



# **An inspection of the visa section in Guangzhou**

May – August 2010



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



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# Foreword from John Vine CBE QPM



The inspection of the Guangzhou visa section is my eighth inspection overseas. It has built upon previous inspections, which are helping me to not only develop a clear picture of the performance of the UK Border Agency's entry clearance operation, but also to identify emerging themes that cut across the Agency's work as a whole.

In Guangzhou, I was pleased to find that there was effective joint working between staff and stakeholders, and all of the stakeholders we met with spoke positively of the relationship with staff at the visa section. This was particularly true of the Guangdong Foreign Affairs Office and the British Council.

I was also pleased with the way the visa section had gained the support of key stakeholders when it decided to suspend accepting and processing Tier 4 applications from certain categories of customers in Southern China in September 2009. This followed concerns about the level of abuse that had been identified in this immigration category.

However, I did discover that the visa section was applying a local interpretation to Tier 4 guidance, which was not communicated to customers; an almost identical problem to that identified in my inspection of the Chennai and Abu Dhabi/Islamabad visa sections. This practice is simply unacceptable, especially when the points-based system was introduced to be a more efficient, transparent and objective application process.

I remain concerned about the damage that the focus on productivity is continuing to have on decision making quality. In all categories of applications sampled at this visa section, I discovered errors which showed carelessness and a lack of attention to detail. The UK Border Agency needs to ensure staff have the training and the time to make better quality decisions.

Finally, I have again found significant delays in the administrative review process. This has been a consistent finding in my last three overseas inspections and I recommend that the Agency should now review whether its completion target of 28 days for administrative review remains realistic whilst remembering that this procedure replaced a full right of appeal.

Overall, I consider that performance at this post is improving.

A handwritten signature in black ink that reads "John Vine .". The signature is written in a cursive, flowing style.

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

# 1. Executive Summary

1. This inspection included a detailed examination of the UK Border Agency's handling of settlement, "other visitor", Tier 4 and administrative review cases. An assessment was then made across all categories of cases of whether decision making was:
  - efficient, effective and fair;
  - in line with relevant Immigration Rules and UK Border Agency policy and guidance; and
  - appropriately supported by risk assessment tools to help entry clearance staff make the right decisions first time.
2. We found evidence of effective joint working between staff and stakeholders. In particular, representatives from the Guangdong Foreign Affairs Office told us that the service provided by the visa section was amongst the best of all the consulates in Guangzhou.
3. We found a number of resource issues had impacted upon the efficiency and effectiveness of the visa section. This saw five new Entry Clearance Officers take up post during the summer/autumn of 2009 and two new Entry Clearance Managers take up post in autumn 2009. This in effect saw seven out of ten UK based staff replaced in a very short period of time, and staff told us these changes had affected the quality of decision making and staff morale.
4. These staffing changes also coincided with a suspension in accepting and processing certain Tier 4 applications from southern China on 17 September 2009. This was introduced following an exercise to establish the veracity of 200 Tier 4 applications<sup>1</sup>, which had identified a significant number of fraudulent applications. The suspension was put in place to stop abuse and resulted in a build up of 2,500 residual applications in Guangzhou. This meant that between December 2009 and February 2010, staff resource was focussed on clearing the backlog. This put additional pressure on all staff. However, stakeholders and staff told us that the suspension of Tier 4 had been effective in reducing fraudulent applications.
5. As with previous overseas inspections, Entry Clearance Officers again reiterated their views that productivity targets were not realistic. They considered more emphasis was placed on completing a set number of cases each day, rather than on the quality of decisions. Our file sampling identified problems with decision making, and we believe the continuing strong focus on the achievement of productivity targets was having a detrimental effect on the quality of decision making. We therefore believe the Agency needs to assess whether the existing focus on the achievement of productivity targets is the sole contributing factor damaging decision making quality, or whether other factors, such as training, are also involved.
6. We found that the visa section in Guangzhou had applied local interpretations to the way they classified visa applications against customer service standards, set out by the UK Border Agency International Group on its website. However, we were pleased that following recommendations made in our inspection reports on the visa sections in Abuja and Chennai, the UK Border Agency

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<sup>1</sup> On 17th September 2009, restrictions were put in place for long term English courses and all other courses at or below National Qualifications Foundation level 3 at the Fuzhou, Guangzhou and Shenzhen Visa Application Centres. On 20 November 2009 the UK Border Agency began accepting new applications from students to attend fee paying Independent Schools, applications to selected preparatory courses directly linked to university courses and applications for any course studied at a British University.

reviewed its customer service standards. These new standards were introduced in April 2010 and they simplified the delivery targets for both customers and staff.

7. We found that the visa section in Guangzhou had also applied local interpretations to the Tier 4 policy guidance, and Entry Clearance Officers were refusing applications when:
  - a customer had more than two substantive courses on their visa letter; or
  - the length of a customer's pre-session course was only slightly shorter than, or the same length as their main course of study.
8. These requirements were not specified in the Tier 4 guidance for customers. This made it difficult for customers to know what evidence was required to support their application. Customers pay a fee to submit a visa application, and we believe it is essential for the UK Border Agency to ensure that its guidance to customers makes clear exactly what supporting documentation is required.
9. We found the Guangzhou visa section was not always retaining sufficient supporting documentation on file to support the entry clearance decision that was made. This made it difficult for us to fully assess some of the files we examined. We believe it is important that supporting documentation is retained so that there is clear evidence to support the decision to either refuse or grant entry clearance, as well as to demonstrate the Agency's compliance with legal obligations such as safeguarding children.
10. Document retention is also important, particularly when customers appeal against their refusal decision or apply for an administrative review. In such cases the retention of supporting documentation helps Immigration Judges (appeals) or Entry Clearance Managers (administrative reviews) assess the evidence provided to determine whether a decision to refuse entry clearance is sound or not.
11. We found considerable delays in dealing with administrative reviews of points-based applications. This has been a consistent finding in our previous overseas inspections, including our inspections of visa sections in Kuala Lumpur, Chennai and Abu Dhabi/Islamabad. It is therefore disappointing that, despite accepting two previous recommendations on this issue, the UK Border Agency continues to miss its processing target. For this reason we believe the UK Border Agency should now review whether its completion target of 28 days for administrative review remains realistic, whilst remembering this procedure replaced a full right of appeal.
12. We again found confusion amongst visa section staff about what constitutes a complaint. We believe the Agency needs to do more work to ensure staff apply an Agency-wide interpretation of the factors they should consider when determining whether correspondence should be classified as a complaint, rather than relying on staff, typically at Entry Clearance Assistant level, applying their own standards. The Agency also needs to ensure that once a piece of correspondence is classified as a complaint, it is recorded and managed in line with its complaint handling procedures.
13. We believe the Agency needs to work more proactively to show its commitment to the development of its staff in Guangzhou. We say this because we found training courses were sometimes cancelled, or staff were not allowed to attend, due to volumes of work. We appreciate that workloads and busy periods can limit training opportunities, but we consider more effective planning around these issues would allow staff to develop their skills and competencies, while demonstrating the Agency's

commitment to the development of its staff. However, we did note a real improvement in local induction training for Entry Clearance Officers, and believe this provides a good foundation on which to build a more effective training programme.

