



# Inspection Report of the Visa Section in Abuja

7-10 July 2009

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# 1. Foreword

- 1.1 I am very pleased to present the report on my recent inspection of the Visa Section in Abuja. This is the second formal assessment on visa posts overseas that I have published as Chief Inspector of the United Kingdom Border Agency (UK Border Agency).
- 1.2 My statutory role is to report on the efficiency and effectiveness of the UK Border Agency. I have a particular interest in helping improve quality and consistency of decision-making and the provision of information to customers. I am also keen to ensure they are treated fairly and that their concerns are dealt with appropriately.
- 1.3 The work of entry clearance staff is crucial to helping the UK Border Agency address its purpose of securing the border and controlling migration for the benefit of the country. Staff overseas have to deal with huge numbers of applications: last year the UK Border Agency dealt with 2.5 million applications of which Abuja, with 23 Entry Clearance Officers, dealt with 69,856. This volume of work puts a great deal of pressure on staff and emphasises the importance of having effective processes in place and using them efficiently.
- 1.4 While my remit allows me to look at the full range of UK Border Agency activity in an office, I have decided my first two inspections should follow the narrower remit of the former Independent Monitor, Linda Costelloe Baker, in considering those cases where Refusal of Entry Clearance carries no [or more accurately, limited] rights of appeal.

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## 2. Executive summary

- 2.1 Entry clearance staff in Abuja were experienced and committed. However, I found evidence that the volume of applications, together with target-driven performance, impacted on the ability of staff to provide careful consideration of applications. Decision quality was poor as was the standard of refusal notices. This represented poor value for money to customers who have paid for this service.
- 2.2 More work needed to be done to improve the guidance and online application process to make it easier to navigate (and understand) for customers. Information about supporting documentation also needed to be clarified, to ensure customers are clear about what is required and in what format.
- 2.3 Quality assurance of decision-making needed to be improved, as did management of complaint handling. This would ensure customer service issues are dealt with promptly and are monitored, so that customer feedback is analysed and used to improve the service provided.

## 3. Summary of recommendations

### We recommend that the UK Border Agency:

- reviews the daily targets for consideration of applications
- uses the Entry Clearance Manager Review Guidance Tools to carry out quality assurance on issues and refusals of entry clearance
- monitors refusal rates and provides more feedback to Entry Clearance Officers to improve consistency of decision-making
- allows no local exceptions in how staff record case category – this will ensure customer service targets are accurate
- reviews and clarifies information on provision of supporting documentation so customers are aware of what they need to provide
- introduces a quality assurance process for correspondence handling
- improves the design of its websites so that visa customers can find relevant information easily.

## 4. Introduction

- 4.1 For the purpose of this inspection the remit followed was that as defined by the legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal, as set out in section 23 of the Immigration and Asylum Act 1999 and amended by paragraph 27 of schedule 7 of the Nationality, Immigration and Asylum Act 2002 and Statutory Instrument 2008/310 regarding the points-based system (from April 2008).
- 4.2 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.
- 4.3 Section 23 of the Immigration and Asylum Act 1999, as amended by paragraph 27 of schedule 7 of the Nationality, Immigration and Asylum Act 2002 stipulates:
- **The Secretary of State must appoint a person to monitor, in such a manner as the Secretary of State may determine, refusals of entry clearance in cases where there is, as a result of section 90 or 91 of the Nationality, Immigration and Asylum Act 2002, no right of appeal**
  - **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.**
- 4.4 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.
- 4.5 Applications within the Chief Inspector's remit for this inspection are set out in Figure 1.

**Fig. 1: Applications within the Chief Inspector's remit for this inspection**

Visitors	A visitor, other than those who visit for the purpose of visiting a member of the customer's family as set out in the Immigration Appeals (Family Visitor) Regulations 2003. Non-family visitors constitute just over half of all visa customers. The term "visitor" may apply to someone coming to the United Kingdom for a private visit, perhaps as a tourist or to see friends; someone who wishes to transact business; someone who arrives at one United Kingdom port or airport and needs to be in the United Kingdom for longer than 48 hours or to transfer to another port or airport to continue a longer journey, or someone coming to the United Kingdom for privately-funded medical treatment.
Student Visitors	A Student Visitor wishes to study in the United Kingdom for less than six months and does not intend to work or apply for an extension to their stay.
Short Term Students	A student who has been accepted on a course of study of not more than six months.
Prospective Students who have not been accepted on a course of study	Someone who intends to study in the United Kingdom but has not chosen or been accepted on a specific course. Applications can be refused under this category if the prospective student has been accepted on a course but the start date has passed by the time the application is made, or determined.
Student dependants	A dependant of a student who has not been accepted on a course, or who wishes to study for six months or less. Some student dependants have full appeal rights, which depend on the reason for refusal.
Points-based system applications	The Secretary of State issued a Direction in 2007 confirming that applications handled under the points-based system, rolling out in 2008 and 2009, starting with Highly Skilled Migrants in early 2008, fall within the Independent Monitor's remit.

