material to the application).

6.58 Paragraph 320 (7B) of the Immigration Rules must be applied where the Entry Clearance Officer is satisfied that the customer previously breached UK immigration law by:

- overstaying;
- breaching a condition attached to previous leave granted;
- being an illegal entrant; and
- the use of deception in any previous application for entry clearance whether successful or not.

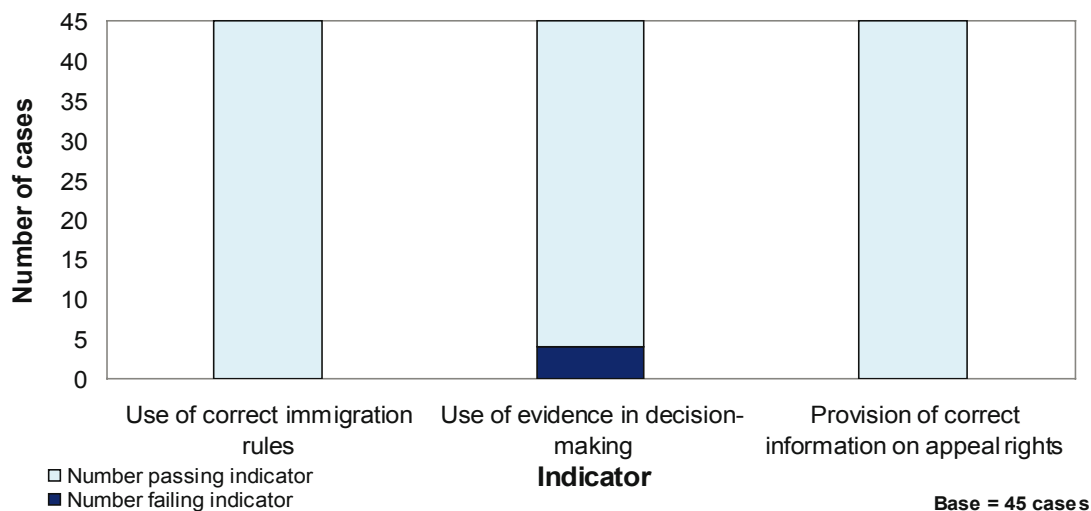
6.59 As with paragraph 320 (7A), customers must not be refused where innocent mistakes have been made.

6.60 We requested 50 randomly selected cases where paragraph 320 (7A) or (7B) of the Immigration Rules had been applied; 48 files were provided to us. Although the UK Border Agency's systems recorded that all of these had been refused under paragraph 320 (7A) or (7B), we found that three had not, therefore we sampled 45 cases. In reviewing these cases we considered whether the:

- decision was assessed against the correct Immigration Rules;
- correct information on appeal rights had been provided to the customer; and
- decision was in line with the evidence.

6.61 Figure 18 shows the breakdown of results of our file sampling of paragraph 320 (7A) and (7B) refusals.

Figure 18: Paragraph 320 (7A) and (7B) refusals assessed against indicators of decision making quality



Correct use of Immigration Rules and appeal rights

6.62 We found the correct Immigration Rules had been used and that the correct information on appeal rights had been provided to customers in all cases.

Use of evidence in decision making

6.63 We were satisfied that the decision to refuse customers under paragraph 320 (7A) or (7B) on the basis of their supporting documents was appropriate in 41 (91%) of the cases sampled. However, we found four cases (9% of sample) where the Entry Clearance Officer's decision was not in line with the evidence. We reported our concerns to the UK Border Agency in connection with these four cases. They accepted our findings and agreed they would:

- send out an amended refusal notice to three customers, removing reference to paragraph 320 (7A) and 7(B); and
- remind staff again about the importance of retaining supporting documentation to support decision making (one case).

Quality of refusal notices / administrative review letters

- 6.64 Customers pay a fee for the application process, usually ranging from £46 to £690, although some categories are issued free of charge²². These fees are non-refundable, unless payment had been made and the application was not submitted, or the customer refused to provide biometric details with their application. In these cases the UK Border Agency will refund the fee.
- 6.65 Refusal notices issued to customers by the UK Border Agency should be balanced and provide clear and detailed explanations about why an application has been refused. They should be written in plain English and be free of formatting errors, unnecessary repetition and spelling mistakes.
- 6.66 Across our file sample, we assessed the quality of refusal notices for the following categories: General Visit refusals, Tier 4 refusals and refusals under paragraph 320 (7A) or (7B) of the Immigration Rules. We also assessed the quality of administrative review notification letters. We found a significant number of cases where refusal notices failed one or more of our quality indicators, which are listed below:
- stating the correct Immigration Rules;
 - stating the correct period and purpose of entry clearance sought;
 - citation of relevant evidence;
 - clear explanation of where customers met / did not meet the requirements of the Immigration Rules;
 - acceptable quality in terms of grammar, spelling and formatting;
 - clear explanation of points awarded / lost (Tier 4 applications); and
 - selection of relevant paragraphs (administrative review notification letters).
- 6.67 Figure 19 indicates the proportion of our sample in each category failing one or more of these quality indicators.

Figure 19: Quality of refusal notices/administrative review letters

Category	Number of cases failing one or more quality indicator	Percentage of cases failing one or more quality indicator (%)
General Visit refusals	15	31
Tier 4 refusals	9	20
Paragraph 320 (7A) or (7B) refusals	10	22
Administrative reviews	9	23

- 6.68 Figure 20 indicates the main quality indicators that refusals failed against.

²² Visa fees can be found at <http://www.ukvisas.gov.uk/en/howtoapply/visafees/>.

Figure 20: Main quality indicators that refusals failed against

Category	Main quality indicators the majority of cases failed against
General visit refusals	Citation of applicant-specific evidence and balance in explaining where a customer met/had not met criteria
Tier 4 refusals	Acceptable quality in terms of grammar, spelling and formatting
Paragraph 320 (7A) or (7B) refusals	Balance in explaining where a customer met/had not met criteria
Administrative reviews	Acceptable quality in terms of grammar, spelling and formatting

6.69 We found that the quality of refusal notices and administrative review notification letters was variable. We believe it is particularly important that refusal notices are well written and clearly set out where customers have failed to meet the Immigration Rules. We are aware that the UK Border Agency sent out new instructions to staff in May 2010 to improve the layout of refusal notices and introduce greater consistency across the organisation, so we make no separate recommendation here.

MPs' correspondence

- 6.70 As part of this inspection, we examined the way in which the visa section in Abu Dhabi managed MPs' correspondence. We randomly selected 40 files in which the visa section had provided a response to MPs' correspondence. The UK Border Agency provided us with 37 files, two of which were out of scope because they were linked to other cases. Of the 35 remaining files, we found that in 14 cases, either the MPs' correspondence, or a copy of the response provided by the visa section, was not on file. We therefore reviewed the IT system used in Abu Dhabi (Proviso) to assess whether copies of the original MP's correspondence or the visa section's response had been stored on it. We found that they had not.
- 6.71 However, we were informed that copies of the MPs' correspondence and the visa section's responses were retained by the Visa Correspondence Section in the UK. We therefore randomly selected five cases in which correspondence was not on file at the visa section, in order to assess whether correspondence had been retained by the Visa Correspondence Section in the UK. Of these, we were unable to sample the quality of the visa section's response as some of the relevant correspondence was not available in the UK either.
- 6.72 We found that the visa section had adopted an inconsistent approach over the storage of both MPs' correspondence and its responses. We noted the following variations:
- a hard copy of both the MP's letter and the visa section's response were retained on the file;
 - a hard copy of the MP's letter was on file, however the visa section's response was stored electronically on the case-working IT system; and
 - neither the MP's letter or the visa section's response had been retained on the file or the IT system.
- 6.73 We were satisfied with both the quality and timeliness of responses provided by the visa section in Abu Dhabi in relation to MPs' correspondence. However, we were surprised at the inconsistent approaches to the retention of both MPs' correspondence and the responses provided by the visa section. Whilst we recognise that storage space, both for hard copy files and electronic records was limited, we believe there would be clear benefits in retaining this information locally to allow the visa section to respond to any subsequent queries more quickly.

Customer service standards (processing times)

- 6.74 The UK Border Agency visa website sets out its commitment to deliver a quality visa service that meets the needs of its customers. At the time of our inspection, it provided customers with information on how long it would take for their visa application to be processed, which is set out below:
- *90% of straightforward, non-settlement applications in not more than five working days (one week), 98% in not more than 10 working days (two weeks), and 100% in not more than 60 working days (12 weeks); and*
 - *90% of non-straightforward, non settlement applications in not more than 15 working days (three weeks), 98% in not more than 30 working days (six weeks), and 100% in not more than 60 working days (12 weeks).*
- 6.75 The UK Border Agency interpreted straightforward and non-straightforward in the following way:
- *straightforward applications can be decided on the basis of the application and the supporting documents submitted, without the need for further enquiries or more detailed scrutiny; and*
 - *non-straightforward applications require more time to be decided, for example, to allow for more detailed enquiries or to arrange for a personal interview.*
- 6.76 In order to achieve these targets, the visa section had set benchmarks for Entry Clearance Officers setting out the number of decisions that they were expected to make each day. These benchmarks depended on both the level of experience of Entry Clearance Officers and the type of applications considered. Some benchmarks expected of experienced Entry Clearance Officers are set out below. To decide:
- *80 applications per day from nationals of three members of the Gulf Co-operation Council; or*
 - *50 applications per day made by customers (who were not Gulf Co-operation Council nationals), who made applications in Abu Dhabi; or*
 - *50 Tier 4 points-based system applications per day; or*
 - *35 non-settlement applications per day made by customers in Pakistan.*
- 6.77 We therefore examined the files we sampled under the General Visit and Tier 4 categories to assess the performance of the Abu Dhabi visa section against the UK Border Agency's customer service standards. For General Visit applications granted, we considered that 32 of the cases we sampled (out of 50) had been incorrectly classified by the visa section as non-straightforward. Despite this misclassification, we found that performance was good as set out below:
- 42 out of 44 cases met the 5-working day processing target;
 - 43 out of 49 cases met the 10-working day processing target; and
 - 48 out of 49 cases met the 60-working day processing target.
- 6.78 In the case of refusals for General Visit applications, we found that processing performance overall was poor, with many cases missing the performance targets in addition to being incorrectly classified as non-straightforward²³. Our findings are set out below:

Straightforward cases

- 20 out of 39 cases missed the 5-working day processing target;
- 22 out of 42 cases missed the 10-working day processing target; and
- 3 out of 43 cases missed the 60-working day processing target.

²³ We used the UK Border Agency's interpretation to categorise cases as either straightforward or non-straightforward, rather than the classification used by the Abu Dhabi Visa Section.

Non-straightforward cases

- 3 out of 5 cases missed the 15-working day processing target;
- 1 out of 5 cases missed the 30-working day processing target; and
- no cases missed the 60-working day processing target.

6.79 For Tier 4 applications granted, we similarly found that processing performance overall was poor, with many cases missing the performance targets, in addition to being incorrectly classified as non-straightforward. Our findings are set out below:

Straightforward cases

- 25 out of 37 cases missed the 5-working day processing target;
- 26 out of 40 cases missed the 10-working day processing target; and
- no cases missed the 60-working day processing target.

Non-straightforward cases

- 4 out of 7 cases missed the 15-working day processing target;
- no cases missed the 30-working day processing target; and
- no cases missed the 60-working day processing target.

6.80 For Tier 4 applications refused, we again found that processing performance overall was poor, with many cases missing the performance targets in addition to being incorrectly classified as non-straightforward. Our findings are set out below:

Straightforward cases

- 14 out of 23 cases missed the 5-working day processing target;
- 14 out of 25 cases missed the 10-working day processing target; and
- 1 out of 26 cases missed the 60-working day processing target.

Non-straightforward cases

- 9 out of 17 cases missed the 15-working day processing target;
- 6 out of 19 cases missed the 30-working day processing target; and
- 2 out of 19 cases missed the 60-working day processing target.

6.81 We set out in our previous inspection report on the Chennai visa section that meeting processing times for Tier 4 cases is particularly important because students typically have a relatively short timescale to obtain an entry clearance in order to take up their place on a course of study in the UK. The comments from the British Council in Islamabad and the University of Bradford, together with the case study set out in Figure 13 demonstrate the significant impact of lengthy processing delays on student customers. It is therefore important that the UK Border Agency achieves the customer service standards it has set to help student customers meet their course start dates.

6.82 Following recommendations in our inspection reports on the visa sections in Abuja and Chennai, concerning the manner in which posts interpreted the straightforward and non-straightforward categories to the detriment of customers, the UK Border Agency agreed it needed to review and simplify its customer service standards. These new standards were introduced in April 2010 and set out that visa sections overseas should complete:

- 90% of visa applications (except settlement categories), in not more than three weeks, 98% in six weeks and 100% in 12 weeks; and
- 95% of applications for settlement visas in not more than 12 weeks and 100% in not more 24 weeks.

6.83 We therefore make no further reference in this report about the incorrect classification of cases that we identified as part of our file sampling.

Were targets / benchmarks realistic and achievable?

- 6.84 We found that the customer service targets and the benchmarks that Entry Clearance Officers were expected to contribute towards were clearly understood. However, although staff understood the benchmarks they were expected to achieve, there was an inconsistent understanding amongst Entry Clearance Officers and Entry Clearance Managers over how these had been calculated and the factors taken into consideration in their development. For example, in respect of General Visit applications made in Pakistan, some Entry Clearance Officers told us they did not know how this benchmark had been set, whilst others said the benchmark had been transferred from Pakistan, where it operated prior to work being transferred to Abu Dhabi.
- 6.85 Managers confirmed the General Visits benchmark had previously operated in Islamabad, prior to the work being transferred to Abu Dhabi. They stated it had been introduced in Abu Dhabi because Entry Clearance Officers in Islamabad had consistently achieved this benchmark.
- 6.86 Entry Clearance Officers were allocated different types of visa applications. They told us that the achievability of their benchmark was heavily dependent on the type of visa application considered. We were told that Entry Clearance Officers considering applications from customers who were nationals of one of the three countries belonging to the Gulf Co-operation Council could consistently achieve the benchmark expected of them, despite the numerical benchmark for these cases being higher than some of the other benchmarks. Staff told us the target could be met because these cases were relatively straightforward, with only a limited amount of supporting documentation being provided in many cases.
- 6.87 However, staff dealing with applications made by customers in Pakistan were less confident that the benchmarks expected of them were realistic or that it was possible for them to be achieved consistently, without having an adverse impact on the quality of the decision. Both Entry Clearance Officers and some managers stated it was not possible to consistently make high quality decisions in 35 non-settlement cases per day (Pakistan applications), as expected of experienced Entry Clearance Officers. A number of staff commented that this benchmark failed to adequately take into account the complexity of making decisions in these cases. Staff also commented that not having the original documentation submitted by customers in front of them, whilst they considered the application, made their work more difficult.
- 6.88 Managers told us that 15% to 20% of Entry Clearance Officers considering non-settlement applications made in Pakistan achieved the benchmark of making 35 decisions per day. We noted that whilst some staff considering Pakistani non-settlement applications were relatively inexperienced and therefore had a reduced benchmark, a significant proportion of those who were expected to produce 35 decisions were not doing so.
- 6.89 Although some managers felt that the benchmark was unrealistic, others said they believed it to be challenging but achievable, whilst also maintaining the quality of decisions. We were informed that some “limited” exercises had been undertaken to assess whether targets were realistic. We were advised that the results of these exercises supported the view that the benchmarks set for Entry Clearance Officers were achievable. However, the UK Border Agency failed to provide us with any documentation relating to these exercises and we were unable to establish the accuracy of what we were told.