14. In conclusion, we found a visa section that had faced significant challenges following the introduction of Tier 4. These challenges included a very large increase in the number of student applications that were made, coupled with real concerns that many were fraudulent. These challenges were then compounded by the significant staffing changes that occurred during the summer/autumn of 2009, which were not managed well. This resulted in new and inexperienced staff not receiving the support that they needed to become effective leaders and/or decision makers. However, at the time of the inspection we saw evidence that the performance of the visa section was improving and we believe the recommendations we have made will help to deliver further improvements, both in decision quality and customer service.

## 2. Summary of Recommendations

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

1. Strategically assesses whether the existing focus on the achievement of numerical targets is impacting negatively against decision making quality.
2. Determines whether its 28 day completion target for administrative reviews is realistic, and if it is, takes action to ensure its overseas visa sections routinely meet this target.
3. Ensures entry clearance staff retain relevant supporting documents on file to support the decisions they make.
4. Makes it clear to customers what evidence is required to support their Tier 4 application, and ensures that no local interpretations are allowed, unless they are authorised by the respective policy team and communicated to all parties (stakeholders, customers and entry clearance staff).
5. Provides clear guidance to staff on what constitutes a complaint, and ensures complaints are accurately recorded in line with the Agency's complaint handling procedures.
6. Places greater focus on staff personal development by ensuring that:
  - all managers create a personal development plan for staff which sets out their training and development needs for the year; and
  - resource planning takes into account the need for staff to have time to focus on their personal and professional training and development.

## 3. The Inspection

- 3.1 The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the UK Border Agency.
- 3.2 The Independent Chief Inspector's core inspection criteria<sup>2</sup> were used to assess the efficiency and effectiveness of the visa section in Guangzhou 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.
- 3.3 In developing the Inspectorate's core criteria, it was decided that protecting the public, customer service and diversity would be key themes that all inspections would examine to assess performance. This inspection has therefore assessed performance, using the core criteria selected, to make assessments in all three areas.
- 3.4 This inspection also took into account the remit defined by the legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal. This is set out in section 23 of the Immigration and Asylum Act 1999 as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, regarding the introduction of the points-based system (from April 2008). The Independent Chief Inspector was appointed to this post on 26 April 2009.
- 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 in its Customer Strategy, published in April 2009. This set out four key objectives that 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.

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<sup>2</sup> Core Criteria of the Independent Chief Inspector of the UK Border Agency can be found at [http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Criteria\\_for\\_core\\_programme.pdf](http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Criteria_for_core_programme.pdf)

## Purpose and Aim

- 3.6 This inspection measured the performance of the visa section in Guangzhou against the strategic goals and performance targets set by the UK Border Agency's International Group. It also:
- examined whether operational policy and guidance was being applied efficiently and effectively within the visa section;
  - examined the quality of decision making and consistency of approach; and
  - placed special emphasis on the service provided to customers, assessing performance against the UK Border Agency's customer service targets and Customer Strategy published in April 2009.

## Background

- 3.7 The information in this section was provided by the UK Border Agency for this inspection. It provides general background information about International Group and the work of the visa section in Guangzhou, one of four visa sections in China (Beijing, Shanghai and Chongqing are the other three), which are all part of International Group's Asia Pacific region.
- 3.8 International Group is an integral part of the UK Border Agency. To manage its work overseas, International Group structured its visa work into six regional locations:
- Africa;
  - Americas;
  - Asia Pacific;
  - Gulf, Iran and Pakistan;
  - EuroMed; and
  - South Asia.
- 3.9 International Group has 3000 staff in 135 locations throughout the world, working to help deliver the UK Border Agency's three key objectives of:
- *protecting our border and our national interests;*
  - *tackling border tax fraud, smuggling and immigration crime; and*
  - *implementing fast and fair decisions.*
- 3.10 Unlike many visa sections across the world, Guangzhou remains a standalone visa section. It was not therefore part of the organisation's move towards a hub and spoke operation at the time of our inspection.
- 3.11 Guangzhou is located in Guangdong Province, South China. It is a city with a population estimated to be 13 million. The visa section covers six provinces in Southern China: Guangdong, Guangxi, Hainan, Fujian, Hunan and Jiangxi. The visa section serves one of the fastest growing regions in China, the Pearl River delta, and this has led to consistent growth in visa application volumes, particularly in the categories for business, personal visits and students. Conversely it also has the highest refusal rate in China, primarily because it deals with the province of Fujian, which the UK Border Agency has identified as posing a higher level of risk in terms of customers complying with visa conditions.
- 3.12 The visa section in Guangzhou receives applications from three visa application centres in South China: Shenzhen, Fuzhou and Guangzhou. The UK Border Agency commercial partner in China is VFS Global Services. VFS Global Services is responsible for running these visa application centres. Although applications could be made online, they accounted for only 3.1% of Guangzhou's total applications at the time of our inspection.

3.13 The application process is as follows:

- customers attend one of the three visa application centres (no appointment is necessary) and submit their application form, supporting documents, visa fee and biometric data;
- the application form and supporting documents are sent to the visa section by private courier;
- the decision to issue or refuse entry clearance is made by an Entry Clearance Officer;
- the visa or the refusal notice, together with the original supporting documents, are returned to the visa application centre;
- the customer checks whether their application has been decided and is ready for collection, online or by telephone; and
- the customer collects the visa or refusal notice and supporting documents from the visa application centre.

3.14 The work of entry clearance staff is crucial in helping the UK Border Agency address its purpose of securing the border and controlling migration for the benefit of the country. In the financial year 2008/2009 the UK Border Agency dealt with 2.43 million applications. Figure 1 shows the number of applications assessed at the visa section in Guangzhou for various categories of visa applications in calendar years 2008 and 2009.

<b>Figure 1: Visa applications assessed at Guangzhou</b>		
<b>TYPE</b>	<b>2008</b>	<b>2009</b>
European Economic Area Family Permits	35	31
Family Visit	5,238	5,446
Other Non- Settlement	556	257
“Other visitor”	17,770	17,792
Points-based system Tier 1	120	366
Points-based system Tier 2	3	183
Points-based system Tier 4	0	9,604
Points-based system Tier 5	0	81
Settlement	743	775
Student	9,996	872
Transit	143	97
Work Permit	1,557	591
Working Holiday Maker	3	0
<b>Total</b>	<b>36,164</b>	<b>36,095</b>

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

3.15 Guangzhou was selected for inspection following an assessment of all visa issuing posts using the Independent Chief Inspector's core criteria overlaid with management information collated by the UK Border Agency from April 2009 – February 2010. This indicated that Guangzhou was performing significantly below target against a number UK Border Agency performance indicators, including:

- refusal of visa holders on arrival at port in the UK;
- visa appeals dismissed;
- customer standards; and
- customer satisfaction (based on the results of the customer satisfaction survey for the Pacific region, which includes Guangzhou).

3.16 Figure 2 records the staffing complement for the visa section in Guangzhou at the time of our inspection (excluding seasonal relief).

<b>Figure 2: Staffing numbers at the visa section in Guangzhou</b>	
<b>Visa Section Staff</b>	
Regional Manager (based in Beijing)	1
Operations Manager (based in Beijing)	1
Entry Clearance Manager	2
Entry Clearance Officer	8
Office Manager	1
Entry Clearance Assistants	12
Visa Writers	3
<b>RALON Staff</b>	
Immigration Liaison Manager (based in Beijing)	1
Returns Liaison Officer	1
Immigration Liaison Officer	2
Immigration Liaison Assistant	2
Returns Liaison Assistant	2
<b>TOTAL</b>	<b>36</b>

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

### **Scope**

3.17 The inspection focused on various aspects of the visa operation in Guangzhou, including the quality and timeliness of visa decisions for:

- “other visitor” visas;
- settlement visas;
- Tier 4 (student) visas; and
- administrative review decisions.

