THE UK BORDER AGENCY RESPONSE TO THE INDEPENDENT CHIEF INSPECTOR'S REPORT: ENTRY CLEARANCE DECISION MAKING- A GLOBAL REVIEW 1 DECEMBER 2010- 30 JUNE 2011

The UK Border Agency thanks the Independent Chief Inspector (ICI) for advance sight of his report and is pleased to note the improvements made since the Independent Monitor's last global file sampling exercise. Specifically, we have supplied more files, we are doing more verification checks, the quality of our refusal notices was good and we have improved our record on providing correct appeal rights. We are also meeting our customer service targets in the majority of cases. We share some of the concerns raised with decision quality and this is an area where we strive for continuous improvement.

The UK Border Agency response to the Independent Chief Inspector's recommendations:

1. Ensures that when applicants have followed published guidance, but Entry Clearance Officers require further information to make a decision, applicants are given an opportunity to provide this: The UK Border Agency accepts this recommendation but it should be noted that the recommendation reflects existing Agency policy and guidance.

1.1   The UK Border Agency resolves the vast majority of visa applications on the basis of the application form, biometric and watchlist data, and any documentation submitted by the applicant. Applicants are rarely interviewed. This is clearly signposted to applicants throughout the application process – on the application form and through the suggested supporting documents guidance on the UK Border Agency website. Applications are not routinely deferred to enable applicants to produce additional documents, unless in exceptional circumstances when a decision cannot otherwise be reached. The onus is on the applicant to satisfy the Entry Clearance officer (ECO) that they qualify for entry under the Immigration Rules, and to ensure that they have prepared the application properly before lodging it.

2. Acts immediately to ensure supporting documents relevant to entry clearance decisions are retained on file, to provide a transparent decision making process: The UK Border Agency accepts this recommendation

2.1   The file sample period for this report was from between 1st July 2009 and 31st August 2010. In response to a recommendation made in the Guangzhou inspection report, an operational instruction was issued on 21st January 2011 to all entry clearance staff clarifying the policy on retaining supporting documents relevant to entry clearance decisions. ECOs and Entry Clearance Managers (ECMs) were reminded that they should ensure that only documents specifically required are retained, and that this should include copies of supporting documents that are directly relevant to the decision and documents addressed to the visa section. Where it is not possible to retain all such documents (for reasons such as a lack of secure storage space) they should be clearly referenced in issue notes/refusal notices. Adherence to this guidance is measured through regular ECM reviews of decisions.

2.2   All applicants complete an application form which provides comprehensive detail on all aspects of the application. These are retained in all cases. ECOs also make notes on the caseworking system justifying their decision. Relevant supporting documents are also kept, but the amount of documentation retained has to be balanced against a critical shortage of space to store visa application documents securely at certain Posts. The UK Border Agency already stores vast quantities of case files across its global network – it is estimated that there are approximately 5 million such paper records in total. Due to the

large volumes of paper some Posts recently began to run out of secure storage space. In these circumstances not all documents that the ICI may consider to be relevant will be retained although the UK Border Agency would still expect them to be referenced in ECO visa issue notes or refusal notices.

2.3   The roll out of ICW from 2011 onwards will provide the facility to visa Posts to retain scanned electronic copies of all supporting documentation submitted with applications.

3. Strengthens the quality assurance methods currently used by Entry Clearance Managers, to create a more effective and robust decision making process: The UK Border Agency accepts this recommendation

3.1   Following a recommendation made by the former Independent Monitor of Entry Clearance Refusals Without the Right of Appeal in 2007, the UK Border Agency agreed to move from the universal ECM Review of all entry clearance decisions to a targeted approach. In May 2010 guidance on ECM review was further updated and incorporates similar methodology to that used by the ICI when reviewing cases. Although there are minimum levels of review in place for certain case types, ECM reviews are targeted towards cases in categories where there is a limited right of appeal, new application types, and where there are indications that decision quality is not of a sufficiently high standard. All applications refused under paragraphs 320 (7A) and (7B) are required to be reviewed by an ECM. ECMs must complete reviews of all decisions for any new, inexperienced or underperforming staff until the ECM is satisfied that the ECO is consistently making good decisions.

3.2   However, the UK Border Agency acknowledges that decision quality is not solely about the ECM review of decisions and recognises the importance of 'getting it right first time, every time' at every stage of the decision making process. The UK Border Agency is in the process of establishing a metric to measure decision quality and will set clear performance targets around this. As part of this work, the UK Border Agency is currently reviewing the operation of the ECM Review of visa decisions. The UK Border Agency will share the findings of the review with the ICI before the end of the financial year.