- 6.90 Managers stated that they anticipated the percentage of staff consistently achieving the benchmark would increase over time. A senior manager suggested that it would, in their opinion, take between six and 12 months for the majority of staff to be achieving this benchmark. We noted that although managers believed the number of staff achieving this benchmark would increase, there was no plan in place, setting out a trajectory showing the percentage of staff who would achieve the benchmark at set points in time.
- 6.91 During the on-site phase of our inspection in Abu Dhabi, senior managers informed us that an operational review was underway, the results of which were expected to be implemented in July 2010. We were informed that part of the remit of this review was to assess whether processes were effective and to test whether benchmarks were realistic and achievable. Given the concern of a number of staff that the targets could not be achieved consistently without impacting on the quality of decisions, we believe it is essential that an open and transparent review takes place, including meaningful consultation with staff.
- 6.92 We believe much more work needs to be undertaken by the UK Border Agency in Abu Dhabi to ensure that the focus on the achievement of numerical benchmarks is not adversely impacting the quality of decision making. Our file sampling indicated some significant problems with effective and fair decision making. Moreover, our inspection reports on the UK Visa Section, Chennai and Abuja also identified inconsistent and / or poor decision making and we noted that these visa sections also had challenging numerical targets to meet.

We recommend that the UK Border Agency:

- Strategically assesses whether the existing focus on the achievement of numerical targets is impacting negatively against decision making quality.

Delays issuing visas

- 6.93 We found that a significant number of customers had experienced delays in the issuing of their visas during 2009. We found this was the result of staff in the visa sections in Abu Dhabi and Islamabad not understanding each others' processes, for example, during the summer of 2009, we were told about a problem relating to the issuance of visas which led to a significant backlog of work.
- 6.94 The backlog concerned applications where decisions had been made in Abu Dhabi to grant a visa. This information was then relayed electronically to Islamabad, where cases were recorded in a 'print queue'. This process was referred to as "remote printing" (i.e. the visa was printed in a different location to where the decision-maker sits). However, before staff in Islamabad could print these visas and affix them into customers' passports, this part of the process needed to be authorised by staff in Abu Dhabi. We were provided with differing information about the total number of visas in the backlog. For example:
- staff in Abu Dhabi informed us there was a backlog of 2,500 cases awaiting remote printing last summer (2009);
 - staff in Islamabad informed us there was a backlog of between 10,000 and 11,000 cases awaiting remote printing last summer; and
 - a separate report produced by another part of the UK Border Agency noted there was a backlog of approximately 6,000 cases last summer.

- 6.95 We were concerned that the UK Border Agency was unable to provide clear management information about the extent of this problem. However, we consider the information provided to us by the Islamabad visa section was likely to be the most accurate picture, because it was most affected by this problem. For example, staff told us this issue caused significant storage problems because they had to retain customer documentation and passports for much longer than necessary. Staff added that the situation deteriorated so much at one point that they were unable to physically store more passports in the secure passport bank – not an ideal situation given the previous problems the visa section had experienced with missing/lost passports (we comment on this aspect in greater detail in the section on *Data handling*).
- 6.96 We were surprised this problem was not resolved much earlier because apart from the problems it caused for staff, the impact on customers was significant. It again demonstrates the importance of effective management, communication and joint working across all three visa sections to ensure a seamless service is provided to customers. We were told that communication across all three locations had now improved, with regular management meetings being held to understand performance issues.

Entry Clearance Manager Reviews

- 6.97 We found that all decisions made by new Entry Clearance Officers were reviewed by Entry Clearance Managers. We noted that once Entry Clearance Managers were satisfied with the quality of Entry Clearance Officers' decisions, the frequency of supervisory checks reduced, until the minimum frequency of checks was reached, as set out below:
- 25% of decisions to refuse entry clearance; and
 - 10% of decisions to issue entry clearance.
- 6.98 We compared these targets to the cases in our file sample and found that Entry Clearance Managers had carried out reviews in:
- 25 of the 93 (27% of the sample) of decisions to refuse General Visit and Tier 4 visas; and
 - 11 of the 99 (11% of the sample) of decisions to issue General Visit visas and Tier 4 visas.
- 6.99 We found Entry Clearance Officers clearly understood this process and valued the feedback provided, which they said allowed them to make improvements to their work. Entry Clearance Managers also thought the process was valuable in developing Entry Clearance Officers. However, some managers, particularly those responsible for larger numbers of new staff, subject to 100 per cent checks, expressed concern at the disproportionate amount of time spent reviewing decisions. Entry Clearance Managers stated they always carried out reviews as required, even if this meant that they had to stay at work late.
- 6.100 We found that of the decisions overturned following an administrative review, the initial decision had been reviewed by an Entry Clearance Manager in five cases. In three of these cases, the decision was subsequently overturned because the administrative reviewer considered an incorrect assessment of evidence had taken place in the original decision. We consider the original Entry Clearance Manager reviews should have identified these errors.

Appeals

- 6.101 The appeals team in Abu Dhabi was responsible for reviewing cases in which customers had appealed to the tribunal. We found that the team had been unable to consistently process the volume of work it received after Christmas 2009. Consequently, at the time of the inspection the team told us it had a queue of approximately 5,000 cases to process, in addition to new cases received each week.
- 6.102 We were told that the appeals team in Abu Dhabi reviewed 95% of appeal cases prior to the case being heard by the tribunal to assess whether the original refusal decision:

- should be overturned, either because it was unsound or because additional evidence provided with the appeal indicated the original refusal decision was no longer appropriate to maintain; or
 - should be allowed to stand and the case proceed to appeal.
- 6.103 Staff advised us that, because of the volumes of work they received, they had been unable to consistently review cases and communicate the outcome of their review to the tribunal within the time limits set out. As a result, in some cases, the tribunal heard appeals when the appeals team had already decided to overturn the original refusal decision. This meant the tribunal heard appeals that were not necessary.
- 6.104 We were surprised that appeals lodged with the tribunal (as opposed to those lodged with the visa section), were prioritised by the appeals team. We were told this was because while the visa section had a target to process appeals lodged with the tribunal, it did not have a target to meet for appeals lodged at the visa section. We were concerned that the interpretation of this target resulted in appeals lodged directly with the tribunal having the decision in their case reviewed more quickly than those who appealed to the visa section. We question whether this meets the UK Border Agency's aims to provide services that are equally accessible to all as set out in its Customer Strategy.
- 6.105 The UK Border Agency set a target that less than 25% of visa decisions should be successfully appealed against. In Abu Dhabi, between September 2009 and March 2010, we found that between 29% and 54% of visa decisions had been successfully appealed against, as shown in Figure 21 below.

Figure 21 – Upheld appeal rates September 2009 – March 2010

Period	Dismissed %	Upheld %
September 2009	46	54
October 2009	62	38
November 2009	64	36
December 2009	71	29
January 2010	51	49
February 2010	52	48
March 2010	49	51

Note: Information provided by UK Border Agency, International Group

- 6.106 This showed Abu Dhabi was failing to meet the appeal dismissal target on a consistent basis and often by a significant margin. We therefore examined the processes in place to assess whether the visa section was analysing appeals that were allowed to identify learning outcomes in order to improve performance against this target.
- 6.107 Staff told us that the appeals team within the visa section read all determinations in which the tribunal had allowed customers' appeals. They also retained copies of allowed appeal determinations for Entry Clearance Officers and their managers to read, if they wished. However, due to the volumes of determinations received, it was not possible for the team to study each determination.
- 6.108 We found there were no processes in place for Entry Clearance Officers to routinely be given copies, or the time to study, either allowed or dismissed appeal determinations in which they had made the decision. Similarly, Entry Clearance Managers were not routinely given copies of determinations relating either to decisions made by members of their team or cases where they had undertaken an Entry Clearance Manager review.

- 6.109 We were told that although the visa section in Abu Dhabi used to have a member of staff who analysed allowed appeals to identify trends, they were not replaced. Consequently, apart from the appeals team reading individual allowed appeals, there were no processes in place to routinely monitor appeal determinations, in order to learn lessons from individual cases or to identify wider trends with a view to improving the quality of overall decision making. We identified the same problems during our inspection of the UK Visa Section.
- 6.110 We found there to be a widely held view amongst senior managers in the visa section in Abu Dhabi that there was little, if any, benefit to be obtained from reviewing or analysing allowed appeals. They suggested it was not possible to identify a ‘correct’ approach to be taken when making decisions because there was a lack of consistency in the determinations of the tribunal.
- 6.111 However, as we indicated previously, Entry Clearance Officers greatly valued the feedback provided by the reviews that Entry Clearance Managers routinely completed and we believe similar value could have been realised if allowed appeals had been properly analysed to identify improvements opportunities. We were therefore surprised at the limited steps taken by the visa section in Abu Dhabi to analyse appeal determinations with a view to learning lessons and improving decision quality. We believe such action is essential to drive continuous improvement activity and help the organisation get decisions “right first time”.
- 6.112 Our file sampling on General Visit and Tier 4 applications identified a number of inconsistencies in decision making, including evidence not being assessed correctly and incorrect decisions being made. Entry Clearance Managers also identified a high level of inconsistent decision making when undertaking administrative reviews, with our sampling showing they overturned the original refusal decision in over a third of cases (14 cases – 35%). We therefore believe a formal analysis of allowed appeals would not only help the visa section identify and categorise the main reasons for allowed appeals, it would almost certainly identify opportunities for improvement in its own decision making processes.
- 6.113 This work would also identify other reasons for allowed appeals, outside the control of the UK Border Agency (alluded to by the senior managers in Abu Dhabi). These outcomes would perhaps help the UK Border Agency and the tribunal to determine whether there are other actions that could be taken to improve the overall appeal process and drive down costs associated with appeals.

We recommend that the UK Border Agency:

- Implements a formal review to determine the main reasons for allowed appeals and uses this analysis to drive improvements in decision making quality.

Data handling

- 6.114 It is important that visa sections have robust processes in place to ensure that sensitive and personal information material provided by customers is handled securely. We therefore reviewed the procedures for handling personal and sensitive material in both Abu Dhabi and Islamabad.
- 6.115 In Abu Dhabi we found processes were in place for the secure handling of personal information. We noted the post operated a ‘clear desk’ policy, whereby files and customer’s personal information were stored in locked cabinets or locked rooms each evening and passports were stored securely at the close of business each night.
- 6.116 In Islamabad we were told about the problems affecting customers’ passports which had gone missing whilst in the custody of the UK Border Agency (about 150 passports in total over the last three to four years). It was considered that at least some of these documents had been stolen.

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

- 7.1 The UK Border Agency's Customer Strategy states that: *we firmly believe that offering excellent customer service helps us in our role of protecting the public. Delivering excellent service saves us money and releases funds to help us achieve our aims.*
- 7.2 To help us make an informed judgment about the level of customer service provided by the visa sections in Abu Dhabi and Islamabad, we took into account the objectives set out in the UK Border Agency's Customer Strategy. This set out four key objectives the UK Border Agency recognised it needed to achieve in order to realise its vision of delivering excellent customer service. They are:
- *learn lessons from customer feedback;*
 - *modernise our customer contact and change the way our people behave;*
 - *use a better understanding of our customers to provide more effective services; and*
 - *consider customers' needs when redesigning our business.*
- 7.3 We also paid particular attention to the following service standards set by the UK Border Agency in its Customer Strategy and Customer Charter:
- *For our staff and our business partners' staff, whether in the UK or overseas, to be thorough, polite and professional;*
 - *For the information we provide to be in plain language, accurate and meet your needs;*
 - *For us to process applications in line with our published delivery standards;*
 - *For us to provide you with a detailed response to an enquiry or complaint;*
 - *If we refuse your application, for us to give you a clear and detailed explanation of why we refused it and details of if and how you can appeal; and*
 - *For us to give you the opportunity to give us feedback on our services and to complain if necessary.*
- 7.4 The Customer Strategy also acknowledged that *customers of government services increasingly expect services to be designed to meet their needs. Complaints tell us about our customers' needs and expectations and our own shortcomings.*
- 7.5 In order to assess the impact on people subject to UK Border Agency services, we visited visa application centres, looked at processes for handling correspondence and complaints, and examined processing times.
- Visa application centres**
- 7.6 We visited three visa application centres located in Abu Dhabi, Dubai and Islamabad. All three were operated by VFS Global²⁴, one of two commercial partners the UK Border Agency uses around the world to accept visa applications on its behalf.

²⁴ The Islamabad visa application centre was subcontracted by VFS Global Services to a local company, Gerry's.

- 7.7 Customers were able to pre-book appointments to submit their application at all three visa application centres. We were also advised that it was possible for customers in Abu Dhabi and Dubai, who had not made an appointment, to submit their applications on a walk-in basis where availability existed. We were informed that all of the visa application centres had capacity for urgent applications to be submitted.
- 7.8 All three visa application centres had internal targets for the end to end application process. In Abu Dhabi and Dubai the internal target was to process applications within 15 minutes. In Islamabad, the target was 30-45 minutes. The visa application centres' own assessment of their processing times showed that these targets were routinely met. There were no queues at the time of our visits to all three visa application centres and we observed customers being seen quickly.
- 7.9 We noted a range of optional services offered to customers at the visa application centres, such as:
- photocopying;
 - taking passport photographs;
 - a text service to update customers on their application; and
 - a separate premium lounge.
- 7.10 At the time of our visit, the waiting areas were clean and well presented. Notice boards, displaying notices in English and local languages were prominently placed and leaflets detailing the various types of visa were available.
- 7.11 The visa application centre in Abu Dhabi could offer up to two hundred appointments per day, rising to four hundred during the peak period. We were informed that approximately 80 per cent of applications made at the centre were made by Emirati nationals.
- 7.12 We were told that the visa application centre in Dubai handled applications from a number of different nationalities, with the greatest numbers of applications being submitted by nationals of India, Pakistan, the United Arab Emirates and the Philippines. Visa application centre staff told us there were rarely long waiting times and that customers could generally get appointments easily.
- 7.13 We were told the visa application centre in Islamabad could offer up to 546 appointments per day for new applications, in addition to dealing with a further 100 appeal cases (original refusal decisions overturned).
- 7.14 The contract between the UK Border Agency and VFS Global required the commercial partner to operate one telephone line to handle calls relating to the Abu Dhabi and Dubai visa application centres. However, due to the volume of calls, VFS Global operated three lines to respond to enquiries in English or Arabic. We were informed there was an average waiting time of three minutes due to the level of demand for this service. Ten per cent of calls were abandoned by customers before VFS Global were able to answer them.
- 7.15 We also examined the telephone call statistics for the visa application centre in Islamabad covering a three month period (February – April 2010). This showed that:
- 103,614 calls were made;
 - 99,649 were answered with an average call waiting time of 30 seconds; and
 - 3,965 calls were abandoned, representing 3.83% of all calls made.