- 4.6 This inspection also paid special attention to the services provided by the UK Border Agency to its customers overseas. For example, from the point that a customer:
- accessed information to find out about entry clearance to the United Kingdom
  - made a visa application for entry clearance to the United Kingdom and attended a visa application centre to provide their biometrics, application form and supporting documents
  - received their decision in the form of a refusal notice
  - submitted correspondence or complaints to the UK Border Agency, or its commercial partner in Abuja, in relation to their application.
- 4.7 This assessment was made against the customer service targets set out by the UK Border Agency and the Customer Strategy document it published in April 2009. In relation to this document we paid particular attention to the following statements it made relating to customer service:



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

4.8 We also used our own core inspection criteria to assess the impact on customers subject to UK Border Agency services, full details of which can be found on the Chief Inspector's website: <http://www.ociukba.homeoffice.gov.uk/>

## 5. Abuja

- 5.1 Abuja is one of two visa issuing posts in Nigeria, the other being Lagos. Applications are submitted at one of four visa application centres run by a commercial partner, VFS Global Services Nigeria Ltd. The centres are located in Abuja, Ibadan, Victoria Island (Lagos) and Ikeja (Lagos). Applications submitted in Ibadan and Abuja are processed by the visa section in Abuja.
- 5.2 In 2008/2009, 69,856 applications for entry clearance were received, an increase of 18% on the previous financial year 2007/2008.

**Fig. 2: Category of applications made in 2008/2009**

TYPE	Number of applications	Expressed as a %
Visit	39,120	56%
Family visit	12,519	18%
PBS Tier 1	915	1%
PBS Tier 2	181	0%
PBS Tier 4	14,199	20%
PBS Tier 5	182	0%
Settlement	744	1%
Other	1,996	3%
<b>TOTAL</b>	<b>69,856</b>	<b>99%</b>

Note: Information supplied by UK Border Agency - International Group [Figures do not add up to 100% due to rounding to nearest whole number]

- 5.3 Figure 3 sets out the number of applications received in Abuja between 2004/2005 and 2008/2009. For 2008/2009, the overall refusal rate was 43%.

**Fig. 3: Abuja applications**

Year	Applications	Issued	Refused	Refusal rate
2004/2005	56,491	36,342	17,811	33%
2005/2006	69,381	35,625	32,119	47%
2006/2007	57,041	27,527	29,280	51%
2007/2008	59,152	32,029	27,514	46%
2008/2009	69,850	39,886	30,215	43%

Note: Information supplied by UK Border Agency - International Group

### **The application process**

- 5.4 While customers can complete applications online via the Visa4UK website, they must print off a copy and submit it in person at one of four visa application centres in Nigeria (hand written application forms are also accepted). Customers:
- **must provide their biometric data at the visa application centre at the time they lodge their applications**
  - **have the option to pay the visa processing fee at the visa application centre, or at a number of dedicated branches of Sterling Bank, in advance of submitting their application to the visa application centre.**
- 5.5 Applications are then sent every morning to the Abuja visa section, at the High Commission, by VFS Global Services Nigeria Ltd, with the assistance of United Parcel Service. A VFS Global Services Nigeria Ltd representative accompanies United Parcel Service to and from the visa application centre. Applications processed by the Abuja visa section are also collected and taken back to the visa application centre for the customer to ultimately collect. Customers in Nigeria collect their decisions in person to safeguard the security of passports.
- 5.6 We were informed by the Business Assurance Team of the Visa Services Directorate that 95% of all applications are dealt with on the basis of the paperwork alone with no need for an interview. The same source indicated that most of those applying for settlement in the UK are interviewed.

### **Staffing**

- 5.7 At the time of the inspection there were three Entry Clearance Managers, One was new to the post and another was on temporary promotion from Entry Clearance Officer. There were 17 permanent Entry Clearance Officers and two additional Entry Clearance Officers on short term secondment to the post. The remaining entry clearance staff were all locally engaged and comprised of four Entry Clearance Officers and 37 Entry Clearance Assistants. The post was one Entry Clearance Officer short of complement, with two other Entry Clearance Officers on maternity leave.

### **Inspection methodology**

- 5.8 At the outset, 100 files were randomly selected by the Chief Inspector's Office. The files were drawn from a list of all refusal decisions with limited appeal rights made in Abuja between 1 December 2008 and 28 February 2009 (in total 3,555 refusal decisions were made over this period). These files were then examined to assess:
- **the quality of decision-making, within the spirit of fairness and consistency, in certain cases where, as a result of legislation, there is a limited right of appeal; this includes cases determined under the points-based system**
  - **whether correct procedures were used to reach balanced decisions.**
- 5.9 We then applied the scoring system used by the previous Independent Monitor to judge whether Abuja was a good, fair or poor post in relation to its management of visa applications with limited rights of appeal. The scoring methodology applied is set out below:

- **95% or above – Good**
- **85% and 94.9% - Fair**
- **below 85% - Poor.**

5.10 The inspection team also examined the quality of the service provided by the UK Border Agency to its customers overseas with a limited right of appeal. This included assessing whether:

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

5.11 We also held focus groups with entry clearance staff, Risk Assessment Unit and Verification Unit staff. We interviewed one of the Entry Clearance Managers and the Operations Manager. We also visited the visa application centre and the Correspondence Unit.