- 3.18 “Other visitor” visas were selected for examination because they formed approximately half of all visa applications in Guangzhou in 2009 (see Figure 1). Assessing the quality and consistency of decision making in this category was therefore important in assessing the overall performance and effectiveness of the visa section. Consideration of these cases also supported the Chief Inspector’s statutory role as the Independent Monitor in assessing the quality of decision making in cases that attracted a limited right of appeal.
- 3.19 Settlement visas were selected because the inspection of the UK Visa Section<sup>3</sup> identified real concerns with the quality and consistency of decision making in the settlement visa category. We therefore felt it was important to further investigate the UK Border Agency’s performance in this area.
- 3.20 Tier 4 (student) visas were examined because of the issues identified during our inspections in Chennai and Abu Dhabi/Islamabad<sup>4</sup>. These included long delays in issuing Tier 4 visas and local interpretation of Tier 4 guidance to the detriment of customers. Universities UK<sup>5</sup> had also expressed its concern on a range of issues linked to the introduction of Tier 4, and these included the affect that delays had on students. We therefore considered it important to review Tier 4 cases in Guangzhou, because it handled 9,604 applications in 2009 (27%). This represented over a quarter of all the applications it dealt with during that year.
- 3.21 Administrative review cases were also examined, primarily because of the significant administrative delays we found during our previous inspections of Kuala Lumpur<sup>6</sup>, Chennai and Abu Dhabi/Islamabad. We consider that the administrative review process is an important aspect of the work carried out by visa section staff, because the introduction of the points-based system removed the right of appeal from many visa customers.

### Methodology

- 3.22 The on-site phase of the inspection took place from 7 – 18 June 2010. A range of methods were used during the inspection, including:
- file sampling;
  - staff and stakeholder interviews;
  - staff focus groups; and
  - staff observation.
- 3.23 On the final day of the on-site phase of the inspection, the inspection team provided feedback on high level emerging findings to the UK Border Agency.

<sup>3</sup> The UK Visa Section inspection report was published on 27 July 2010 and can found on the Independent Chief Inspector’s website at: <http://icinspector.independent.gov.uk/inspections/inspection-reports/>

<sup>4</sup> The Chennai inspection report was published on 5 March 2010. The Abu Dhabi/Islamabad inspection report was published on 4 November 2010.

<sup>5</sup> Universities UK is the representative organisation for universities in the UK.

<sup>6</sup> The Kuala Lumpur inspection report was published on 27 January 2010.

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

### Change Management

- 4.1 We found that one of the most significant changes within the visa section had been the arrival of new staff during the summer and autumn of 2009. This included two new Entry Clearance Managers and five new Entry Clearance Officers, who together represented 70% of the resource at their respective grades in Guangzhou (excluding seasonal relief). Throughout our interviews and focus groups with staff, it became apparent that these staffing changes could have been managed better. For example, staff told us that:
- there were only two experienced Entry Clearance Officers at the visa section to mentor and support five new Entry Clearance Officers, which affected the quality and consistency of their decisions; and
  - new and inexperienced Entry Clearance Managers were unable to offer leadership and support to staff, particularly new staff, which also affected the quality and consistency of Entry Clearance Officers decisions.
- 4.2 Staff also told us that new Entry Clearance Managers were sometimes unable to explain the rationale behind their decisions to implement changes within the visa section, and this had a negative effect on staff morale.
- 4.3 The Operational Manager for Guangzhou told us these staffing changes were raised with the UK Border Agency Human Resources (HR) department, at least six months before they were due to take place. However, HR was unable to accommodate their concerns.
- 4.4 The British Consul General in Guangzhou told us he had similarly been concerned about the level of staffing changes that had taken place in the visa section during the summer and autumn of 2009. He confirmed that this saw five out of eight Entry Clearance Officers leaving at the same time, and two new Entry Clearance Managers, with no visa experience, arriving. He was critical about the way in which these resourcing changes were planned and implemented and had no doubt that both the performance of the visa section and the morale of staff had suffered as a result. However, he considered that lessons had been learned and was hopeful these mistakes would not be repeated.
- 4.5 Some staff told us that they did not feel there were effective arrangements to manage demand, particularly during the peak period. This was apparent during our file sampling exercise, where we identified considerable delays in processing applications, particularly administrative review applications. This view was supported by representatives from the Chinese Foreign Affairs Office, who told us that they felt the visa section needed to address increased demand in the peak period to maintain its reputation for delivering high levels of customer service.
- 4.6 Some staff felt that a more long term vision was required with regards to staffing, because an increase in the staffing complement at one grade, particularly at Entry Clearance Officer level, meant that the workload of staff at other grades increased. Staff felt that this was not always taken into account when planning resources.
- 4.7 The introduction of the points-based system, particularly Tier 4, compounded the resource management and demand problems during the summer of 2009. However, we noted that the visa section had undertaken some work locally to anticipate the problems that might arise in relation

to the launch of Tier 4. For example, the Consul General told us the visa section had undertaken some preliminary work to examine what the effect of Tier 4 might be on the issue rate for Fujianese customers, who apply for student visas to the UK. This work had identified that the issue rate would rise significantly and suggested it would be easier for Fujianese customers to apply for and get permission to travel to the UK, when their true intentions were not to study.

- 4.8 This finding was borne out when Tier 4 was introduced on the 31 March 2009. This saw a 46% increase in student applications, between July 2008 and July 2009, with the majority of this increase occurring between April and July 2009. This saw many customers in Southern China applying to study low level English language courses in the UK. We were told a random sample of 200 Tier 4 customers was therefore interviewed to establish the veracity of their applications. This established that many customers were unable to verify the information provided on their application forms. As a result the UK Border Agency suspended certain Tier 4 categories to prevent further applications from these groups being submitted in Southern China.
- 4.9 At the time of our inspection the suspension of Tier 4 applications was still in force for certain categories. We were told the suspension would remain in place until secure English language testing was introduced in Guangzhou. However, at the time of the inspection a date for this had not yet been confirmed<sup>7</sup>. We were told the suspension had been effective in reducing fraudulent applications, because it had allowed the UK Border Agency time to:
- liaise with educational establishments in the UK to determine what further checks needed to be completed on the applications affected by the suspension; and
  - consider how it should strengthen the Tier 4 application process in South China more generally to prevent and deter abuse of Tier 4.
- 4.10 The UK Border Agency told us that 2,500 Tier 4 applications had been put on hold as a result of this suspension, pending more detailed checks. These applications were dealt with predominantly between December 2009 and February 2010.
- 4.11 During our file sampling exercise we noted that there were significant delays in considering applications for administrative review. One Entry Clearance Manager told us that a large number of Tier 4 cases were refused when the Tier 4 backlog was cleared between December 2009 and February 2010. This led to many customers, who had their applications refused, submitting a subsequent application for an administrative review.
- 4.12 This in turn led to an influx in administrative review applications, which could not all be dealt with within the published timescales. We believe the UK Border Agency should have planned more effectively for the surge in administrative review applications, as this was a likely outcome after clearing the backlog of Tier 4 applications. As we have set out in previous overseas inspection reports, it is important that the UK Border Agency conducts administrative reviews in a timely manner, particularly when customers have already experienced serious delays with their original applications.