Complaints at the visa application centres

- 7.16 We found that visa application centres decided whether correspondence they received from customers was a 'complaint' or an 'enquiry'. For correspondence to be considered as a complaint, we were told that customers would need to make an explicit expression of dissatisfaction. All visa application centres recorded any correspondence they considered to be complaints in dedicated complaints logs.
- 7.17 We noted that complaints were made for a range of reasons. The majority of these related to processing times, while others related to customer service and staff rudeness. If visa application centres received complaints relating to processing times outside of the published customer service standards, we were told this correspondence was forwarded to the visa section for its attention.
- 7.18 We were concerned to find that there were no formal processes for managers within the Abu Dhabi and Islamabad visa sections to regularly review the quality of visa application centres' responses to complaints. We were informed that the visa sections did not see the visa application centre's responses unless customers contacted them directly about the handling of their complaint.

Correspondence / Complaints

- 7.19 The UK Border Agency's International Group told us that it had revised its procedures in September 2009 to align complaint handling procedures in its visa sections with those in other areas of the UK Border Agency. International Group acknowledged that the correct handling of complaints was a high priority because:
- poor complaint handling and under-recording of complaints damaged its reputation; and
 - feedback could be used to improve its business and raise the level of customer service.
- 7.20 The UK Border Agency told us that it defined a complaint 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.
- 7.21 The new procedures required visa sections to record complaints on a standard template. Each of International Group's regions was then expected to provide a statistical return to a Nominated Responsible Officer each month. The intention was that each region would provide an analysis of complaints on a quarterly basis.
- 7.22 We noted the UK Border Agency had set a target to deal with all complaints substantively within a period of 20 working days. We therefore reviewed the complaints process in Abu Dhabi. We also examined the complaints log and interviewed staff to determine whether:
- the amended complaint procedures introduced in September 2009 were being complied with; and
 - correspondence was being handled appropriately.
- 7.23 Staff informed us that before it became a regional hub, responsibility for responding to complaints had been managed in an informal manner given the relatively small visa section that existed previously. However, as the workload of the post grew, so did the number of complaints. In order to manage complaints Abu Dhabi developed a number of processes, including:
- allocating an Entry Clearance Manager with overall responsibility for complaint handling;
 - introducing a duty Entry Clearance Officer post to respond to complaints; and
 - creating a dedicated inbox for complaints.

- 7.24 All correspondence received in Abu Dhabi was considered by Entry Clearance Assistants, who assessed whether the correspondence received was a complaint or a general enquiry. Staff told us that if a piece of correspondence was categorised as a complaint by an Entry Clearance Assistant, it would be referred to the Entry Clearance Manager, who would decide whether or not a complaint was being made.
- 7.25 We were told that responses to complaints were drafted by the Entry Clearance Officer with responsibility for complaints, or the Entry Clearance Manager with overall responsibility for complaint handling. In addition, all complaint responses were checked by an Operations Manager to ensure they were of a satisfactory quality before they were sent out to customers.
- 7.26 Staff in Abu Dhabi told us they received large volumes of correspondence. This included approximately 150 – 200 email enquiries per day to the visa enquiries email address, in addition to telephone enquiries, letters and faxes. We noted the correspondence team had a 20 working day target to respond to these general enquires and, at the time of our inspection, was taking an average of five working days to respond.
- 7.27 We found staff responsible for sifting correspondence were familiar with the definition of a complaint set out by the UK Border Agency. However, we also found this definition provided scope for interpretation over what constituted an ‘expression of dissatisfaction’. Neither the Operational Policy Instruction on the ‘Revised Complaints Procedure for International Group’, nor the guidance for entry clearance staff on ‘What is a complaint?’ provided examples to assist staff in identifying a complaint.
- 7.28 We found staff had differing views over what the term ‘expression of dissatisfaction’ meant. One member of staff said that a person would need to use the words complaint or disappointed for their correspondence to be considered as a complaint, whereas another member of staff said that if a person referred to human rights, the case would be processed under the complaints procedure.
- 7.29 In our recent inspection of the UK Border Agency’s handling of complaints and MPs’ correspondence²⁵, we also identified that the definition of a complaint was not understood and applied consistently across the UK Border Agency.
- 7.30 We were informed by staff that customer correspondence regarding delays in processing their applications would not routinely be categorised as complaints. We were informed that staff sent standard responses to customers who enquired about the progress of their application within the UK Border Agency’s published service standard timescales. However, whilst this approach was reasonable, we were particularly concerned to find that customer enquiries about delays to their applications beyond published customer service standards were not routinely treated as complaints.
- 7.31 Given the inconsistent views amongst staff over what constituted an ‘expression of dissatisfaction’, the visa section was unable to provide assurance that it was properly recording, or responding to correspondence that met the UK Border Agency’s own definition of a complaint.
- 7.32 Correspondence considered to be an ‘enquiry’ was responded to directly by Entry Clearance Assistants. We noted there were no processes in place to routinely monitor either the quality of the initial sift of correspondence by Entry Clearance Assistants, or their responses to enquiries. An identical finding was made in the UK Visa Section and the same outcomes occurred – complaints were not handled properly, even when it was clear the level of service provided was unacceptable. The two case studies shown in Figure 22 and 23 provide examples of the types of poor complaint handling we identified in Abu Dhabi.

²⁵ The inspection report “Lessons to learn: A thematic inspection of the UK Border Agency’s handling of complaints and MPs’ correspondence” is available here: www.independent.gov.uk/icinspector/inspections/inspection-reports/

Figure 22: Case study 8 – Family Visit application

The customer:

- applied for entry clearance to the UK as a family visitor on 11 March 2009;
- was refused the following day, 12 March 2009;
- wrote to the visa section in Islamabad five times Between May and September 2009 to enquire about the status of their application (the customer stated they had also been in contact with Gerry's on numerous occasions to enquire about their application). The customer expressed dissatisfaction on each occasion. The visa section responded to all five enquiries advising the customer each time that their application was being processed and they should wait to be contacted;
- On 2 and 8 November 2009, the customer emailed the visa section again, expressing extreme dissatisfaction and – on both occasions – their desire to make a complaint. The visa section neither acknowledged nor dealt with either of the customer's emails as complaints. The visa section did not respond at all to the customer's complaint of 8 November;
- On 14 April 2010, the customer wrote to the visa section in Abu Dhabi stating he did not understand the reason he was being punished in this way. The email was marked as "complaint" and the customer stated it was over a year since he made his application and he was still awaiting a decision. The customer asked that action be taken against the individuals responsible for failing to respond to him appropriately. This was the customer's third attempt to complain formally. The visa section did not respond to the customer; and
- On 26 April, the visa correspondence team in Abu Dhabi requested an Entry Clearance Manager to look into the customer's case. At the time of writing this report (July 2010), no further action had been taken by the UK Border Agency.

Chief Inspector's comments:

- the UK Border Agency:
 - refused the customer's application on 12 March 2009;
 - failed to communicate this decision to the customer, either by sending a refusal notice or providing accurate responses to any of the customer's five emails expressing dissatisfaction over the period May to September 2009;
 - failed to take any satisfactory action to address the customer's dissatisfaction with the level of service provided;
 - failed to acknowledge, register or respond to all three of customer's complaints expressing extreme dissatisfaction over the period November 2009 to April 2010; and
 - failed to act in accordance with its published feedback and complaints procedure to respond fully within 20 working days.
- the customer received a very poor level of customer service.

Figure 23: Case study 9 – Tier 4 application

The customer:

- had been living in the UK as a student dependant for 5 years. They wished to study for a Master's degree in the UK and returned to Pakistan on 17 August 2009 with their daughter to make an application under Tier 4 of the points-based system. On 18 August 2009, they applied for entry clearance to the UK as a student with their daughter. An Entry Clearance Officer decided to grant the application on 9 September 2009;
- Between 2 October 2009 and 5 April 2010, the customer emailed the visa sections in Islamabad and Abu Dhabi and the Visa Services Directorate in the UK 13 times to i) enquire about the status of their application; ii) request the return of their documents; iii) express extreme dissatisfaction with the UK Border Agency's failure to issue their visa and return their documents in a timely manner; and iv) highlight the negative impacts this failure caused them, including financial loss, missed classes and loss of employment;
- On 20 October, the UK Border Agency wrote to the customer advising them to collect their family's passports which were being returned without processing because the TB certificates were now out of date;
- On 31 October, the customer wrote to the visa section in Islamabad expressing her frustration and requesting prompt return of all her documents; and
- On 14 April, the visa section in Abu Dhabi contacted the customer asking for her telephone number. The customer provided this on 10 May 2010.

Chief Inspector's comments:

- the UK Border Agency:
 - issued a Tier 4 entry clearance to the customer on 9 September 2009 but – as at 19 July 2010 – had failed to return the customer's documents despite repeated requests;
 - responded to only five of the customer's emails;
 - between 2 October 2009 and 28 February 2010, failed to provide satisfactory responses to any of the customer's 11 emails seeking a resolution and expressing severe dissatisfaction, and failed to provide a response at all to seven of these emails;
 - provided the customer with inconsistent and inaccurate information about its tuberculosis screening requirements for returning residents;
 - Visa Services Directorate failed to provide a satisfactory response or take satisfactory action in response to the customer's request for assistance on 22 March 2010, and failed to respond to the customer's email of 5 April 2010;
 - at some point, recognised the customer's dissatisfaction as a complaint, but it is not clear when;
 - on 19 May, responded to the customer's complaint formally. The complaint was upheld and the customer was offered a refund of the visa fee but no compensation for the cost of travel expenses; and
 - as at 19 July 2010 this refund had not been processed.

7.33 We consider the level of service provided in both cases simply did not meet the standards that the UK Border Agency set out in its Customer Strategy or Customer Charter. In the latter case study we consider that the UK Border Agency:

- should have registered the customer's email of 18 December 2009 as a complaint but failed to do so;
- did not make clear to the customer when their enquiries were first recorded as a complaint; and
- provided an extremely poor level of service to the customer over a prolonged period and – as at 19 July 2010 – had still not resolved the issue satisfactorily.

- 7.34 Our inspection of complaint handling in Abu Dhabi identified extremely poor joint working and communication between Abu Dhabi, Islamabad and the UK Visa Section. It was clear to us that processes to identify complaints and deal with them effectively were not working. As a result, customers frequently found themselves being ignored, being bounced between the three visa sections and/or Gerry's in Islamabad, or typically receiving generic and inappropriate responses which simply did not deal with the complaints being made. This was also evidenced from our meeting with the representatives of various Chambers of Commerce in Pakistan, who told us that email responses provided by the UK Border Agency to their members did not deal with the issues being raised and that replies were generally standardised, regardless of the visa enquiry being made.
- 7.35 We also found that, during the on-site phase of our inspection, it was taking approximately seven weeks to respond to correctly identified complaints. As a result, the visa section was not meeting the 20 day complaint handling target set by the UK Border Agency.
- 7.36 We were surprised, given the Nominated Responsible Officer had overall responsibility for complaint handling, that their remit did not include routinely monitoring responses to complaints or correspondence. Although the Nominated Responsible Officer had carried out an analysis of complaints as required, we do not believe they could have been confident that the record of complaints – and consequently their analysis – was an accurate representation of cases where an 'expression of dissatisfaction' had been made.
- 7.37 The lack of any effective local or regional management oversight of this important aspect of the UK Border Agency's business, meant we were not satisfied that managers at all grades had any meaningful understanding of the customer service problems in the region. Without this understanding, we conclude that the UK Border Agency was unable to demonstrate it was:
- properly identifying and using customer feedback and complaints to drive business improvement;
 - assessing the costs to its business of poor customer service;
 - contributing to the Government's commitment in August 2008 to achieve "world class public services" or to its own commitment to achieve "Customer Service Excellence by 2011"; or
 - working in accordance with the values set out in its Customer Strategy.

We recommend that the UK Border Agency:

- identifies complaints correctly;
- trains staff appropriately and provides clear guidance – with examples – on what constitutes "an expression of dissatisfaction";
- responds to customers appropriately;
- carries out effective quality assurance processes to ensure complaint procedures are being complied with; and
- implements the service standards set out in its Customer Strategy.

8. Inspection Findings – Management and Leadership

- 8.1 We held a number of interviews, focus groups and ‘drop-in’ sessions with a range of staff in Abu Dhabi and Islamabad. We interviewed the Regional Manager, three Operations Managers, a Business Manager, four Entry Clearance Managers, and two locally engaged members of staff who were Heads of Section. We also held one focus group for Entry Clearance Managers, four focus groups for Entry Clearance Officers and three focus groups for Entry Clearance Assistants.
- 8.2 We also conducted a staff survey prior to the on-site phases of our inspection in Abu Dhabi and Islamabad. Figure 24 shows the response rates we received across both visa sections.

Figure 24– Staff survey response rate for the two inspected locations

Entry clearance location	Number of staff the survey was distributed to	Number of staff responding ²⁶	Response rate
Abu Dhabi	173	147	85%
Islamabad	143	105	73%
Total	316	252	80%

Note: The results of the full staff survey can be found at Appendix 2.

Managers are confident and visible – Abu Dhabi

- 8.3 Our staff survey in Abu Dhabi showed that:
- 71% of respondents (102 out of 143) either agreed or strongly agreed that senior managers (i.e. Operations Managers, Business Manager, Regional Manager and Regional Director) were approachable; and
 - 67% of respondents (98 out of 146) either agreed or strongly agreed that their business area was well managed by their senior managers.
- 8.4 Whilst we were in Abu Dhabi, staff presented a mixed picture about their views on whether their managers were confident, visible, motivational and committed to delivery. During focus groups, Entry Clearance Officers and Entry Clearance Assistants were complimentary about Entry Clearance Managers. However, they expressed serious concerns about the management style of some of the more senior managers within the visa section, characterising it as very strong and forceful at times.
- 8.5 From our observations, it was evident to us that there was a level of tension between staff and certain senior managers within the visa section. This was demonstrated in all of the focus groups we conducted and through our drop-in sessions, where staff requested personal one-to-one interviews with the inspection team in order to discuss their concerns about management style. The British Ambassador to the United Arab Emirates also made us aware of concerns about the management style of some of the senior managers within the visa section.
- 8.6 We raised these issues with the Regional Manager, who told us that he considered the management team in Abu Dhabi was effective and had tackled poor performance appropriately.