## 6. Inspection findings

### Decision quality

- 6.1 Data accuracy was poor, with 29 files of the 100 sampled being recorded inaccurately on the case management system used by the UK Border Agency. This reduced the number of files in the sample to 71. This was reduced further because files or linked files could not be found. We examined 64 files. We reviewed these cases against a five-point scale to assess whether the decision and refusal notice was lawful and reasonable (a reasonable refusal notice is one which is in accord with the Immigration Rules and the decision is not perverse and is based on the evidence provided, with correct information on appeal rights). The five-point scale is set out below:
- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
  - Was the Entry Clearance Officer's judgement defective?
  - Was the use of evidence applied correctly in the refusal notice?
  - Was the correct information given on appeal rights?
  - Did the refusal decision suffer from significant maladministration?
- 6.2 We found that in 46 of the cases we sampled (72% of the sample), refusal notices were lawful, reasonable and provided correct information about rights of appeal. This score placed Abuja in the poor band as set out in the scoring system above.

### Correct Immigration Rules

- 6.3 Fifty-nine refusal notices (92% of the sample) were assessed against the correct Immigration Rules. The remaining five cases (8% of the sample) included a range of applications as business visitors or students who wished to study for under six months. Each case had been considered under paragraph 41 as visitors, instead of under paragraph 56 as students or paragraph 46G as business visitors.
- 6.4 We discussed this with the Entry Clearance Manager who said that Entry Clearance Officers had brought this to his attention before. He said that applications as business visitors and students under six months have to satisfy the provisions of paragraph 41 as well as those under 56 or 46G. He considered that the speed codes may require some revision to alleviate this problem. We agreed and consider the UK Border Agency should review the speed codes for Abuja and update as necessary.

### Use of evidence

- 6.5 We examined refusal notices under this category to assess whether an Entry Clearance Officer's decision had failed to take into account all of the evidence provided. For example, a decision that took no notice of material evidence obtained at interview or in supporting documents. We found 52 cases (81% of the sample) were made in accordance with the evidence.
- 6.6 Of the 12 cases (19% of the sample) where the Entry Clearance Officer had not taken into account all of the evidence, we identified three cases where the documents on which the decision had been taken had not been copied. We were therefore unable to assess whether the decisions made in these cases were in accord with the evidence.

- 6.7 We noted that in the event of a customer complaint, or an Administrative Review for a points-based application, this would have made it difficult, if not impossible, for the Entry Clearance Manager to conduct a balanced review. We therefore considered the use of evidence in these cases had not been demonstrated sufficiently to show that it had been applied correctly.
- 6.8 During an interview with the Entry Clearance Manager, he confirmed that the practice of photocopying all documents was inconsistent. We recommend that the guidance for customers be revised to request originals and photocopies of all documents submitted in support of any application.
- 6.9 Of the remaining nine cases (14% of the sample) we identified the following types of issues:
- refusal notices stating insufficient documents supplied when in fact a range of documents had been supplied
  - refusal notices stating that bank statements did not corroborate claimed income, when in fact they did
  - refusal notices stating the Entry Clearance Officer did not believe the applicant was related as claimed to the sponsor or travelling companion.
- 6.10 We found that the guidance on the websites was not sufficiently clear on which documentation the customer had to provide to prove relationship to their sponsor or travelling companions.
- 6.11 The case study at Figure 5 looks at one such case where a decision took no notice of material evidence or supporting documents.

#### **Fig.5: Case study 2 – Visit application**

##### **The refusal notice stated the customer:**

- claimed to be a university student
- had produced no evidence of personal circumstances
- had produced no evidence of financial support
- would be sponsored by his brother, who was accepted as a man of means, but was not satisfied that the customer intended to return because of a lack of evidence of personal and economic circumstances.

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

- The student identity card supplied had not been discredited
- There was evidence of a six-month industrial attachment as part of an engineering degree
- The customer was being sponsored by his brother, with funds being supplied by his mother, and evidence from both was supplied
- The brother had the means to support this customer (his brother) and had a good travel history to the United Kingdom and United States of America
- The positive evidence produced had been given insufficient weight and the negative evidence used was unsubstantiated.

- 6.12 The Entry Clearance Manager decided to review ten of the above cases. Of the three cases without copies of supporting documentation, the Entry Clearance Manager recalled one of the cases which he also undertook to review.

### **Defective judgement**

- 6.13 For judgement to be considered defective, the refusal decision has to be perverse – a decision that no reasonably competent and fair Entry Clearance Officer would make. We found seven cases (11% of the sample) of wholly unreasonable judgement, of which six have been mentioned above.
- 6.14 The remaining case referred to a business visit application to attend a trade show at the expense of the employer. The customer was refused on the grounds that the letter from the employer indicated they would “bear all the cost relating to the trip, including flight tickets, hotel accommodation and course fees.” As there were no course fees, it caused the Entry Clearance Officer to doubt the authenticity of the letter. However, no check was made of the company and the Entry Clearance Officer did not take into account a previous UK visa issue to the customer in 2002.
- 6.15 The Entry Clearance Manager decided to conduct verification checks of the documents supplied. As the date of the trade show had passed, he agreed to make appropriate notes to be taken into consideration in any future applications.