### **Joint working**

- 4.13 Whilst in Guangzhou we met with representatives from the following organisations to collect their views on their working relationship with the visa section in Guangzhou:
- Guangdong Foreign Affairs Office, Passport & Visa Division;
  - Canadian Consulate;
  - British Consulate (Consul General);

<sup>7</sup> Secure English language testing was implemented by the UK Border Agency on 12 August 2010. It requires all sponsors to test prospective students (studying below degree level) English language ability. The requirement to take a test does not apply to students on English language courses.

- British Council; and
  - UK Trade and Investment.
- 4.14 Overall, we found evidence of effective joint working with stakeholders. For example, representatives from the Guangdong Foreign Affairs Office told us that the service provided by the visa section was amongst the best of all the consulates in Guangzhou.
- 4.15 A representative of the British Council also commented positively about the relationship with visa section staff. This included new Entry Clearance Officers receiving briefings from British Council staff, along with regular opportunities for engagement between both sets of staff. However, the British Council also expressed its concerns about the significant level of suspect applications that followed the introduction of Tier 4, and supported the suspension in applications introduced by the UK Border Agency in Southern China.
- 4.16 We also met with a representative from the Canadian consulate and discussed their relationship with members of the Risk and Liaison Overseas Network team, based in the Guangzhou visa section. They considered a very effective working relationship had been developed with members from this team, which helped both consulates manage the risk posed by those who wished to breach their respective immigration controls.

### Performance targets

- 4.17 During our period of file sampling the UK Border Agency measured its performance against the following customer service standards for processing Other Visitor and Tier 4 applications:
- 90 per cent of ‘straightforward’, non-settlement applications would be dealt with within one week, 98 per cent within two weeks, and 100% in not more than 12 weeks; and
  - 90 per cent of ‘non-straightforward’, non-settlement applications in not more than three weeks, 98 per cent within six weeks and 100 per cent in not more than twelve weeks.
- 4.18 We found that all Tier 4 cases were classified correctly. In 50 “other visitor” cases (50% of the sample<sup>8</sup>) straightforward cases were incorrectly classified as non-straightforward by Entry Clearance Officers. In all of these cases, our view (as per the UK Border Agency guidelines) was that the cases were straightforward because the applications were decided without the need for any additional checks or interviews. This misclassification meant that the Guangzhou visa section was, in effect, allowing itself more time to process these applications and was misrepresenting its performance against its customer service standards.
- 4.19 We reported this to the UK Border Agency and were told that at the time these applications were considered, all refusal decisions were recorded as non-straightforward. We consider this was contradictory to the published customer service standard. However, following our previous recommendations about customer service targets in our reports on the visa sections in Abuja and Chennai, the UK Border Agency introduced new and simplified customer service standards on 1 April 2010. They are shown below:
- 90 per cent of visa applications (except settlement categories), would be dealt with within three weeks, 98 per cent within six weeks and 100 per cent within 12 weeks; and
  - 95 per cent of applications for settlement visas would be dealt with within 12 weeks and 100 per cent within 24 weeks.

<sup>8</sup> This does not include settlement or administrative review cases as case complexity is not noted in these cases. This does also not include Tier 4 cases as all were considered non straightforward due to the Tier 4 suspension.

4.20 We found that the visa section in Guangzhou had sought to achieve these new targets by setting 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 visa application category they were considering. Figure 3 records the daily targets for Entry Clearance Officers at the time of our inspection.

**Figure 3: Daily targets for all Entry Clearance Officers at the visa section in Guangzhou**

Visa category	Number of applications
Business Fast Track	100
Approved Destination Scheme (ADS) <sup>9</sup>	120
Family Visits	50
Fujian Family Visits	30
Previous Travel and Complied	80
Tier 4 Green*	60
Tier 4 Red**	40
Settlement	12
Summer Schools	90
PBS Tiers 1,2 & 5	20
Other Visitor	80

**Note:** \* Tier 4 Green – Tier 4 cases not requiring detailed checks on documents

\*\* Tier 4 Red - Tier 4 cases requiring detailed checks on documents

- 4.21 We were told that the targets in Figure 3 had been updated and amended six weeks before the on-site phase of our inspection, following consultation between the Operations Manager and Entry Clearance Managers. None of the Entry Clearance Officers we spoke to told us that they had been consulted before these targets were set.
- 4.22 Some Entry Clearance Officers told us that they felt the targets were unrealistic and inflexible. They did not feel that any account was taken of other duties such as line management, report writing, stakeholder engagement or administrative tasks. Staff were entitled to a lunch break, but told us they often worked through lunch breaks for fear of not meeting their targets.
- 4.23 During our interviews and focus groups with Entry Clearance Officers, it became apparent that the general feeling was that the focus was on the quantity of cases completed, and not the quality of the decisions. One Entry Clearance Manager told us that the quality of Entry Clearance Officers decisions was discussed at weekly staff meetings. However, Entry Clearance Officers told us that they felt limited time was set aside to discuss quality and consistency issues. Some Entry Clearance Officers also told us they received little or no feedback about the quality of their work.

<sup>9</sup> The Approved Destination Status scheme is an agreement to facilitate tourist groups from the People's Republic of China to the UK. It is unique to China and allows travel to the UK in accordance with a pre-determined itinerary. Approved Destination Status groups must consist of at least five visitors and be accompanied by a tour leader. They must remain, enter and leave the UK together. There is no upper limit to the number of applications in a group. Visas are issued for a maximum of one month with either dual or single entry depending on the tour itinerary.

- 4.24 We raised this with the Operations Manager who told us that an exercise was being conducted in Shanghai to confirm that all of the targets for China were realistic and achievable. Since the inspection, we have been told that following consultation with Entry Clearance Officers in Guangzhou, some of these targets had been adjusted downwards.
- 4.25 We found no evidence of any formal mechanism for regular feedback to Entry Clearance Managers about the quality of their decisions, including administrative review decisions. One Entry Clearance Manager told us they had never received feedback on the quality of their reviews and decisions. This was concerning, particularly as both were relatively new to the visa section, and had never carried out entry clearance work before starting work at Guangzhou visa section.
- 4.26 Overall, we believe that the strong focus on the achievement of numerical targets was having a detrimental effect on the quality of decision making. However, we also recognise that the staff changes in the visa section would have played some part in the problems our file sampling identified around inconsistent and sometimes careless decision making. Despite this, we remain of the view that numerical targets are a contributory factor to inconsistent and poor decision making, and we believe this view is supported by our inspection reports on Abuja, Chennai, the UK Visa Section and Abu Dhabi/Islamabad.
- 4.27 We also note that the former Independent Monitor frequently made links between a target culture and inconsistent/poor decision making. We therefore believe that the UK Border Agency needs to assess whether the existing focus on the achievement of numerical targets is the sole contributing factor damaging decision making quality, or whether other factors, such as training, are also involved.

#### **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.

#### **Equality and Diversity**

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

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

5.1 This section gives the detailed results and analysis of the files we examined from the visa section in Guangzhou. In total, we requested 327 case files which were chosen randomly from decisions made between 1 December 2009 and 28 February 2010<sup>10</sup>. Figure 4 sets out the type of visa categories we examined, together with details of the case files produced by the UK Border Agency.