²⁶ In two cases respondents filled in both an electronic and hardcopy version. We excluded these because the responses differed between the electronic and hardcopy versions.

- 8.7 We therefore re-examined the questions about senior management being approachable and the business area being well-run, with a particular emphasis on the responses provided by Entry Clearance Officers in Abu Dhabi. This revealed that:
- 42% of Entry Clearance Officers (13 out of 31) either disagreed or strongly disagreed that *senior managers (i.e. Operations Managers, Business Manager, Regional manager and Regional Director) were approachable*; and
 - 58% of Entry Clearance Officers (18 out of 31) either disagreed or strongly disagreed that *their business area was well managed by senior managers*.
- 8.8 We do not believe, therefore, that the issues raised with us related solely to poor performance. Rather, they concentrated on the concerns of entry clearance staff (primarily Entry Clearance Officer/ Manager grade) about the forceful way in which certain senior managers treated them. We believe this is an area that the UK Border Agency needs to explore further to ensure all staff behave in line with Home Office values.

Managers are confident and visible – Islamabad

- 8.9 Our staff survey in Islamabad showed that:
- 82% of respondents (86 out of 105) either agreed or strongly agreed that *senior managers (i.e. Operations Managers, Business Manager, Regional Manager and Regional Director) were approachable*; and
 - 65% of respondents (68 out of 105) either agreed or strongly agreed that *their business area was well managed by their senior managers*.
- 8.10 Whilst we were in Islamabad, staff were complimentary about the management team, led by the Operations Manager. However, it was clear that staff considered that the overall management of the visa section was reactive, rather than proactive. For example, we were told about a recent exercise involving a pilot to undertake some limited decision making (approximately 400 cases) in Islamabad. We were told that:
- the first staff knew about this pilot was on a Friday afternoon – it went live the following Monday morning, when the logistics and staffing for the operation had to be developed/agreed;
 - no consultation had taken place;
 - no work had been undertaken to assess how the pilot might effect other work within the visa section; and
 - Entry Clearance Officers assigned to the work (two) were under pressure from senior management to:
 - clear the intake each day (i.e. make decisions); and
 - make decisions based on the travel history of the customer rather than the documentation provided.
- 8.11 Staff told us that far fewer cases were referred to the Document Verification Unit as a result of this latter instruction. In addition, we were told that the average refusal rate for these cases was lower than the prevailing refusal rates for the same category of work in Abu Dhabi.
- 8.12 Staff told us they were frequently moved from their own work area to clear a backlog of work, or deal with a new initiative (as in the case above). However, we were told this invariably created queues of work elsewhere (or a backlog if performance targets were subsequently missed). Using the above example, we were told that other work suffered (this involved the examination of passports for forgeries and travel history). This work then had to be cleared by appointing additional staff (including one locally engaged member of staff).

- 8.13 Staff in both locations believed work was driven by numerical benchmarks, sometimes at the expense of making high quality decisions. Entry Clearance Officers in Abu Dhabi referred to their working environment being similar to a factory, adding they were not always encouraged to take the time to make good quality decisions. These views were supported by our file sampling results.
- 8.14 These views were also supported by the staff survey we conducted which revealed that:
- Two-thirds of Entry Clearance Officer respondents in Abu Dhabi answered negatively to the statement *workload is managed effectively in my work area*; and
 - all the Entry Clearance Officer respondents in Islamabad answered negatively to the statement *workload is managed effectively in my work area*.
- 8.15 While the overall staff survey recorded that 68% of respondents (100 out of 147) in Abu Dhabi and 75% of respondents (78 out of 104) in Islamabad considered their performance targets allowed them to complete work to what they thought was a good standard, we found this was not the case for Entry Clearance Officers who were most directly affected by the performance targets. For example, when we examined how Entry Clearance Officers responded to this statement, we found that two-thirds of Entry Clearance Officer respondents in Abu Dhabi (20 out of 31 respondents) and Islamabad (4 out of 6 respondents) answered this statement negatively.
- 8.16 We believe the concerns expressed by staff in relation to the numerical targets they were set were supported by our file sampling, which revealed a number of inconsistencies in decision making that affected customers adversely. We found also that our inspections of the visa sections in Abuja, Chennai and the UK Visa Section identified similar issues around challenging numerical targets for Entry Clearance Officers and inconsistent and / or poor decision making. We therefore believe much more work should now be undertaken by the UK Border Agency to determine whether the existing focus on the achievement of numerical targets is impacting negatively against decision making quality.

Training

- 8.17 The results of the staff survey we conducted prior to the on-site phase of our inspection showed that that 73% of respondents (107 out of 147) in Abu Dhabi and 72% of respondents (75 out of 104) in Islamabad agreed or strongly agreed with the statement *the training I have received has enabled me to do my job effectively*.
- 8.18 Staff responded less positively to the statement *I have received specific training in recognising visa risks, e.g. forgery awareness, risk profiles, risk alerts etc.* with 57% of respondents in Abu Dhabi (83 out of 145) and 58% of respondents in Islamabad (57 out of 99) agreeing or strongly agreeing with this statement.
- 8.19 UK-based staff responded more negatively to the statement *I have received post-specific induction training to provide me with local knowledge, e.g. local pay rates, family and social culture, practical differences in the banking system*, with only 29% (11 out of 38) and 36% (4 out of 11) of the respondents in Abu Dhabi and Islamabad respectively agreeing or strongly agreeing with this statement.
- 8.20 We consider the lack of post-specific induction training impacted negatively against quality of decision making, particularly for those staff in Abu Dhabi who, unlike staff in Islamabad, had no easy access to locally engaged staff.
- 8.21 During the on-site phase of our inspection, staff in Abu Dhabi and Islamabad told us they had undertaken the UK Border Agency's mandatory training on issues such as equality and diversity using the 'e-learning' programmes. Staff in both visa sections confirmed the post-specific induction training for new staff had been poor, but staff in Abu Dhabi said the new post-specific induction training, introduced in 2010, was of a much better quality.

8.22 We were told by staff at various grades in Abu Dhabi that although they had been able to participate in some post-induction training activity, such as an Embassy training event in January 2010, other training opportunities had been extremely limited. They considered they would benefit from more opportunities to undertake training tailored to their respective roles. Staff in Islamabad expressed a similar view.

IT systems

- 8.23 The results of the staff survey we conducted prior to the on-site phase of our inspection showed that staff were less positive with the IT equipment they had to do their job, showing that:
- 63% of respondents (91 out of 145) in Abu Dhabi either agreed or strongly agreed that the *IT systems where they worked allowed them to do their work effectively*; and
 - 50% of respondents (52 out of 104) in Islamabad either agreed or strongly agreed that the *IT systems where they worked allowed them to do their work effectively*.
- 8.24 We found that although staff in Abu Dhabi and Islamabad used the same IT platform (provided by the Foreign and Commonwealth Office) and the same case working IT system (Proviso) for visa decision making, they could not access information entered into the system by another visa section because the Proviso system was post-specific. This effectively meant Proviso users in a visa section only had access to their own Proviso records and could not see records created in other visa sections.
- 8.25 Staff told us this was a barrier to effective working, although action had been taken to develop workarounds. For example, a process had been developed whereby staff in Islamabad scanned and then emailed allowed appeals related documentation to staff either in Abu Dhabi or the UK Visa Section, so that action could be taken to issue entry clearance.
- 8.26 However, staff also told us that being unable to see the action taken by another visa section, in relation to the same application, caused additional work and delays. We were therefore surprised that some of the fields within the Decision Support Tool were not being fully utilised, since this tool could be accessed by all three visa sections.
- 8.27 For example, during our inspection visit in Islamabad (April 2010), staff told us they had stopped using the risk profile tab about 12 months ago. We were told this was because of a variety of reasons, including:
- the time it took to complete this tab (3-4 minutes on average), which slowed down the number of cases processed, leading to increasing backlogs in the section;
 - significant IT problems the visa section experienced during the summer of 2009, including IT systems:
 - continually crashing;
 - not coping with the level of demand placed on them;
 - experiencing problems with unreliable internet connections that caused systems to often work very slowly; and
 - the belief that Entry Clearance Officers could make decisions without the information provided on the Decision Support Tool risk profile tab, because of support from the Risk and Liaison Overseas Network (including risk profiles).
- 8.28 In addition, we were told about a new pilot due to start on 28 April 2010 (the week after our inspection visit), during which documents submitted by customers in support of applications would not be listed on the Decision Support Tool. We were informed that this approach was being piloted in response to a queue of work that was building in the section that entered data onto the Decision Support Tool.

- 8.29 We remain concerned that the one IT tool all staff can access, whether in Abu Dhabi, Islamabad or the UK Visa Section, was not being completed properly, usually driven by a need to manage increasing queues of work (backlogs). However, while some staff in Islamabad thought that contingency plans had been put in place to mitigate against such actions, we found this was not always the case, as set out in our UK Visa Section inspection report. This demonstrated a lack of intelligence support for Entry Clearance Officers, coupled with staff uncertainty about the information the Decision Support Tool was supposed to provide.
- 8.30 We therefore believe the UK Border Agency needs to consider much more carefully the impact across all three locations of not completing certain parts of the Decision Support Tool in Islamabad. This is particularly true in light of the absence of risk profiles that are regularly reviewed and updated.
- 8.31 We were told work had taken place to improve the speed of the IT systems. However, given previous experiences, many staff lacked confidence that the IT would be sufficiently robust to cope with the demand that the visa section would be expected to handle in 2010, particularly during the summer peak.

Appendix 1

Inspection framework and core criteria

The criteria applicable to the inspection of the entry clearance operation in Abu Dhabi and Islamabad were extracted from the core criteria of the Independent Chief Inspector of the UK Border Agency. They are shown below.

1. High level outcomes of the business

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

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

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

3. Impact on people subject to UK Border Agency services

3.2(a)	Accommodation, whether interview rooms, waiting rooms etc. are welcoming and clean
3.2(b)	The facilities afford customers privacy
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)	UK Border Agency provides prompt, detailed responses to complaints etc.
3.4(c)	Customers receive a clear and detailed explanation if their application is refused, with details of any appeal rights

4. Management and Leadership

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

Appendix 2

Staff survey results

Methodology

As part of the evidence gathering phase, a staff survey was distributed electronically and in hardcopy format to 344 staff in the three locations that were inspected: Abu Dhabi, Islamabad and the UK Visa Section. Participation in the survey was anonymous and on a voluntary basis.

The response rate for the three locations is shown in Appendix Figure 1.

Appendix Figure 1 – Response rate to the staff survey for the three inspected locations

Entry clearance location	Number of staff the survey was distributed to	Number of staff responding ²⁷	Response rate
Abu Dhabi	173	147	85%
Islamabad	143	105	73%
UK Visa Section (UKVS)	26	20	77%
Total	344	272	79%

We asked staff 26 questions covering the following themes:

- Management and leadership;
- Performance targets;
- Training and support; and
- Equality and diversity.

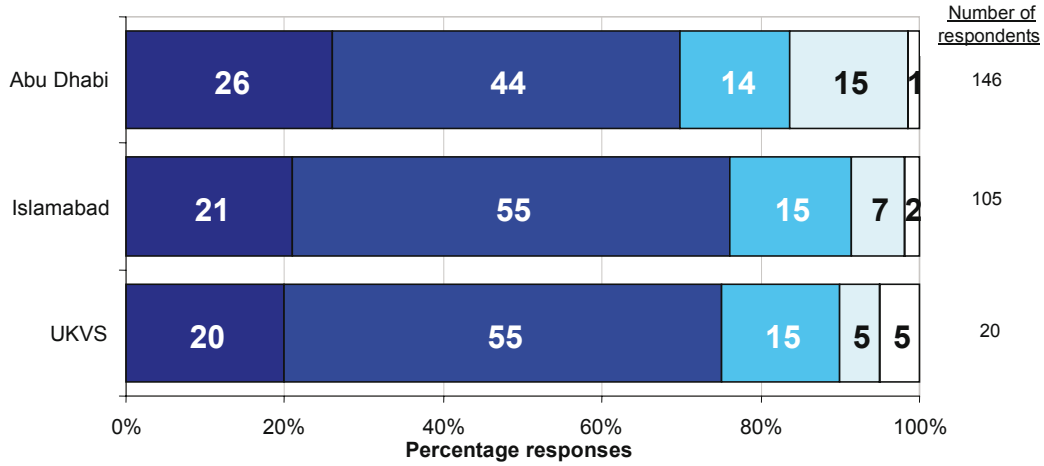
Questions were drawn from the Home Office staff survey where appropriate, though additional questions were developed to capture information specific to entry clearance operations.

The results are shown in the following charts, together with the number of respondents for each individual question.

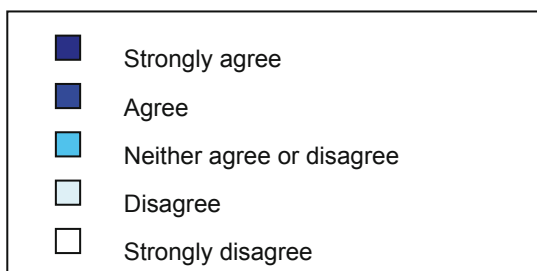
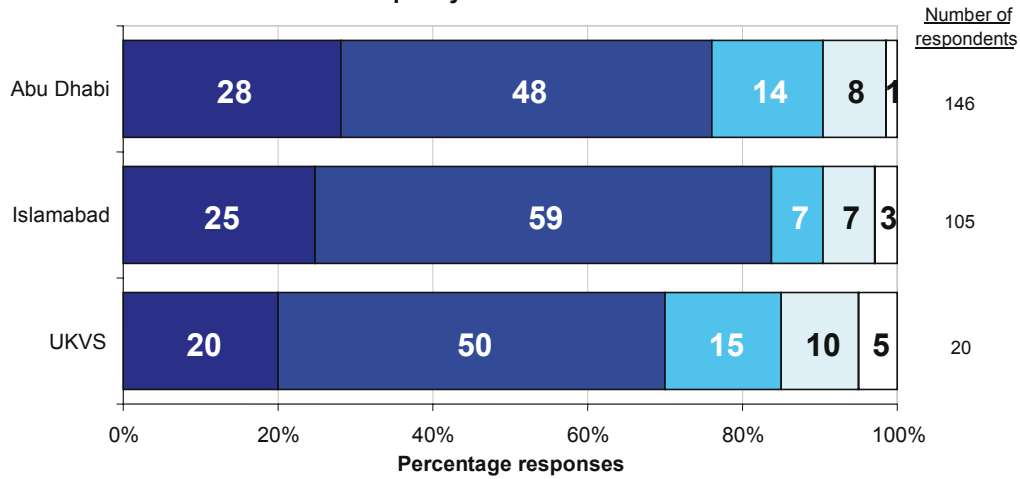
²⁷ In two cases respondents filled in both an electronic and hardcopy version. We excluded these because the responses differed between the electronic and hardcopy versions.