### **Incorrect information on appeal rights**

- 6.16 We found 62 refusal notices (97% of the sample) contained correct information on appeal rights. This left two refusal notices (3% of the sample) where we found that incorrect information on appeal rights had been given. In both cases the refusal letter indicated incorrectly that the customer had both limited appeal rights and full appeal rights. The Entry Clearance Manager agreed with our findings and stated both refusal notices would be reissued with the correct information on appeal rights.

### **Maladministration**

- 6.17 We found one case of maladministration. It concerned a customer who had applied for an entry clearance to visit Northern Ireland, but was refused on the grounds that they required an Irish visa. The case was reviewed following representations by the customer’s solicitors and the visa issued.

### **Entry Clearance Manager Reviews**

- 6.18 We examined the effectiveness of quality assurance of decisions taken by Entry Clearance Officers. The Entry Clearance Manager and Operations Manager said that 10% of issues and 25% of refusals were checked by an Entry Clearance Manager. They told us new Entry Clearance Officers initially have 100% of their decisions checked. We asked if the reviews were conducted using the Entry Clearance Manager Review Guidance Tools designed by the Independent Monitor but were told that these had not yet been introduced.
- 6.19 Referring back to the five-point scale to assess whether the decision and refusal notice was lawful and reasonable, we found some cases failed to meet the requirements in more than one area. The total number of refusal notices affected by the issues we refer to was 20 (31% of the sample). Of the 64 cases in the sample, 24 (38% of the sample) had been reviewed by an Entry Clearance Manager and 40 (63% of the sample) had not. Of the 20 cases we discussed with the Entry Clearance Manager, six (9% of the sample) had been reviewed previously by an Entry Clearance Manager.

6.20 Although we identified six cases where the Entry Clearance Manager review failed to identify the issues we found, we did identify a case where an effective review identified a forged document. This had not been detected by the Entry Clearance Officer. Figure 6 sets out the details of this case and demonstrates the value of an effective quality assurance process.

### Fig. 6: Case study 3 – Evidence of an effective Entry Clearance Manager review

#### The Entry Clearance Officer noted that:

- the customer was attending a conference with three colleagues
- an invitation letter was provided
- an employment letter was provided
- an entry clearance should be issued.

#### The Entry Clearance Manager review noted that:

- the invitation letter looked odd
- the letter was referred to the duty forgery officer who confirmed the document was forged
- the decision to issue an entry clearance was overturned and the application refused.

### Summary

6.21 We looked at the findings from the file sampling which we discussed with the Entry Clearance Manager and the Operations Manager. We noted from their comments and those made by Entry Clearance Officers during focus groups that time and target pressures had impacted on the ability of Entry Clearance Officers to write balanced, detailed refusal notices. We also considered that the same pressures impacted on the ability of Entry Clearance Managers to conduct quality reviews.

6.22 The daily targets referred to above are locally set:

- 32 visit applications
- 60 fast track applications
- 22 points-based student applications
- 20 points-based applications, other than students.

6.23 We also reviewed refusal rates for Entry Clearance Officers in Abuja. We found the average refusal rate for all categories of visa applications (not just those with limited appeal rights) was 45%. However, there was a wide variation in refusal rates between Entry Clearance Officers; ranging from 23% to 65%. We found that:

- one third of staff were within 5% either side of the average
- one third refused over 5% above the average
- one third refused over 5% below the average.



6.24 There was no appreciable difference between long-term and short-term Entry Clearance Officers. This demonstrated there was an issue with consistency in decision-making. Inconsistent decision-making has an impact on customers, who face a greater or lesser chance of being issued or refused a visa, depending on which Entry Clearance Officer deals with their application.

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

- **reviews the daily targets for consideration of applications**
- **uses the Entry Clearance Manager Review Guidance Tools to quality assure issues and refusals of entry clearance**
- **monitors refusal rates and provides more feedback to Entry Clearance Officers to improve consistency of decision-making.**

## 7. Quality of refusal notices

- 7.1 Customers pay a fee for the application process, usually ranging from £46 to £675, although some categories are issued free of charge (appendix A shows full details of visa fees). They are non-refundable, unless payment has been made and the application is not submitted, or the applicant refuses to provide biometric details with their application. In these cases the UK Border Agency will refund the fee.
- 7.2 Customers have a right to expect refusal notices issued by the UK Border Agency to be professional and written in plain English. Refusal notices must be balanced and provide clear and detailed explanations about why an application has been refused. They should also be free of formatting errors, unnecessary repetition and spelling mistakes.
- 7.3 To assist our assessment of the quality of refusal notices we used five quality pointers which are shown below:
- **Rules** – does the refusal notice quote the most up to date rules?
  - **Purpose** – does the refusal notice accurately quote the purpose of the visit and the length of stay?
  - **Evidence** – does the refusal notice use evidence provided by the customer?
  - **Balance** – does the refusal notice include positive as well as negative points?
  - **Quality** – is the refusal notice well-presented and free from spelling or grammatical errors?