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

Category	Number requested	Number received
“Other Visitor” – refusal	50	50
“Other Visitor” – issue	50	50
Settlement - refusal	50	50
Settlement - issue	50	50
Tier 4 – refusal	50	49
Tier 4 – issue	50	50
Administrative review	27	26
<b>TOTAL</b>	<b>327</b>	<b>325</b>

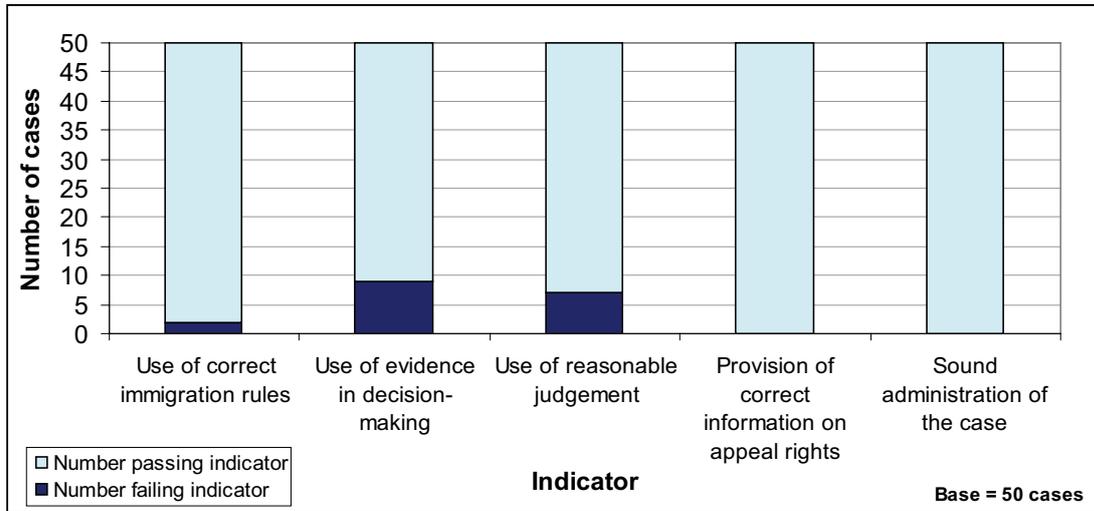
### Inspection results of the sample of “other visitor” refusals of entry clearance

5.2 “Other Visitor” entry clearance cases that were refused were examined using the following criteria:

- 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 maladministration?

5.3 Data accuracy was good, with all 50 of the refusal decisions sampled being recorded accurately on the case-working IT system used by the UK Border Agency. Of the 50 cases we reviewed, 11 cases (22% of the sample) failed one or more decision making quality indicator. Figure 5 shows the results of our file sampling of “other visitor” refusal cases.

<sup>10</sup> Three “other visitor” refusal cases were decided on 8 March 2010 and one Tier 4 refusal case was decided on 11 March 2010

**Figure 5: “Other Visitor” refusal cases assessed against indicators of decision-making quality**

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

### Correct use of Immigration Rules

5.4 We found that in two cases (4% of the sample), the decision to refuse entry clearance was not assessed against the correct Immigration Rules. In both cases, the refusal notice cited that the applicant was considered as a student visitor, under paragraph 56K of the Immigration Rules, whereas they should have been considered as a child visitor under paragraph 46A of the Immigration Rules. The UK Border Agency reviewed these cases, and agreed to send out revised refusal notices to both customers.

### Use of evidence / reasonable judgement

5.5 We examined decisions under these categories to assess whether an Entry Clearance Officer's decision to grant entry clearance was balanced, taking account of:

- customers and sponsors circumstances as set out in the application form; and
- documentation that was provided in support of applications.

5.6 In nine cases (18% of the sample), we found that the decision was not made in accordance with the evidence. This included seven cases in which we also found that the Entry Clearance Officer's judgement was not reasonable. These nine cases are broken down as follows:

- seven cases where the Entry Clearance Officer disregarded or misinterpreted evidence with regards to maintenance and accommodation to the detriment of the customer, without conducting further checks to support their judgement;
- one case where the Entry Clearance Officer refused the application due to minor concerns with the sponsors letter of invitation, which could have been addressed if further enquiries had been carried out; and
- one case where the Entry Clearance Officer decided to refuse the customer's application despite the submission of satisfactory evidence.

5.7 We reported our concerns to the UK Border Agency in connection with seven of these cases (the remaining two cases were identified following further case file analysis). They reviewed them and:

- fully accepted our findings in relation to two cases, and invited customers to submit gratis applications; and
  - partially accepted our findings in relation to a further two cases, and sent revised refusal notices to both customers.
- 5.8 In the remaining three cases, the UK Border Agency did not accept our findings. In one of these cases, it maintained the view that it was right to refuse the application, because of concerns it had about the customer's credibility. However, we assessed this case and believe that the evidence provided by the customer, in support of their application was credible, and could therefore see no reason why the application was refused. The case study at Figure 6 provides more detail about this case.

### Figure 6: Case study – “Other Visitor” refusal application

#### The customer:

- submitted a student visitor application on 26 January 2010, together with supporting documentation, including evidence of funding for the trip
- was refused entry clearance on 2 February 2010 as the Entry Clearance Officer did not believe they had explained the benefits of their intended course of study
- was also refused as the Entry Clearance Officer did not feel the cost of the customer's studies was proportionate to their economic circumstances

#### Chief Inspector's comments:

- the UK Border Agency misinterpreted evidence by stating that the customer completed a Masters degree taught in English in the USA, when the course was in fact completed in China
- the customer was a high earner and it was clear they had sufficient funds to finance the trip
- the customer had explained their intentions and rationale for the course of study clearly, and although these appeared sound, the Entry Clearance Officer doubted the customer's credibility

#### The UK Border Agency:

- noted that this case would have merited an interview
- accepted that the refusal notice incorrectly stated that the customer had completed a course in the USA, and sent a revised refusal notice to the customer
- reviewed the case and maintained their original assessment of the case
- added that there was no evidence that the customer's employer would be happy for them to take such a long period of leave – despite the fact that this evidence was not requested in the supporting documents guidance for applicants on the UK visas website.

- 5.9 We believe the Agency, when applying additional evidential requirements that customers are unaware of (i.e. the evidence is not stipulated as a requirement at the time of application), should contact customers and give them an opportunity to provide any additional evidence that entry clearance staff deem necessary. Otherwise, the decision to refuse appears distinctly unfair.
- 5.10 In another case, the UK Border Agency felt it was justified to have had concerns with the sponsor's letter of invitation. However, we did not agree with this assessment. We noted that the customer submitted a subsequent application which was issued. Having reviewed this file, we found that the sponsor's letter of invitation had been revised slightly, but it was not clear why this application was granted when the previous application was refused.
- 5.11 In the final case, the application was refused because, although the customer submitted a letter from their sponsor saying that they would fund the customer's visit, the customer had not provided documents relating to their sponsor's financial position. We noted that, although there was guidance on the UK Border Agency website advising customers that documents relating to their sponsor's

financial position ought to be provided, this was not indicated on the visa application form supporting documents checklist. We believe customers could be confused by this, and for this reason, we maintained our assessment of the case.

- 5.12 We believe it is important that customers are clearly advised about what evidence they need to produce to support an application. The UK Border Agency has previously accepted our recommendation that standardised visa application form checklists should be put in place at all overseas posts, and following a pilot to determine the feasibility of this approach, it introduced standardised category-specific supporting document checklists for non-points-based system visa categories on 20 September 2010.
- 5.13 The Agency told us that customers can now use its website to access these category-specific supporting document checklists<sup>11</sup> in order to establish what types of documents they need to provide in support of their applications<sup>12</sup>. We believe this action will help customers to get their applications (and supporting documentation) right first time. We also believe it helps the Agency demonstrate its commitment to its Customer Strategy objective to use a better understanding of our customers to provide more effective services.
- 5.14 The case study in Figure 7 illustrates some of the concerns we had with the quality of decision making in relation to “other visitor” refusal applications.