Management and leadership

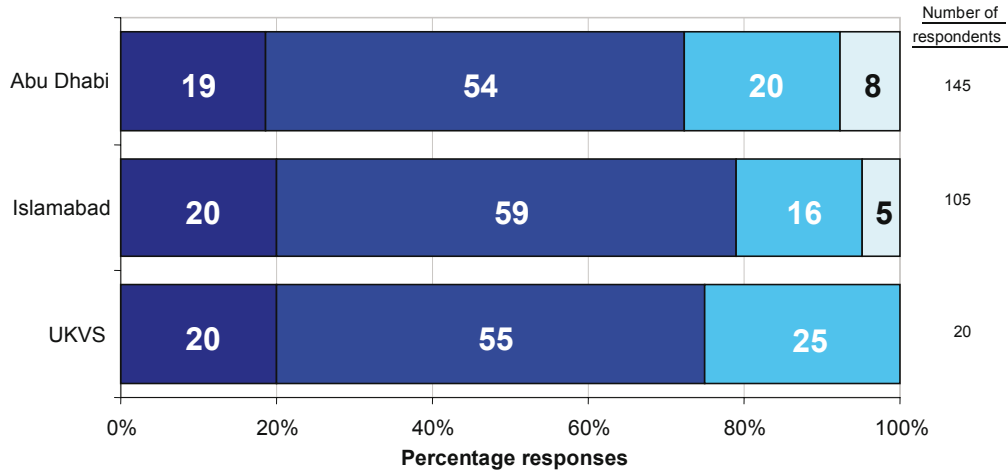
1. My line manager gives me regular feedback on the quality of the work I do



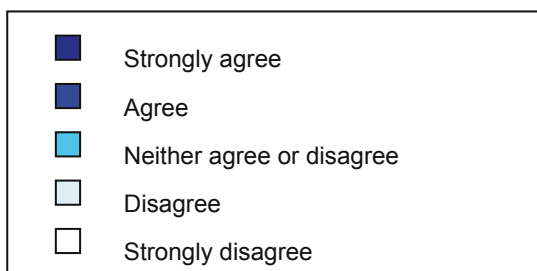
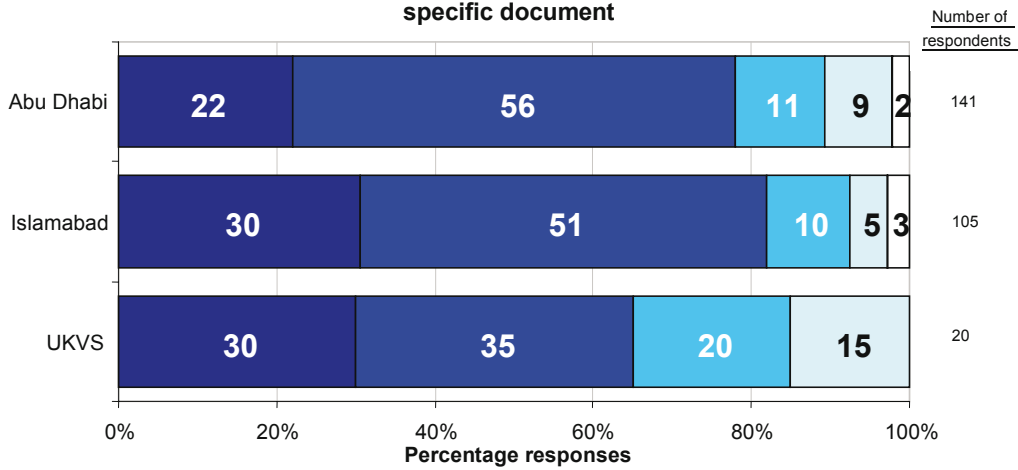
2. The feedback I receive from my line manager helps me to improve the quality of the work I do



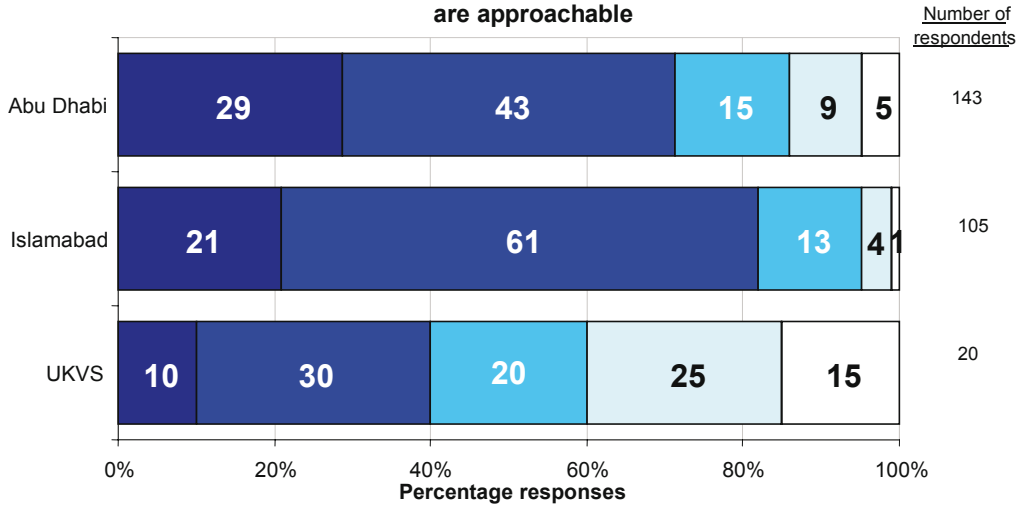
3. My line manager helps me to understand how my work contributes to the overall aims of the business



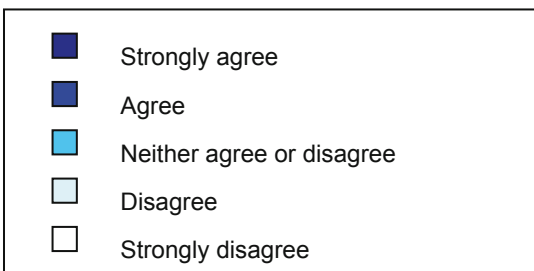
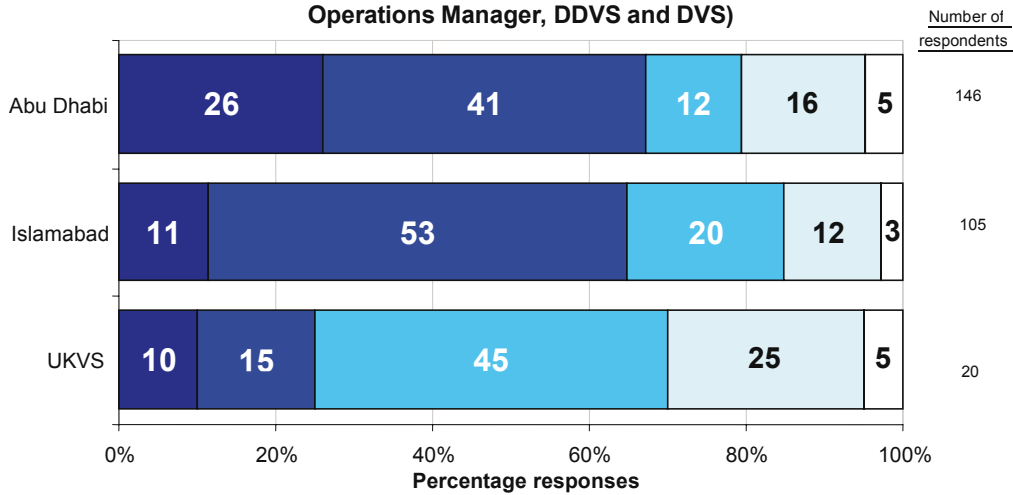
4. I am encouraged to identify issues of risk to UK border security and report them accordingly, that is, to a nominated person or to record it in a specific document



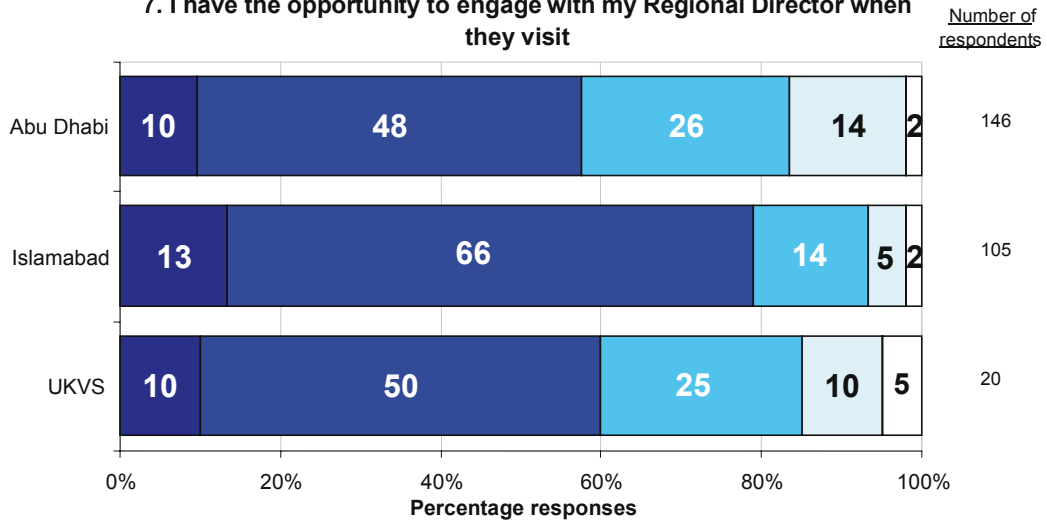
5. My senior management team (e.g. Operations Manager, DDVS and DVS) are approachable



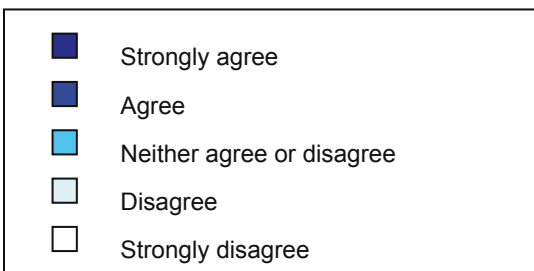
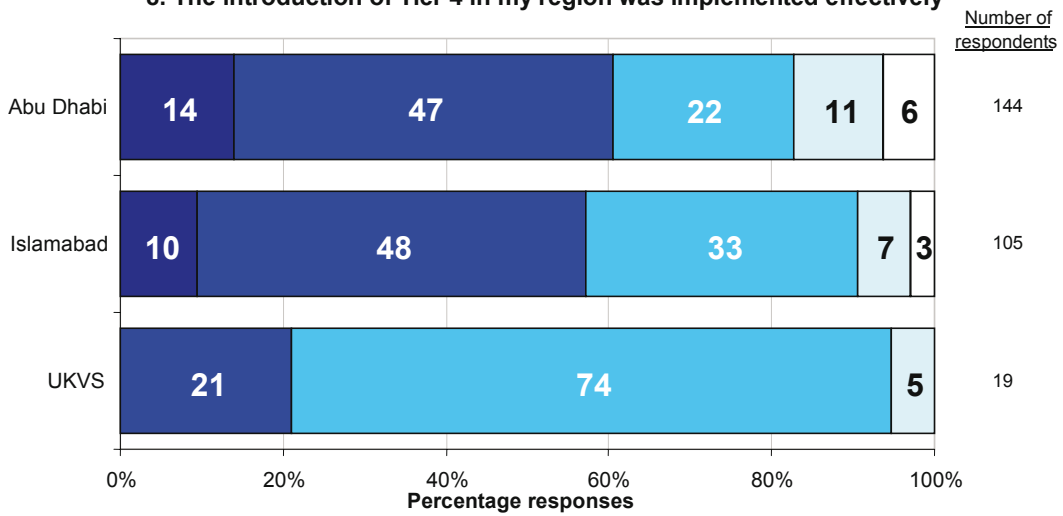
6. I feel my business area (Abu Dhabi, Islamabad or the UK visa section) is managed well by my senior management team (e.g. Operations Manager, DDVS and DVS)



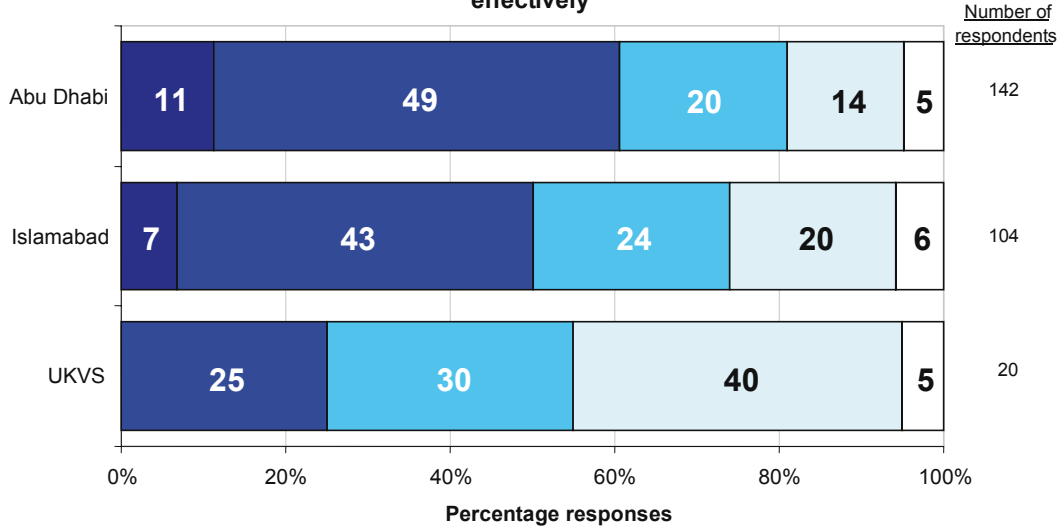
7. I have the opportunity to engage with my Regional Director when they visit