### **Use of correct Immigration Rules**

- 7.4 We found 59 refusal notices (92% of the sample) accurately quoted the correct and applicable Immigration Rules. As mentioned previously, there were five cases that had been considered under paragraph 41 as visitors, instead of under paragraph 56 as students or paragraph 46G as business visitors.

### **Purpose of visit and length of stay**

- 7.5 We found 48 refusal notices (75% of the sample) accurately reflected the purpose of the visit and the length of stay. We noted there was a lack of consistency in stating the purpose and length of the visit in the remaining refusal notices.

### **Appropriate use of evidence**

- 7.6 We found 52 refusal notices (81% of the sample) contained customer-specific information. We also found that there was a tendency to use stock paragraphs and that not all pieces of evidence were included.

### **Balanced decisions**

- 7.7 We judged that only 23 refusal notices (36% of the sample) were well-balanced. We found that positive evidence was either not included in the refusal notice or not given sufficient weight. We are not saying the decisions taken were incorrect, but instead that the lack of balance detracted from the quality of decision-making. This could impact on customers who, if they reapply, may be refused on another point which had not been mentioned in the original refusal notice.

### Overall quality

- 7.8 On overall quality, we found refusal notices were well written but did not give customers the full story behind their refusal. It was also noted that the speed codes i.e. the refusal template, incorporated repetition. Each refusal notice had the sub-heading “The evidence that the Entry Clearance Officer has taken into account”. This was followed below by the phrase: “In order to reach a decision I have taken into account.” This repetition gives the refusal notice an odd appearance.

### Timeliness of decisions

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

- To complete 90% of straightforward, non-settlement applications in not more than a week<sup>1</sup>, 98% in not more than 2 weeks, and 100% in not more than 12 weeks
- To complete 90% of non-straightforward, non-settlement applications in not more than 3 weeks, 98% in not more than 6 weeks and 100% in not more than 12 weeks
- To complete 95% of applications for settlement visas in not more than 12 weeks and 100% in not more than 24 weeks.

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

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

- 7.11 In Abuja, the customer service targets referred to the date a customer submitted their biometrics and application form to the commercial partner to the date when the decision notice was delivered back to the commercial partner.

- 7.12 Of the applications we reviewed in Abuja between 01 December 2008 and 28 February 2009, 56 were straightforward and seven were non-straightforward. The sample size was 63 cases because we could not determine the category of one case. The straightforward cases should have met the target to complete:

- 50 applications (90%) within five working days
- 55 applications (98%) in not more than two weeks
- 56 applications (100%) in not more twelve weeks.

<sup>1</sup> A week is defined as 5 working days.

- 7.13 We looked at the time taken to process the 56 straightforward cases against these customer service targets. We found that only 30 of the cases (54% of the straightforward cases) met the five working day target of 90%. Fifty-four applications (96% of the sample) met the two weeks target of 98%, narrowly missing the target. All cases met the 12-week target. We noted that the seven non-straightforward cases were within target. The processing delays in dealing with straightforward cases affected customers and their travel plans, with four applications (7% of the sample) being refused after the proposed date of travel.
- 7.14 To examine the potential reasons behind the post missing their customer service targets, we discussed targets with one of the Entry Clearance Managers. He said that Entry Clearance Officers were expected to complete 60 fast track applications or 32 straightforward applications per day. Fast track applications are those which can be decided quickly, for example where the customer has previously been issued with multiple visit entry clearances. He was unsure who decides if a case is designated as straightforward and non-straightforward. He thought that this decision was made by the Entry Clearance Officer.
- 7.15 We discussed targets and processing times with the Operational Manager. We discovered that a decision had been taken locally to record all applications as non-straightforward cases, because of the IT problems the post experienced. In taking this decision, Abuja was not adhering to published guidance on customer service targets. We recommended that, with immediate effect, staff would record cases in accordance with published guidance.

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

- **allows no local exceptions in how staff record case category. This will ensure customer service targets are accurate.**