### Figure 7: Case study – “Other Visitor” refusal application

#### The customer:

- submitted an application on 4 February 2010, together with supporting documentation, including evidence of funding for the trip
- was refused entry clearance on 12 February 2010 on the grounds that sufficient evidence of maintenance and accommodation had not been provided specifically, evidence of the customers source of funds

#### Chief Inspector’s comments:

- the customer had travelled to the UK in 2009, and there was no evidence that they had failed to comply with the conditions of their visa
- the customer explained that their father would be funding the trip
- when the previous visa was granted in August 2009, it was noted that the customer had ‘healthy funds’

#### The UK Border Agency:

- accepted that the decision was unduly harsh
- contacted the customer and invited them to submit a free application.

#### Correct information on appeal rights

- 5.15 We found that in all 50 cases, customers had been given the correct information on appeal rights.

#### Sound administration

- 5.16 We did not find any cases where there was maladministration in the handling of the case.

11 Supporting document checklists can be found on the UK Border Agency website at: <http://www.ukvisas.gov.uk/en/howtoapply/vafs/vafsdocschecklist/>

12 The Agency told us the links on all of its commercial partner websites would be updated with this information as part of a rolling programme of work, which was due for completion by the end of 2010.

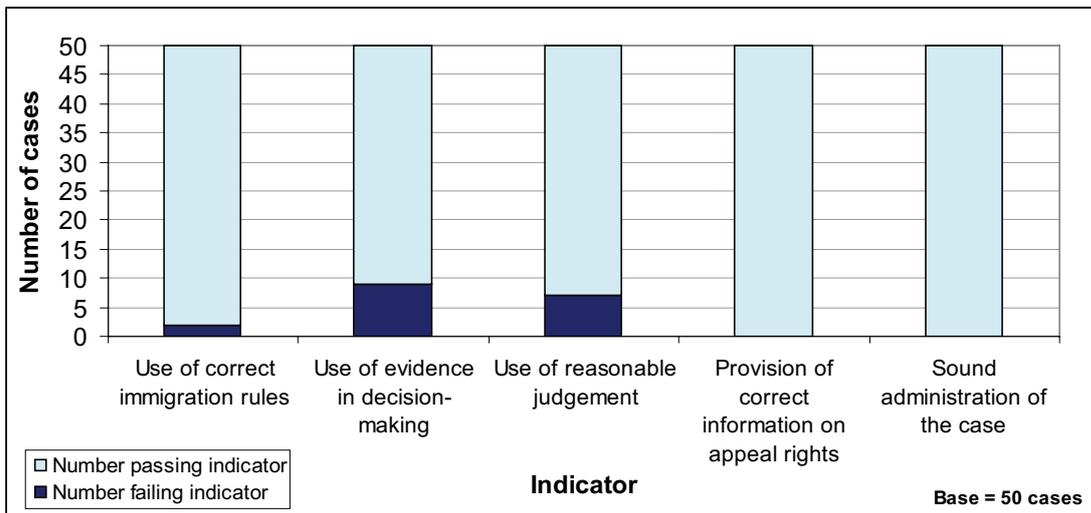
**Inspection results of the sample of “Other Visitor” grants of entry clearance**

5.17 “Other visitor” entry clearance cases that were granted, were examined using the following criteria:

- Was the decision to issue entry clearance assessed against the correct Immigration Rules?
- Was the use of evidence applied correctly when considering the application?
- Was the Entry Clearance Officer’s judgement reasonable?
- Was the visa issued with the correct endorsement and for the correct period of validity?
- Where appropriate, were detailed checks undertaken to inform the decision making process?

5.18 Data accuracy was good, with all 50 of the cases reviewed being recorded accurately on the case-working IT system used by the UK Border Agency. Of the 50 cases we reviewed, three cases (6% of the sample) failed one or more decision-making quality indicator. Figure 8 shows the results of our sampling of cases that were granted entry clearance.

**Figure 8: “Other Visitor” issue cases assessed against indicators of decision-making quality and visa quality**



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

**Correct use of Immigration Rules**

5.19 We found that the correct Immigration Rules had been applied in all cases.

**Use of evidence / reasonable judgement**

5.20 We were concerned to find in 26 cases (52% of the sample) that some of the supporting documentation provided by customers was not retained to allow the cases to be assessed fully by us. To establish whether these decisions were balanced, we reviewed the documents that had been retained and examined the casework notes recorded on the UK Border Agency’s IT case-working system. We also interviewed members of staff to ascertain why supporting documentation had not been retained in all cases.

- 5.21 We established that in some cases, for example those related to the Approved Destination Scheme, the UK Border Agency relied on accredited travel agencies to check applications and documents submitted by their customers. We were told this allowed Entry Clearance Officers to decide such applications more quickly, because the visa section was satisfied that these applications presented a low risk. As a result supporting documentation was not always retained. Because of the lower level of risk associated with this category of work, it was afforded the highest daily target for Entry Clearance Officers (120 applications a day – Figure 3 refers).
- 5.22 Risk and Liaison Overseas staff also told us this scheme was monitored closely by them for any absconders, which could result in an accredited travel agency being removed from the Approved Destination Scheme list. We were told that absconders were extremely rare and that accredited travel agencies valued their trusted position and worked hard to maintain it. As such customers covered by this scheme were considered low risk and our inspection confirmed this.
- 5.23 In some other cases – where the visa section had dealt with a visa application on behalf of an independent Commonwealth country (e.g. Belize) – supporting documentation was not always retained if that country had approved the visa application. Despite our concerns about the lack of supporting documentation retained on file in these 26 cases, we concluded that the decisions to issue visas were balanced in 24 cases. However, we remained concerned about the inconsistent approach to the retention of supporting documentation in the visa section.
- 5.24 Staff told us that a factor contributing to this issue was that customers did not always submit photocopies of their supporting documentation, even though this was stipulated as a requirement when they applied. In such cases, decisions were made based on the original documentation provided, and copies of supporting documentation were not made due to insufficient resources in the visa section.
- 5.25 We noted that the action taken in Guangzhou did not comply with the instruction issued to all visa sections by the UK Border Agency International Group Business Assurance Team in November 2009. This set out the importance of retaining relevant supporting documentation to demonstrate decision making was sound and based on the evidence provided. However, our findings from Guangzhou identified this instruction was not being followed. Retaining such documentation is important, so we therefore recommend the UK Border Agency ensures compliance with its own instruction that they must retain relevant supporting documentation to support the decision making process.
- 5.26 In the remaining two cases (4% of the sample), we found that the decision was not made in line with the evidence. In both cases, the customers were children. In the first case, the information on the case-working IT system indicated checks had been carried out to verify the customer's parents' employment and funds, but no evidence of these checks was on file. We asked the UK Border Agency to demonstrate these checks had been carried out, but it was unable to do so.
- 5.27 In the remaining case we could find no evidence that parental consent had been given by the parents relating to the arrangements for their child's travel, reception and care in the United Kingdom, as required under paragraph 46A(v) of the Immigration Rules.
- 5.28 We reported our concerns to the UK Border Agency in connection with these two cases, and reminded them of the importance of retaining evidence to demonstrate that obligations to safeguard children were being met, in accordance with Section 55 of the Borders, Citizenship and Immigration Act 2009, which came into force on 2 November 2009. They reviewed both cases and told us that guidance would be re-issued to staff reminding them of the importance of retaining supporting evidence, particularly parental consent letters.