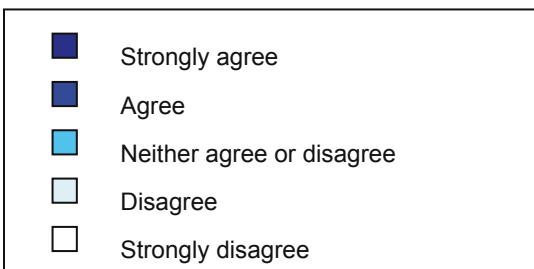
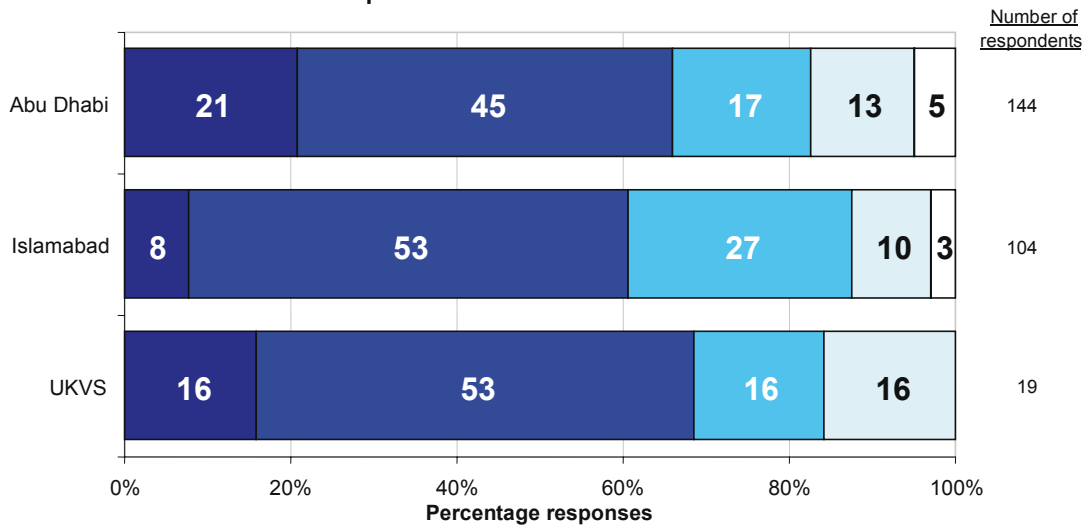
8. The introduction of Tier 4 in my region was implemented effectively



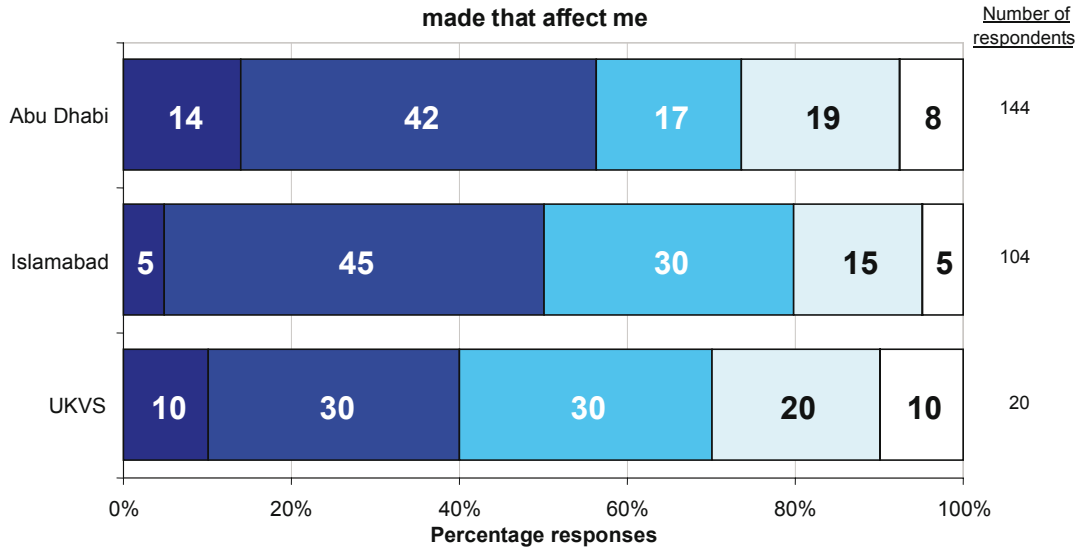
9. The introduction of Hub and Spoke in my region was implemented effectively



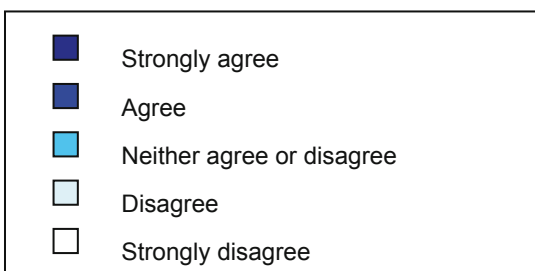
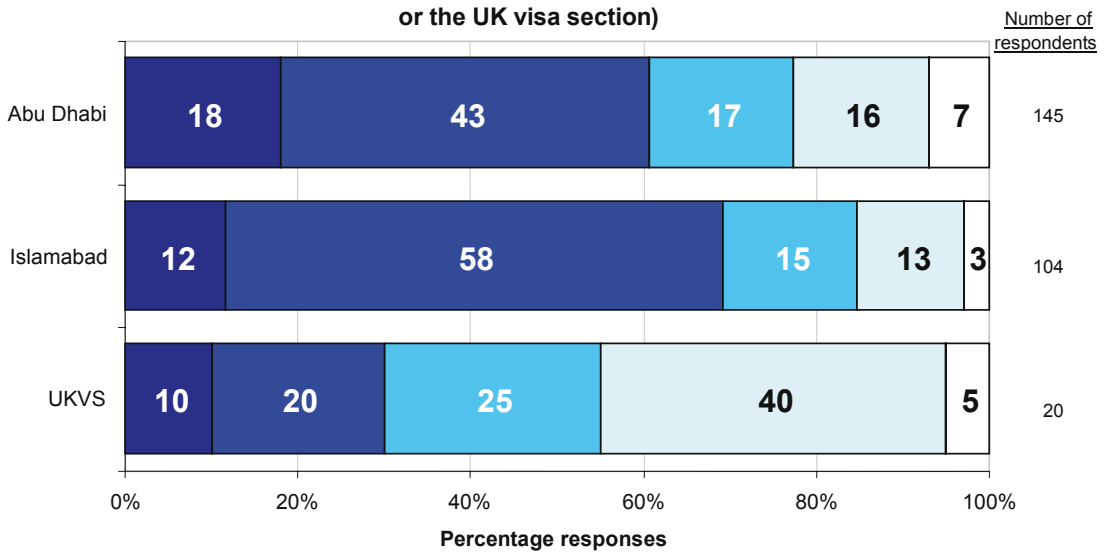
10. I am kept informed about decisions that affect me



11. I have the opportunity to contribute my views before decisions are made that affect me

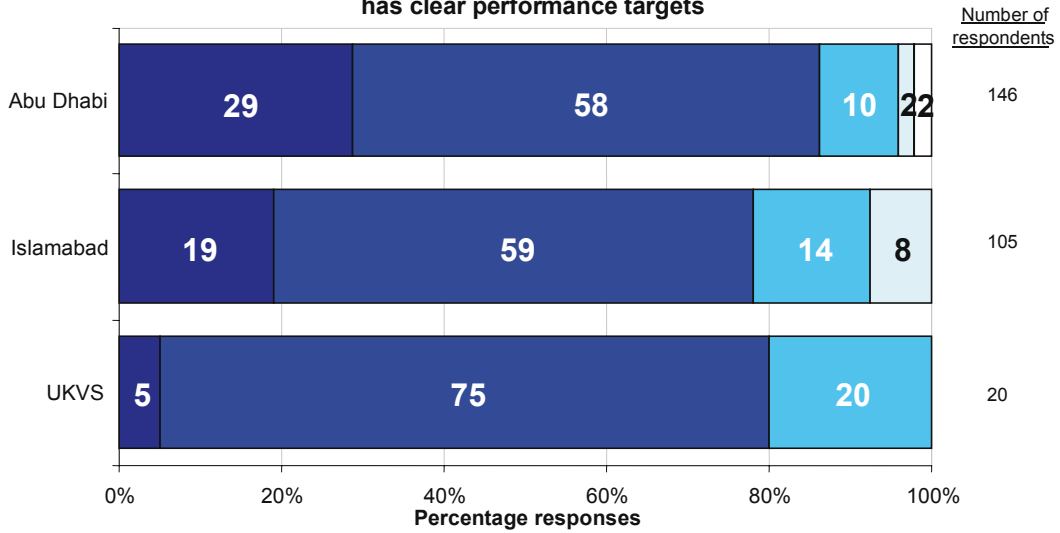


12. Workload is managed effectively in my business area (Abu Dhabi, Islamabad or the UK visa section)

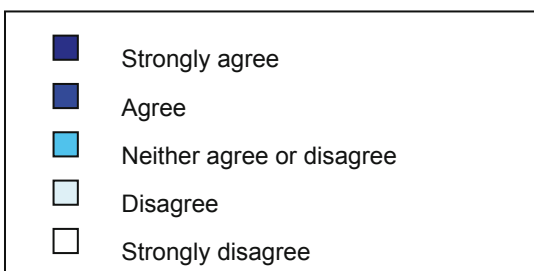
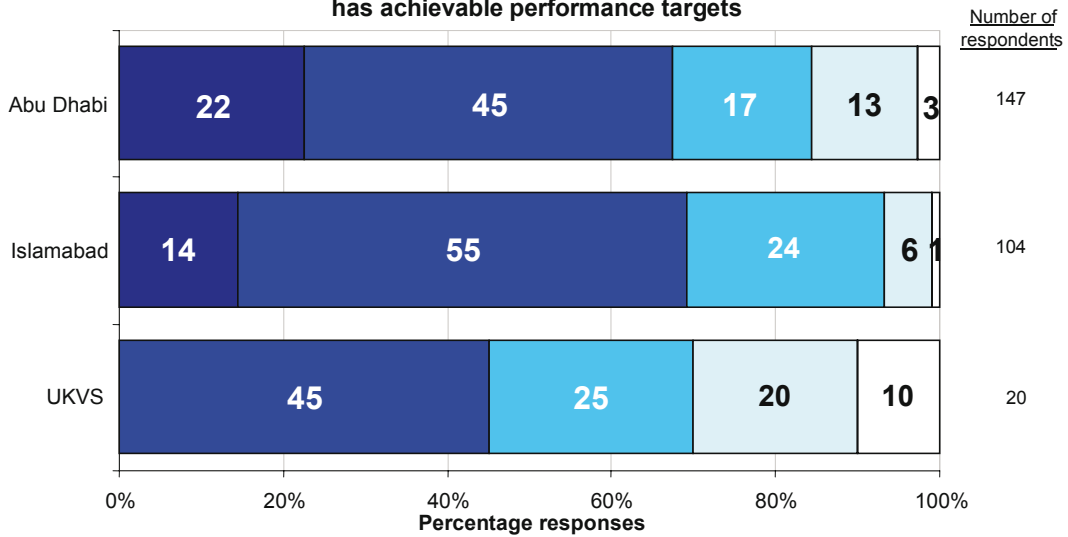


Performance targets

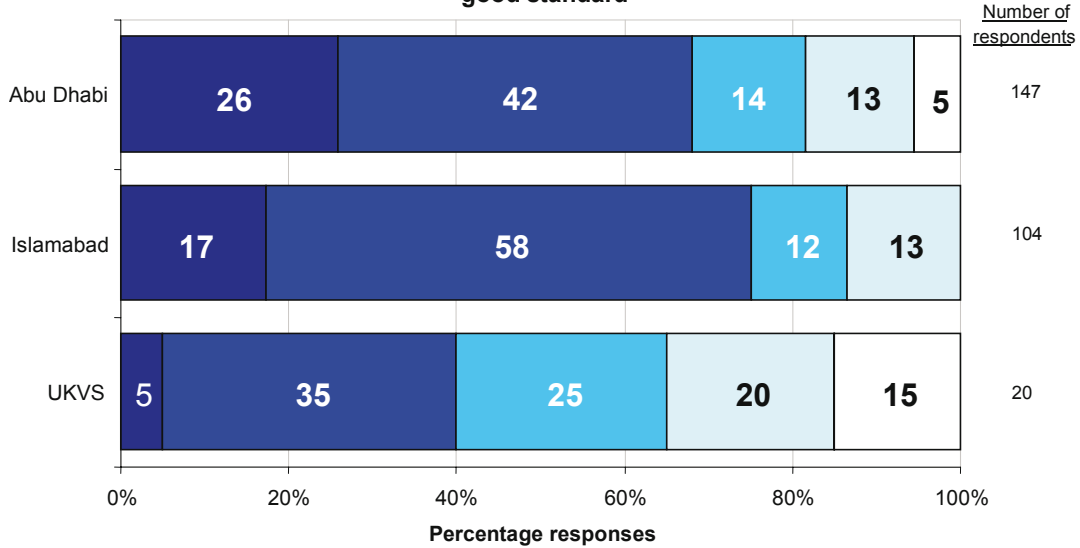
13. The business area I work in (Abu Dhabi, Islamabad or the UK visa section) has clear performance targets



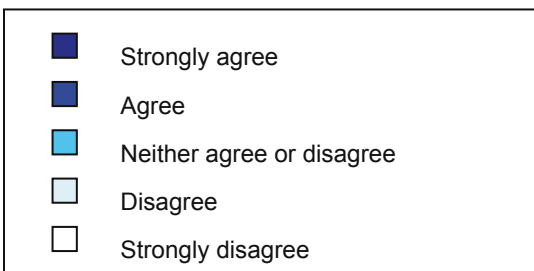
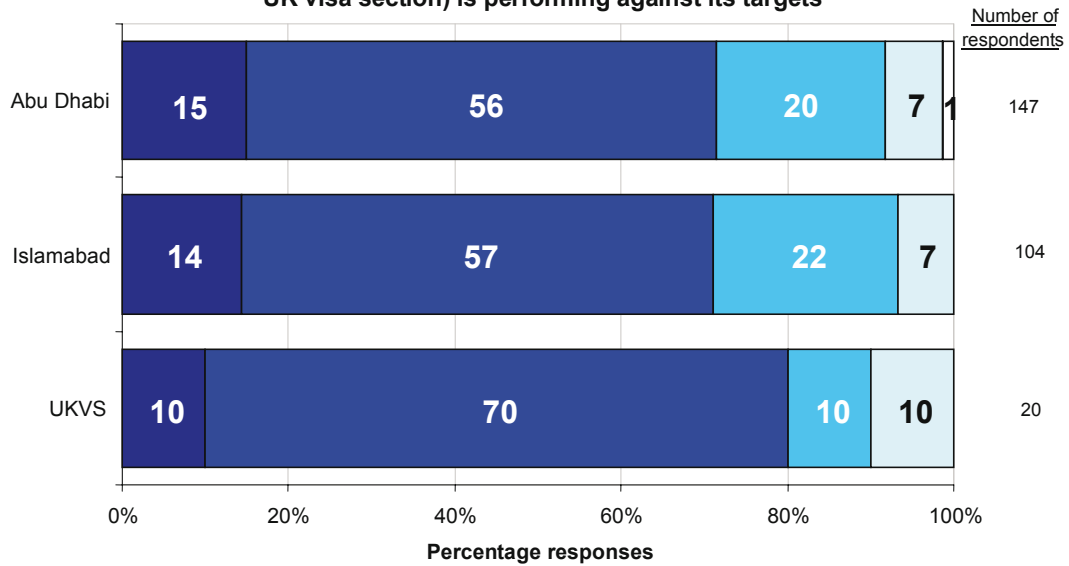
14. The business area I work in (Abu Dhabi, Islamabad or the UK visa section) has achievable performance targets