## 8. Risk assessment

- 8.1 The UK Border Agency controls access to the United Kingdom for people and goods whilst facilitating legitimate travel and trade. Its controls and intelligence networks operate outside the United Kingdom to prevent harmful people and goods coming to the United Kingdom. To support this approach, the UK Border Agency has developed the Risk and Liaison Overseas Network to introduce a risk assessment process across its visa-issuing posts to help Entry Clearance Officers identify applications that create a higher risk to the United Kingdom.
- 8.2 There are two visa issuing posts in Nigeria: Abuja and Lagos. The Risk Assessment Unit in Abuja is staffed by one Immigration Liaison Officer (risk) and two locally engaged assistants. The Immigration Liaison Manager is based in Lagos where there are two Immigration Liaison Officers (risk) and one Immigration Liaison Officer (air), who assists airlines in preventing inadequately documented passengers from travelling to the United Kingdom.
- 8.4 We gauged the risk assessment process in Abuja by visiting the Risk Assessment Unit, interviewing the Immigration Liaison Officer and holding a focus group of Risk Assessment Unit and Verification Unit staff. Staff told us they would welcome more communication and information sharing with Lagos and were concerned that there was no cover for the Immigration Liaison Officer when absent for extended periods.
- 8.5 We were, however, pleased to note that a number of projects had been instigated in Abuja by the Immigration Liaison Officer (risk). They include:
- the identification of the top 20 education institutions used in fraudulent applications
  - the identification of potential abuse of the NHS
  - a protocol with the Irish embassy to minimise the risk of those having been refused visas for the UK applying for Irish visas and vice versa.

## 9. Customer journey

### Information for customers

- 9.1 Customers in Abuja can obtain an application form from the visa application centre to complete by hand or complete an application form online via the UK Visa4UK website. They are required to print off the online application and hand it in at the visa application centre due to there being no facility for the form to be submitted electronically. As application forms can be completed online, we reviewed the online guidance made available to customers.
- 9.2 We noted there were four different websites that customers could access:
- The UK Border Agency visa services website, providing information for visa customers
  - The UK Border Agency website, for access to the Immigration Rules
  - The commercial partner website, VFS Global Services Nigeria Ltd, for information about how to make a visa application in Abuja
  - The Visa4UK website to access the online application form.
- 9.3 As mentioned in the 'Inspection Report of the Visa Section in Rome', we found the amount of information available on the websites confusing from a customer viewpoint. Although the homepage on the UK Border Agency visa services website had clearly signposted links about where to find information (seven in total), it also had latest news stories and 13 other hyperlinks in the body of text, together with a self-assessment questionnaire. We found there was too much information that could easily confuse visa customers about where to go and what to do next.
- 9.4 We were particularly interested in the guidance relating to supporting documentation. A common theme for refusal, from the file sampling we had carried out, was submitting photocopies rather than original documents. In five cases the customer had misunderstood the need for original documents and submitted photocopies instead.
- 9.5 We looked at two sources of guidance on supporting documents: the supporting documents checklist which did not mention if photocopies were acceptable and the guidance on the VFS Global Services Nigeria Ltd website. This informed customers they should send original documents, where possible. The guidance also stated that where documents were too valuable to send, a good quality photocopy should be submitted. It did not mention any requirement for photocopied documents to be notarised. Overall, we found there was a lack of clarity on supporting documentation which could confuse customers.
- 9.6 We found that the most recent UK Border Agency – International Group Customer Information Service Survey report (August-September 2008) reported that there '*was a perceived gap in the quality and consistency of information relating to what supporting documentation is required when submitting a visa application*'. We noted that in response to this the UK Border Agency had said it intended to address this issue when it next reviews the visa application form.

### Testing the visa application process

- 9.7 To provide a further realistic test, we made an online application to assess the application process from the customer's perspective. We found the following:

- The UK Border Agency visa services website was difficult to navigate and directed the customer to different websites (listed above at 9.2), depending on the information being looked up, rather than having it all in one place
- There was no link on the electronic application form to provide guidance when the user is unsure of how to fill in certain parts of the application form.

### **Visa application centre**

- 9.8 The visa application centre was a pleasant welcoming environment, with refreshments on site. There was evidence of good practice in that notice boards were up to date with clear UK Border Agency branding inside the office. Other value-added services in the form of photocopying and banking services were also available. Information leaflets were not displayed in the public area, but a notice informed customers of the types of leaflets that were available.

### **Correspondence and complaints**

- 9.9 The file sample revealed six cases (9% of the sample) where post-decision correspondence had been received. Two related to customers who had appealed, despite having only limited rights of appeal (these appeals were not made under human rights or race relations grounds). Both cases were sent to the Asylum and Immigration Tribunal to determine the validity of the appeals. They are recorded below:
- the first customer appealed on 31/12/2008, documents were sent to the Asylum and Immigration Tribunal on 13/01/2009 and the appeal was dismissed on 9/02/2009 – this represented a period of 27 working days from appeal to decision
  - the second customer appealed on 27/01/2009 and the documents were sent to the Asylum and Immigration Tribunal on 11/02/2009 – at the time of our inspection this case remained outstanding.
- 9.10 Of the four cases where written representations were made against the decision to refuse entry clearance, responses were provided within 12, 16, 22 and 23 working days. Two of the cases therefore missed the UK Border Agency's target to respond to correspondence within 20 working days.
- 9.11 We visited the Correspondence Unit which is staffed by two locally engaged administrative assistants. Correspondence was batched daily and recorded in a notebook, logging the number of letters received each day and the deadline date for reply. The most common queries/complaints were:
- the validity of visas
  - student customers asking for help in contacting educational establishments for refunds of fees, following refusal of their entry clearance application
  - customers refused at United Kingdom ports seeking advice or requests for a review of their refusal decisions.
- 9.12 We found that when logging the correspondence, there was no differentiation made between a complaint and other enquiries. The batches of letters were passed to the Entry Clearance Officer allocated for correspondence duty. They dealt with enquiries by personal letter or used a standard template response, but passed reviews of refusal decisions to the designated Entry Clearance Manager. This Entry Clearance Manager's duty covers incoming correspondence addressed directly to the High

Commission which is answered within 24 to 48 hours. The Entry Clearance Manager also deals with representations from Members of Parliament, judicial reviews and requests from customers for reviews of refusal decisions. All responses are sent out by the correspondence team, who record the outcome in the notebook and on Proviso.