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

- Ensures entry clearance staff retain relevant supporting documents on file to support the decisions they make.

**Visa validity and endorsement**

5.29 We found all cases had been issued with the correct endorsement. However, we found three cases (6% of the sample) where the visa had been issued with the incorrect period of validity. We reported this to the UK Border Agency who accepted our comments and re-issued guidance to staff, reminding them of the importance of altering the visa start date before printing and affixing visas into passports and returning them to customers.

**Inspection results of the sample of settlement refusals**

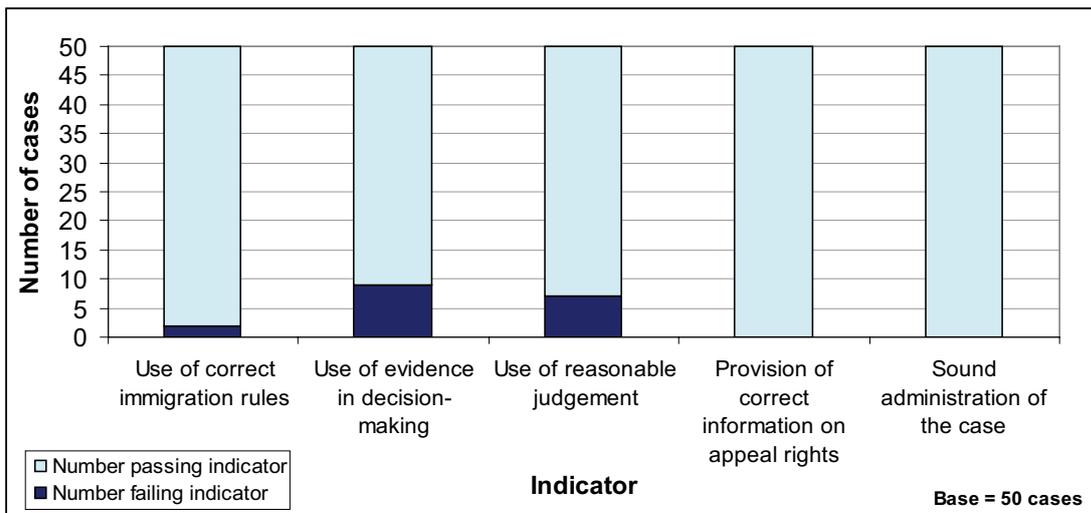
5.30 Settlement entry clearance cases that were refused were examined using the following criteria:

- 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?

5.31 Data accuracy was good, with 49 of the 50 of the refusal decisions sampled being recorded accurately on the case-working IT system used by the UK Border Agency. The remaining case was a visitor application that had been incorrectly recorded as a settlement application.

5.32 Of the 49 cases we reviewed, 12 cases (24% of the sample) failed one or more decision making quality indicator. Figure 9 shows the results of our sampling of cases that were refused entry clearance.

**Figure 9: Settlement refusal cases assessed against indicators of decision-making quality**



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

### **Correct use of Immigration Rules**

- 5.33 In two cases (4% of the sample) we found the correct Immigration Rules had not been used. In both cases the refusal notice referred to the wrong paragraph of the Immigration Rules. The UK Border Agency reviewed both cases, and agreed to send out revised refusal notices to customers.

### **Use of evidence / reasonable judgement**

- 5.34 In eight cases (16% of the sample) we considered that the decision to refuse an entry clearance was not in accordance with the evidence. In four of these cases we also found that the Entry Clearance Officer's judgement was not reasonable. These eight cases are broken down as follows:
- four cases where the Entry Clearance Officer wrongly interpreted evidence to the detriment of the customer;
  - one case where there were insufficient documents on file, and the information on the UK Border Agency IT system was not sufficient for us to conclude that the decision was made in line with the evidence;
  - one case where paragraph 320 (7A) had been applied inappropriately;
  - one case where the Entry Clearance Officer refused the application as no evidence of sole parental responsibility was submitted, despite the fact that this was not required under the Immigration Rules in this case; and
  - one case in which the Entry Clearance Officer confused the dependant's application with the main applicant's application, thereby making unreasonable judgements about it.
- 5.35 We reported our concerns to the UK Border Agency in connection with these eight cases. They reviewed the cases and accepted our findings. They then took the following actions:
- revised and re-issued refusal notices in six cases, setting out correct refusal reasons, including the application of paragraph 320 (7A) in one case;
  - requested further evidence from the customer in one case, to allow a thorough review of the case; and
  - reissued guidance to staff about document retention (one case).
- 5.36 On this last point we again noted an inconsistent approach was adopted concerning the retention of supporting documentation. We found 15 cases (31% of the sample) where not all relevant supporting documentation had been retained. As with our sample of "other visitor" cases granted entry clearance, we reviewed these cases to ascertain what information had been provided. We also examined the casework notes made by Entry Clearance Officers on the UK Border Agency's IT system, to determine whether the decisions to refuse were balanced. In 12 cases we considered the decision to refuse was balanced, but in three cases we concluded the decision to refuse was not. These three cases were included within our above findings under use of evidence / reasonable judgement. We reiterated our recommendation about the retention of all relevant supporting documentation (copies), which was accepted by the visa section in Guangzhou. However, we believe the UK Border Agency needs to ensure entry clearance staff across all of its visa sections are clear about the need to retain information to support the decision making process – particularly important in settlement refusal cases, because customers had the right of appeal to the Asylum First-tier Tribunal (Immigration and Asylum Chamber)<sup>13</sup>.

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

- 5.37 We found that in three cases (6% of the sample), customers had been given incorrect information on appeal rights. In these cases the customers were dependants applying at the same time as a principal applicant, and the principal applicants were refused. These customers should therefore have been

<sup>13</sup> 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.

granted a limited right of appeal instead of a full right of appeal. These cases were identified following further case file analysis, and were not therefore discussed with the Guangzhou visa section.

**Sound administration**

5.38 We did not find any cases where there was maladministration in the handling of a case.

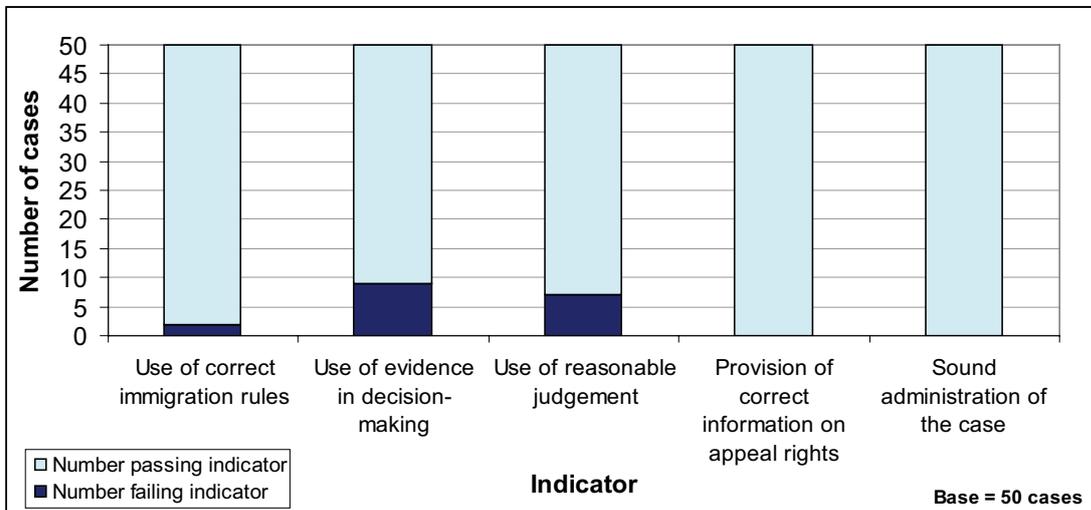
**Inspection results of the sample of settlement grants of entry clearance**

5.39 Settlement cases that were granted entry clearance were examined using the following criteria:

- Was the decision to issue entry clearance assessed against the correct Immigration Rules?
- Was the use of evidence applied correctly when considering the application?
- Was the Entry Clearance Officer’s judgement reasonable?
- Was the visa issued with the correct endorsement?
- Was the visa issued for the correct period of validity?