15. My performance targets allow me to complete my work to what I think is a good standard

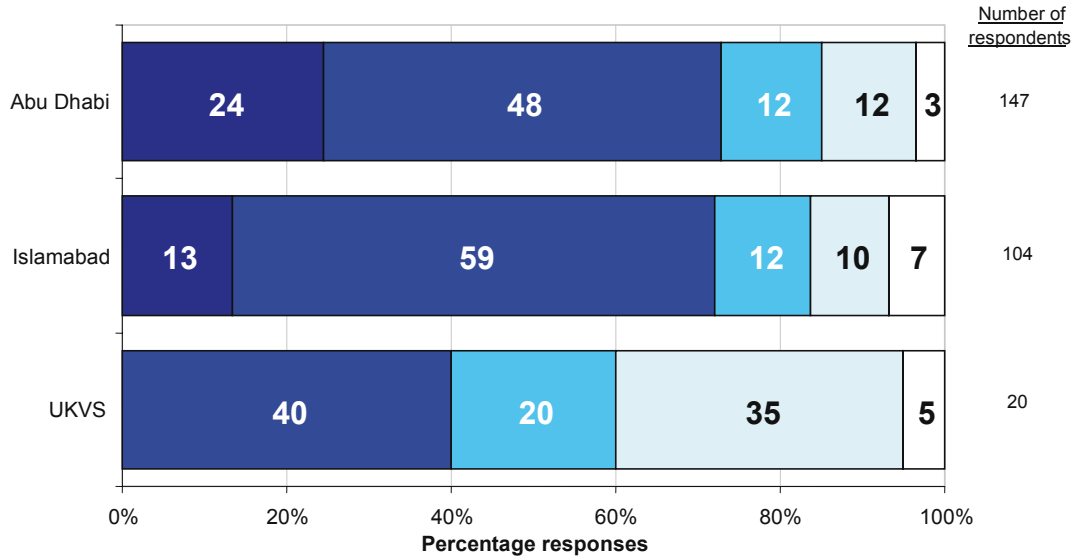


16. I get regular updates on how my business area (Abu Dhabi, Islamabad or the UK visa section) is performing against its targets

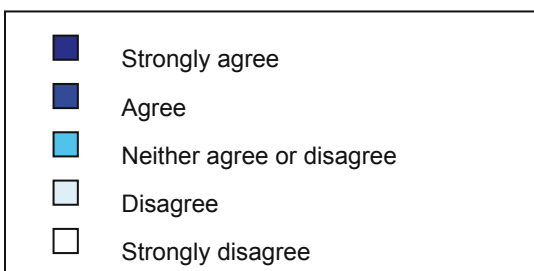
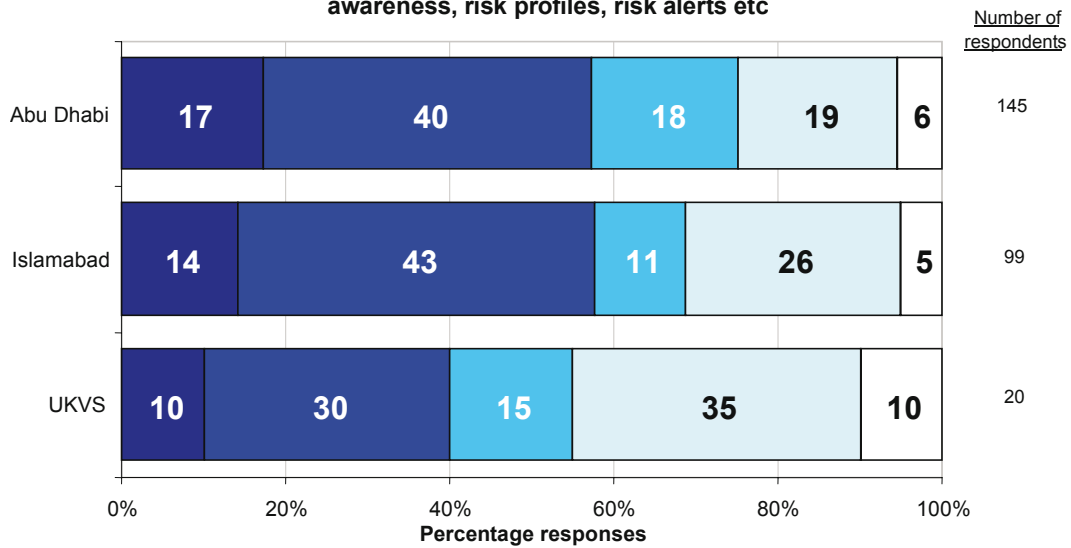


Training and support

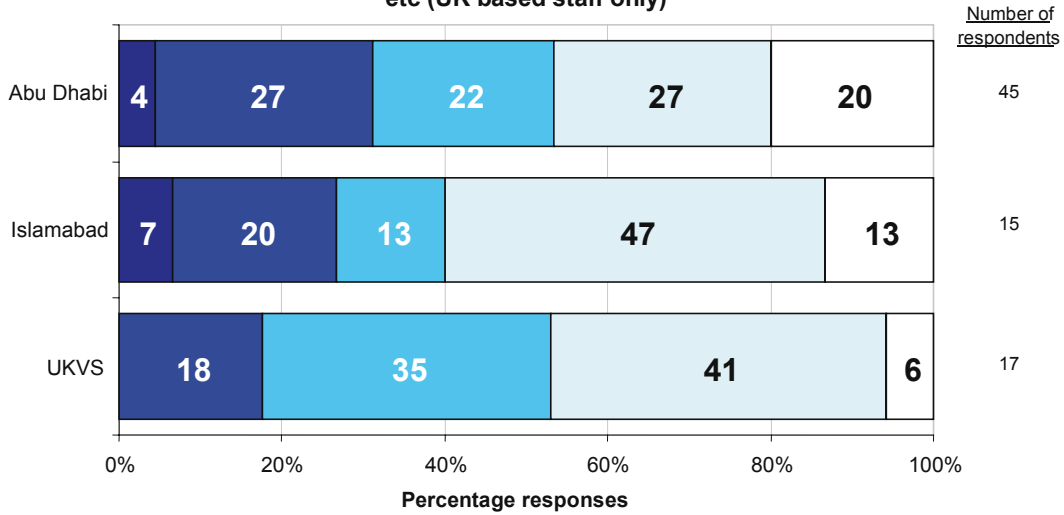
17. The training I have received has enabled me to do my job effectively



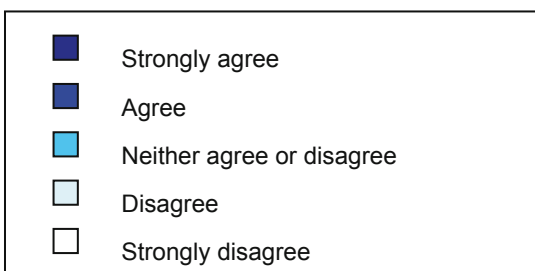
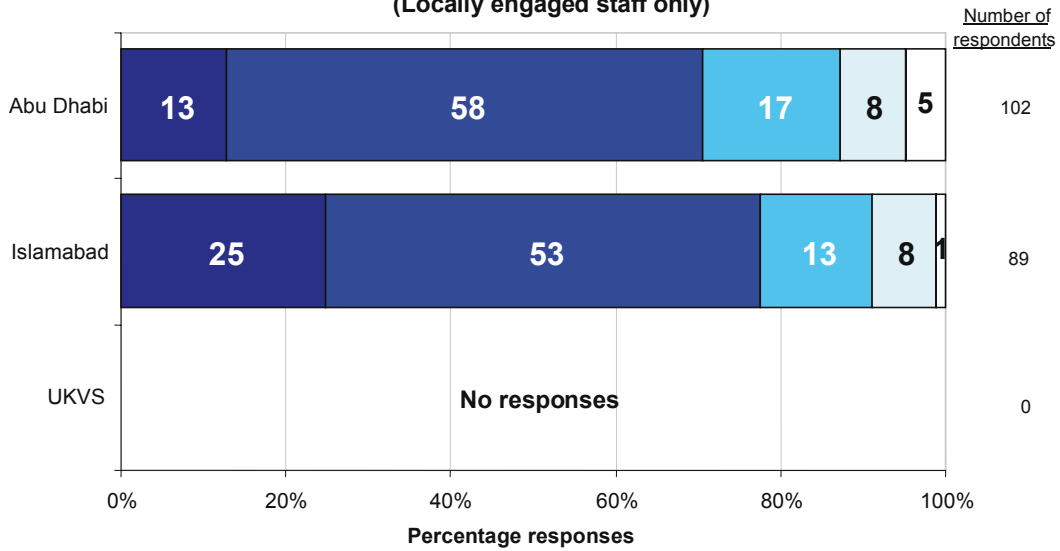
18. I have received specific training in recognising visa risks e.g. forgery awareness, risk profiles, risk alerts etc



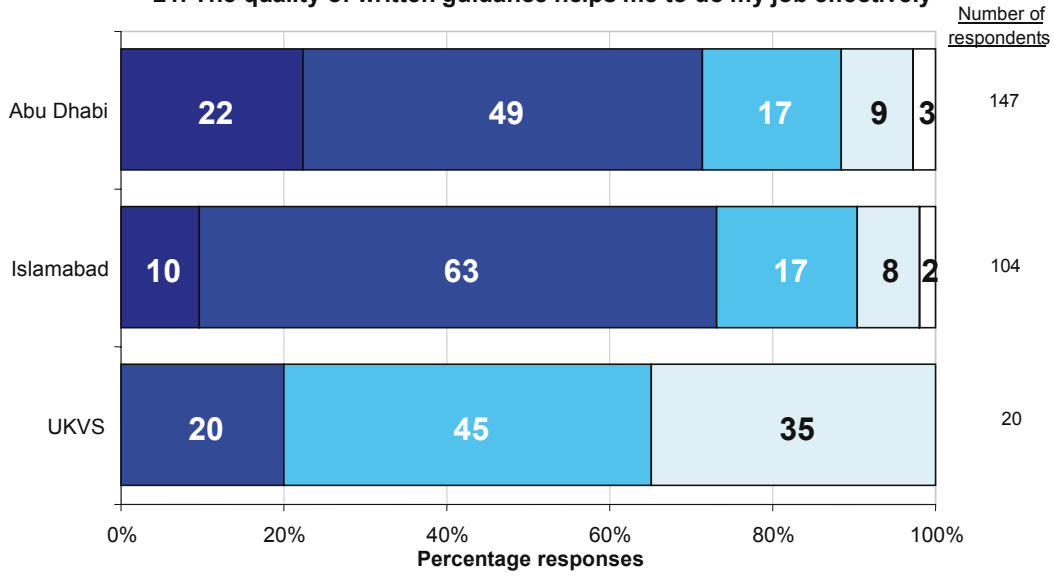
19. I have received post-specific induction training to provide me with local knowledge e.g. local pay rates, family and social culture, practical differences in the banking system etc (UK based staff only)



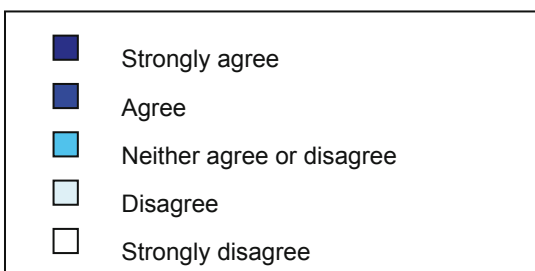
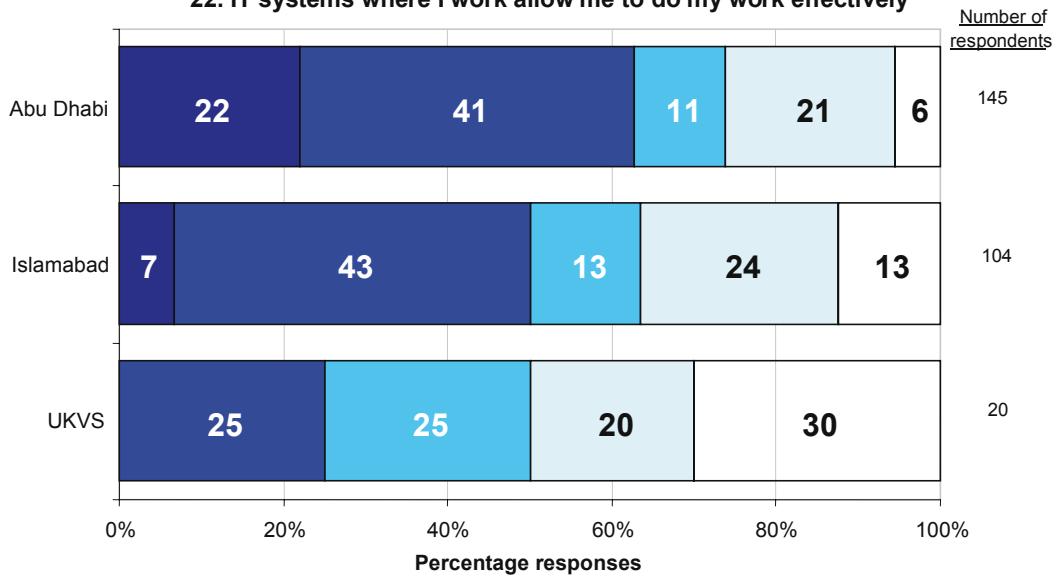
20. My local knowledge is used to help others make informed decisions as appropriate (Locally engaged staff only)