- 9.13 There is not always an Entry Clearance Officer allocated to correspondence, as it depends on the volume of visa applications received each day. The Operations Manager said that Entry Clearance Assistants kept him updated on a weekly basis of the levels of outstanding correspondence and he used this information to allocate Entry Clearance Officers as and when required. This sometimes resulted in more resources being directed at processing new visa applications than in dealing with correspondence.
- 9.14 We found no evidence that replies to correspondence were:
- **subject to any quality assurance**
  - **monitored to assess whether the 20-day target for dealing with correspondence, set by the UK Border Agency, was being met.**
- 9.15 We found that the quarterly Business Assurance check in relation to this target was completed by the Correspondence Unit, who looked through the notebook and recorded a simple yes or no against the section on correspondence timescales for the month. No statistics were provided.
- 9.16 In addition to the Correspondence Unit, there was a Visa Enquiries Unit which dealt with telephone and email enquiries. The former dealt mainly with post-decision correspondence; the latter with enquiries on the application process. Staff told us the telephone lines had not worked for about six months, resulting in a higher than normal number of email enquiries. The Operations Manager told us the problem with the telephone service was due to the poor telephone infrastructure in Nigeria and was not something that local management could influence. However, notices had been put up outside the High Commission informing the public of this problem. In addition, staff had been provided with mobile telephones to allow them to make enquiries when considering visa applications.

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

- **improves the design of its websites so that visa customers can find relevant information easily**
- **reviews and clarifies information on provision of supporting documentation so customers are aware of what they need to provide**
- **introduces a quality assurance process for correspondence handling.**



## 10. Staff interviews

- 10.1 We conducted an open forum with entry clearance staff, staff from the Risk Assessment Unit and Verification Unit, as well as individual interviews with the Entry Clearance Manager and the Operations Manager. The topics discussed included training, IT and performance targets.
- 10.2 Entry Clearance Officers told us they would welcome post-specific induction training. They felt there was a need for them to understand local traditions, such as:
- **the extended family culture**
  - **practical differences in the banking system**
  - **the standard rates of pay for certain occupations.**
- 10.3 This concern was mirrored by the Verification Unit, all locally engaged staff, who felt they had more to offer in terms of knowledge of local culture. Verification Unit staff are tasked to conduct checks on certain documents. They feel constrained to only checking the documents they are being asked to check, despite the fact that their local knowledge sometimes indicates other checks may be of benefit.
- 10.4 We found that the separation of locally engaged Entry Clearance Assistant staff and Entry Clearance Officers/Managers (the latter group predominantly work in separate parts of the Visa Section to the former) was a barrier to working together more effectively. The Deputy High Commissioner and Operations Manager told us they were aware of this physical barrier and planned to tackle it, as part of the imminent move of entry clearance staff from Lagos to Abuja. This will result in all staff working together.
- 10.5 We were told that initiatives to build team working across all staff had taken place. For example, social events had been held to bring staff together.
- 10.6 We asked Entry Clearance Officers and the Verification Unit about the different types of checks required when considering points-based applications. This was because different types of checks under the points-based system can result in very different outcomes. For example, an inconclusive verification check will result in no points being awarded, whereas an inconclusive “other” check will result in points being awarded.
- 10.7 The type of check undertaken is therefore important from a customer perspective, because it could lead to a points-based application being issued or refused, based on the type of check undertaken by the Entry Clearance Officer. We found none of the staff interviewed were aware of the difference between a verification check and “other” check, as set out in the points-based guidance.
- 10.8 Staff told us about the difficulties they encountered with IT. The main problem was a slow internet connection in the mornings which impacted on them doing their work. The Business Assurance Team told us the satellite-based Foreign Office Telecommunications Network is used, due to the poor telephone infrastructure in Nigeria. The other IT issue was the number of different websites Entry Clearance Officers had to use in the course of their work. For example, entry clearance guidance, points-based guidance (including web pages on Sponsors) and exchange rates pages. According to staff, the constant updates and changes to guidance was an added pressure.

- 10.9 Entry Clearance Officers were particularly concerned about performance targets. They told us they would like to ask the Verification Unit to do more checks, but when they did, the returned files were added to their normal allocation of 32 cases per day. They told us they would like to:
- **make more phone calls to sponsors or to colleges in order to check details provided by customers**
  - **have time to check applications in more detail**
  - **take the time necessary to write properly balanced refusal notices.**
- 10.10 Entry Clearance Officers told us that performance targets affected their appraisals and for this reason were considered important. They also considered that quality was compromised by these targets, because of the limited amount of time they had to make decisions.