21. The quality of written guidance helps me to do my job effectively

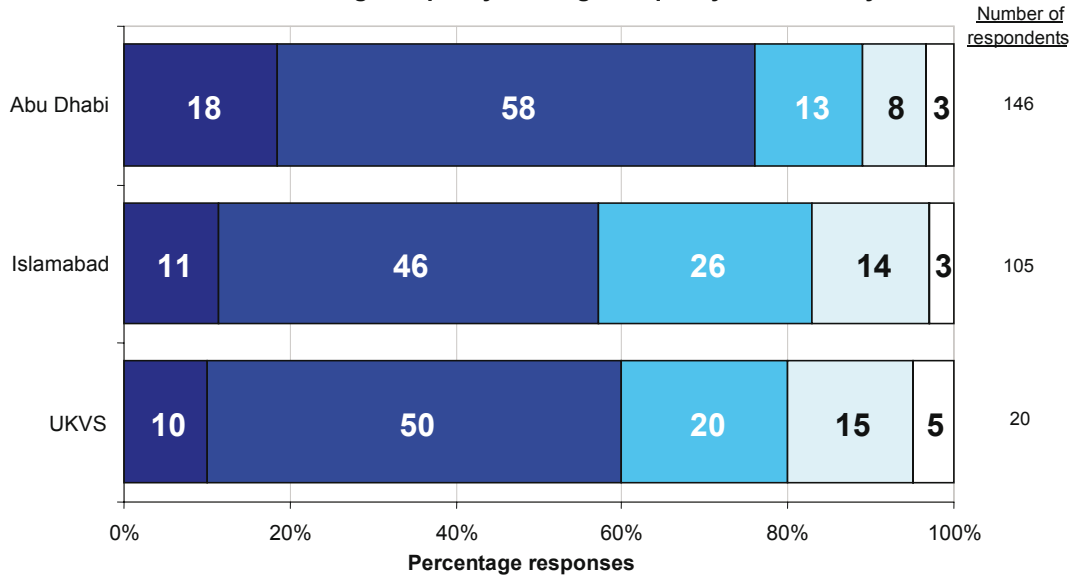


22. IT systems where I work allow me to do my work effectively

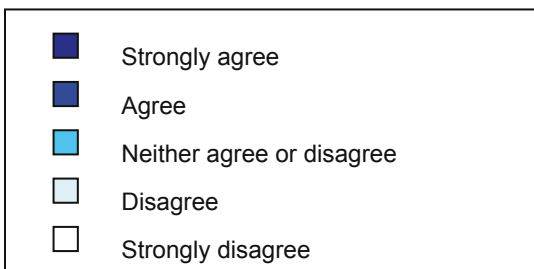
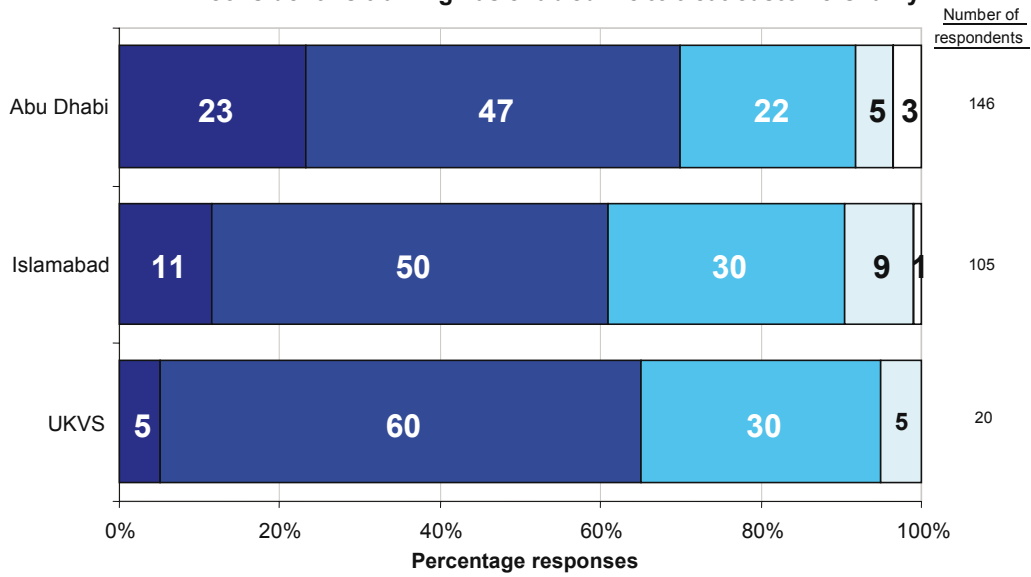


Equality and diversity

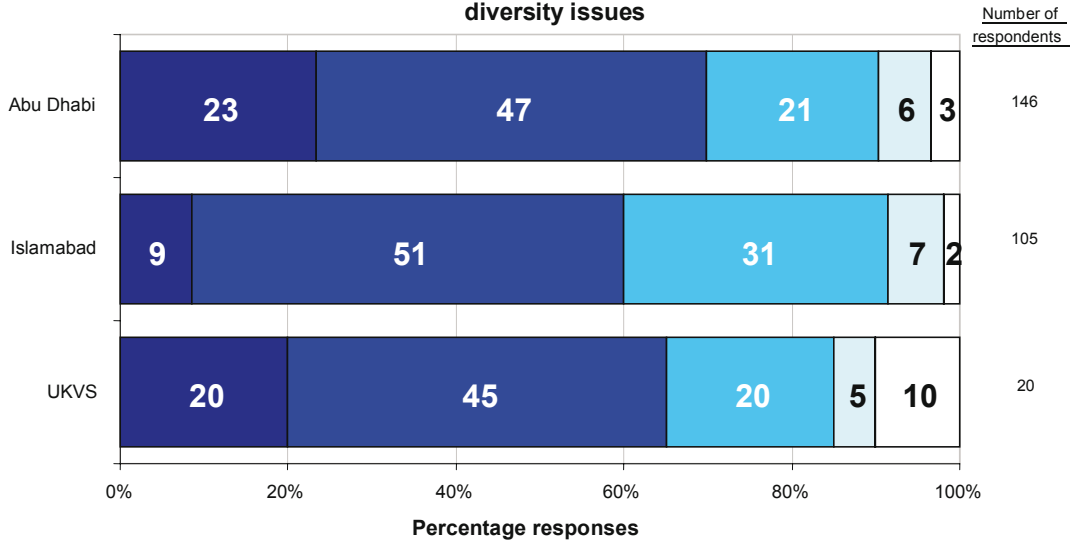
23. I have received good quality training on equality and diversity issues



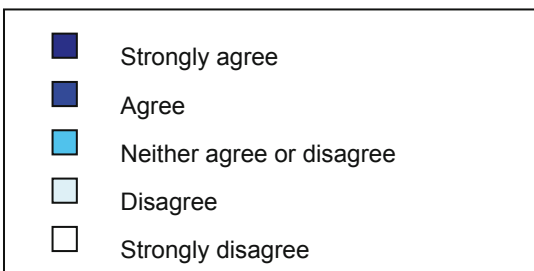
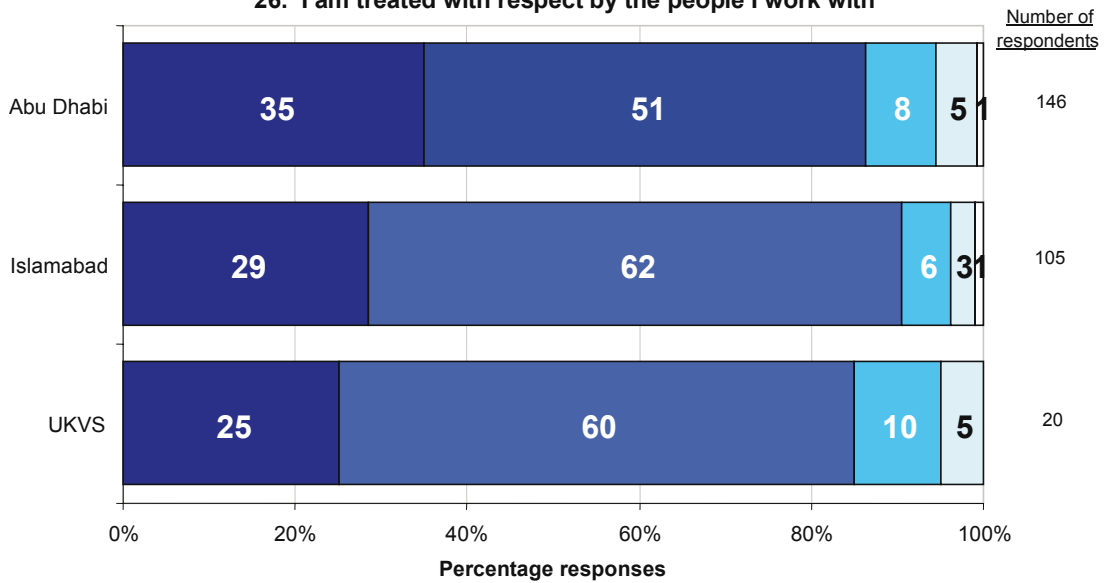
24. I consider this training has enabled me to treat customers fairly



25. Managers at all levels show active commitment to equality and diversity issues



26. I am treated with respect by the people I work with



Appendix 3

Glossary

Biometrics	All customers are now routinely required to provide ten digit finger scans and a digital photograph when applying for a United Kingdom visa. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five.
Decision Support Tool	A web-based tool that enables users to input and edit visa application details, including information such as travel history and documents submitted. The Decision Support Tool is part of the UK Border Agency's Early Integrated Casework (EICW) System. The EICW system enables a visa application to be submitted, biometrics taken and a vignette or refusal notice to be printed in one location and the decision to issue or refuse to be taken in another location.
Entry Clearance	<p>A person requires leave to enter the United Kingdom if they are neither a British nor Commonwealth citizen with the right of abode, nor a person who is entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 European Economic Area Regulations. Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non-visa nationals).</p> <p>These documents are taken as evidence of the holder's eligibility for entry into the United Kingdom and, accordingly, accepted as "entry clearances" within the meaning of the Immigration Act 1971. The United Kingdom Government decides which countries' citizens are, or are not, visa nationals. Non-visa nationals may also require entry clearance if they seek to enter the United Kingdom for purposes other than to visit and / or for longer than six months. More detailed information about entry clearance can be found on the UK Border Agency website: http://ukba.homeoffice.gov.uk</p> <p>The Immigration Rules say that a customer making an application for an entry clearance as a visitor must be outside the United Kingdom and Islands at the time of their application and must apply to a visa section designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant.</p>
European Economic Area	<p>The European Economic Area (EEA) was established on 1 January 1994 following an agreement between the member states of the European Free Trade Association (EFTA) and the European Community, later the European Union (EU).</p> <p>All European Economic Area (EEA) nationals enjoy free movement rights in the EEA. This means that they are not subject to the Immigration Rules and may come to the United Kingdom and reside here in accordance with the 2006 Regulations. They do not require permission from the UK Border Agency to enter or remain, nor do they require a document confirming their free movement status.</p>

First-tier Tribunal	<p>A tribunal where applicants with the right of appeal, can appeal against asylum and immigration decisions made by the UK Border Agency. It is independent of the Home Office and is part of the Tribunals Service. It is presided over by an Immigration Judge and the UK Border Agency is often represented by Presenting Officers defending the decision of Case Owners. It replaced the Asylum and Immigration Tribunal (AIT) on 15 February 2010.</p>
Gerry's	<p>The UK Border Agency manage the UK visa operation service around the world through visa sections at UK embassies, high commissions and consulates and through visa application centres run by its commercial partners, VFS Global Services and WorldBridge Service.</p> <p>Visa application centres in the United Arab Emirates and Pakistan are managed by VFS Global Services, who in turn subcontract the service in Pakistan to Gerry's. In Pakistan, Gerry's have four visa application centres located in Islamabad, Lahore, Karachi and Mirpur.</p> <p>Customers must go in person to a visa application centre to submit their applications and provide biometric information. Customers can also collect their documents from visa application centres at the end of the process. Visa application centre staff play no part in deciding the outcome of an application.</p>
Hub and Spoke	<p>Prior to 2007, virtually all British diplomatic missions had a Visa Section. Each worked largely independently; handling all aspects of visa processing including taking decisions on site.</p> <p>Hub and Spoke was introduced to move away from the traditional model based on the physical presence of the Visa Section. The consideration of an application does not need to happen in the same place as it is collected.</p> <p>Applications can be moved from the collection point (the spoke) to the processing point (the hub). This separation between the collection network and the decision making network aims to improve quality and consistency of decision making, efficiency and flexibility. Work can be moved to staff rather than the other way round.</p>
Independent Chief Inspector of the UK Border Agency	<p>The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.</p>

Independent Monitor and legislation	<p>The legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal, was set out in section 23 of the Immigration and Asylum Act 1999 and amended by paragraph 27 of schedule 7 of the Nationality, Immigration & Asylum Act 2002 and Statutory Instrument 2008/310 regarding the points-based system (from April 2008).</p> <p>Section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, stipulates:</p> <ul style="list-style-type: none"> • The Secretary of State must appoint a person to monitor, in such a manner as the Secretary of State may determine, refusals of entry clearance in cases where, as a result of section 88A of the Nationality, Immigration & Asylum Act 2002 (c.41) (entry clearance: non-family visitors and students), an appeal under section 82(1) of that Act may be brought only on the grounds referred to in section 84(1)(b) and (c) of that Act (racial discrimination and human rights). • The Secretary of State may not appoint a member of his staff. • The Monitor must make an annual report on the discharge of his functions to the Secretary of State. • The Secretary of State must lay a copy of any report made to him under subsection (3) before each House of Parliament. <p>Although the legislation and the Independent Monitor’s formal title refer to “no right of appeal”, all customers have limited rights of appeal on human rights and race relations grounds. Parliament decides which categories of visa customers should not have full rights of appeal; the UK Border Agency’s role is to implement the laws set by Parliament and as interpreted by Government policies.</p> <p>John Vine, the Chief Inspector of the UK Border Agency was appointed to this role by the Home Secretary on 26 April 2009, effectively bringing this work within his remit.</p>
Points-based system	<p>On 29 February 2008, a new immigration system was launched to ensure that only those with the right skills or the right contribution can come to the United Kingdom to work or study. The points-based system was designed to enable the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers. The system:</p> <ul style="list-style-type: none"> • combines more than 80 previous work and study routes to the United Kingdom into five tiers; and • awards points according to workers’ skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector. <p>Employers and education providers play a crucial part in making sure that the points-based system is not abused. They must apply for a licence to sponsor migrants and bring them into the United Kingdom; and meet a number of duties while they are sponsoring migrants.</p>
Proviso	<p>Proviso is the database used by overseas visa sections as the audit trail of entry clearance applications. It records all details of an entry clearance application from the date of application through to the decision and any post decision correspondence.</p>

Race Relations (Amendment) Act 2000	The Race Relations (Amendment) Act 2000 was an Act to extend further the application of the Race Relations Act 1976 to the Police and other public authorities; to amend the exemption under that Act for acts done for the purpose of safeguarding national security; and for connected purposes. Section 19D sets out exceptions from section 19B for certain acts in immigration and nationality cases. Section 19B does not make it unlawful for a relevant person to discriminate against another person on grounds of nationality or ethnic or national origins in carrying out immigration and nationality functions.
Visa Waiver Test	In March 2007, the Visa Waiver Test was announced as part of the 'Securing the UK Border' strategy. The Test is an assessment of visa regimes for all non EEA countries.

Acknowledgements

We are grateful to the UK Border Agency for its help and co-operation throughout the inspection. In particular we are grateful for the assistance in providing files for sampling prior to the inspection and for facilitating our visits to both Abu Dhabi and Islamabad.

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