# 11. Conclusion

- 11.1 This inspection highlights issues both for the visa section in Abuja and for the UK Border Agency itself, particularly in respect of the provision of good customer service in line with the organisation's own customer strategy.
- 11.2 We commend the positive attitude of staff but consider the post to be poor overall in accordance with the methodology outlined in paragraph 5.9. We consider the UK Border Agency needs to ensure that decision quality is efficient, effective and fair. We therefore hope that the introduction of the review guidance tools, for Entry Clearance Managers, will have a positive impact in improving both the quality of refusal notices and the quality assurance process thereby providing better customer services.

# 12. Acknowledgements

- 12.1 We would like to express our thanks to the visa team in Abuja for the assistance received in enabling our inspection of entry clearance work to proceed smoothly. They arranged for the case sample to be provided at relatively short notice and their flexibility in attending focus groups and interviews helped to ensure the objectives of the inspection were met.

## 13. Glossary of terms

### What is entry clearance?

- 13.1 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).
- 13.2 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.
- 13.3 More detailed information about Entry Clearance can be found on the UK Border Agency website: <http://ukba.homeoffice.gov.uk/>

### Where to apply for entry clearance?

- 13.4 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 post designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant.

### Visa nationals

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

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

### Non visa nationals

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

### Points-based system

- 13.7 On 29 February 2008, a new immigration system was launched to ensure that only those with the right skills or the right contribution can come to the United Kingdom to work or study. The points-based

system enables the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers. The system has three key elements:

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

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

### **United Kingdom and Islands**

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

### **Biometrics**

13.10 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.

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

13.11 From 29 February 2008, under Paragraph 320 (7A) of the Immigration Rules, an applicant must be refused entry clearance if false representations or documents are used, or material facts not disclosed, whether or not the false representations or documents are material to the application, and whether or not the deception is with the applicant's knowledge.

### **Proviso**

13.12 Proviso is the database used by overseas posts 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.

### **Speed codes**

13.13 Speed codes are shortcuts introduced by some posts to speed up the way that Entry Clearance Officers create refusal notices. They are post-specific, and the text is agreed by the local visa team. They utilise the auto correct function of Word. For example, an ECO could type "visbiz", and a paragraph of text would appear – "You have sought entry to the UK as a business visitor, but I am not satisfied that you intend to carry out a 'Permissible Activity'".

**Casework Information Database (CID)**

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

**MYCROFT**

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

# Appendix A

## Visa fees

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

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

Fees are subject to periodic review.

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

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

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

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

Special visitor - student visitor, up to 6 months	67
Special visitor - child visitor	67
Special visitor - prospective student	67
Special visitor - parent of a child at school (up to 12 months)	215
Sports visitor	67
<b>Category: Study (non points-based system)</b>	<b>Fee ( £ )</b>
Dependant of prospective student applicant	67
Dependant of student applicant	145
<b>Category: Employment (non points-based system)</b>	<b>Fee ( £ )</b>
Work permit holder	215
Work permit/HSMP dependant	215
Off Shore Workers	215
Overseas domestic worker - private household	215
EC Business Association Agreement	215
Sole representative	215
UK Ancestry	215
Seasonal agricultural worker	215
Dependants of any of the above	215
Vander Elst	Free of charge
Swiss Posted Worker	Free of charge
<b>Category: Settlement</b>	<b>Fee ( £ )</b>
Spouse/civil partner of a settled person	585
Unmarried/same sex partner of a settled person	585
Fiancé(e)/proposed civil partner of a settled person	585
Child or dependent relative of a settled person	585
Adopted child of settled person	585
Family reunion	Free of charge
Former UK Armed Forces	585



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

Tier 5 applicant (temporary worker) - national of Croatia, Turkey or FYR Macedonia	110
Dependant of tier 5 applicant (temporary worker) - national of Croatia, Turkey or FYR Macedonia	110
Tier 5 applicant (youth mobility scheme)	125
<b>Category: Exempt</b>	<b>Fee (£)</b>
Diplomats: official visit/posting	Free of charge
Members of international organisations on official visits	Free of charge
Member of UK or visiting forces	Free of charge
<b>Category: Others</b>	<b>Fee (£)</b>
Course F	67
Exercise the right of access to a child	215
Parent/primary carer of an EEA national child	215
Family member of an EEA national	Free of charge
Family member of a Swiss national	Free of charge
Handling applications on behalf of Commonwealth Countries/Overseas Territories	47
Forwarding documents to Commonwealth Countries/Overseas Territories (additional fee)	63
Returning resident	215
Right of Abode Certificate of Entitlement	215
Joining ship/aircraft	46
Direct Airside Transit (DAT)	46
Mobile biometrics/call out charge	£128 an hour up to a maximum of £922 for each 24 hour period
Turkish nationals to establish in business	Free of charge
Vignette transfer	75