5.40 Data accuracy was good, with all 50 of the decisions to grant entry clearance sampled being recorded accurately on the UK Border Agency IT system. Of the 50 cases we reviewed, five cases (10% of the sample) failed one or more decision making quality indicator. Figure 10 shows the results of our sampling of cases that were granted entry clearance.

**Figure 10: Settlement issue cases assessed against indicators of decision-making quality and visa quality**



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

**Correct use of Immigration Rules**

5.41 We found all 50 cases were assessed against the correct Immigration Rules.

### **Use of evidence / reasonable judgement**

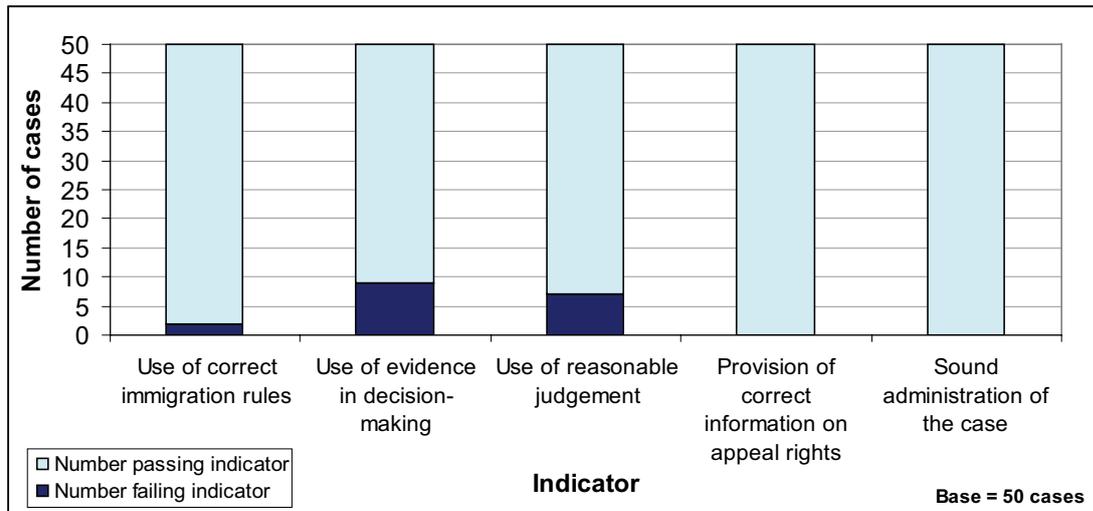
- 5.42 In five cases (10% of the sample) we considered that the decision to issue an entry clearance was not in accordance with the evidence. These cases are as follows:
- four cases where there were no documents or insufficient documents on file, and the casework information on the UK Border Agency's IT system was not sufficient for us to conclude that the decision was made in line with the evidence or that reasonable judgement had been used; and
  - one case in which further checks would have helped to confirm the veracity of the application.
- 5.43 These cases were identified following further case file analysis, and were not therefore discussed with the Guangzhou visa section. However, they reflected our concerns with regards to inconsistent document retention, which were raised with the visa section during the on-site phase of our inspection.

### **Visa validity and endorsement**

- 5.44 In two cases (4% of the sample), we found visas had not been issued with the correct endorsement and period of validity. The UK Border Agency agreed to contact the customers to advise them how to rectify these errors.

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

- 5.45 Tier 4 cases refused were examined using the following criteria:
- Was the decision assessed against the correct Immigration Rules?
  - Were the points awarded in line with guidance?
  - Were the required documents submitted and if so, were they correctly assessed against the guidance?
  - Was the customer advised of their right to an administrative review?
  - Did the refusal decision suffer from significant maladministration?
- 5.46 Data accuracy was good, with 49 of the 50 refusal decisions sampled being recorded accurately on the case-working IT system used by the UK Border Agency. The remaining file could not be found so we were unable to examine it. Of the 49 cases we reviewed, 21 cases (43% of the sample) failed one or more decision-making quality indicator. Figure 11 shows the results of our sampling of cases that were refused entry clearance.

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

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

#### **Correct Immigration Rules / Provision of information on administrative review rights**

5.47 We found all 49 cases were assessed against the correct Immigration Rules. In one case, we found a customer was not provided with the correct information on their administrative review rights (the customer's application was refused with a full right of appeal, rather than a right to an administrative review).

#### **Points awarded in line with guidance / Documents correctly assessed**

5.48 We were concerned to find 20 cases (41% of the sample) where points had either not been awarded in line with guidance, or evidence had been misinterpreted to the detriment of customers. In one of these 20 cases, we found that financial documents were misinterpreted. This case was also included in our file sampling of administrative review cases, and we were pleased to see that the decision was overturned. In the remaining 19 cases, Entry Clearance Officers had misinterpreted evidence relating to customers' courses of study, as set out below:

- 12 cases were refused because the length of the customers pre-session course was considered to be too long; and
- seven cases were refused because the visa letter referred to more than one substantive course.

5.49 Figures 12 and 13 illustrate the concerns we had with both types of cases. The first relates to the problems we identified with pre-session courses, and the second where more than one course was included on a visa letter.

### Figure 12: Case study – Tier 4 student application

#### The customer:

- submitted an application on 21 July 2009, together with various supporting documents, including a visa letter and evidence of funds
- was refused entry clearance on 14 January 2010 because the Entry Clearance Officer felt that the customer's 9 month pre-sessional English language course was too long to meet the requirements of a pre-sessional course

#### Chief Inspector's comments:

- it is not clear where in the Tier 4 guidance the UK Border Agency advises customers about requirements for the length of a pre-sessional course

#### The UK Border Agency:

- accepted that the Tier 4 guidance did not set a time limit for pre-sessional courses
- noted that the two courses on the visa letter were of approximately the same length
- told us that whilst there is no time limit for the length of a pre-sessional course, they would not expect a course designed to prepare a student for a course of study to be of similar length as the main course of study
- maintained that their decision to refuse the application was correct.

### Figure 13: Case study – Tier 4 student application

#### The customer:

- submitted an application on 2 December 2009, together with various supporting documents, including a visa letter and evidence of funds
- was refused entry clearance on 15 December 2009 because they had submitted a visa letter containing details of more than one substantive course of study
- was also refused entry clearance because the parental consent letter submitted with the application did not specifically outline their living arrangements in the UK

#### Chief Inspector's comments:

- it is not clear where in the Tier 4 guidance the UK Border Agency advises customers that visa letters must not cover more than one substantive course of study
- the minor omission in the parental consent letter could have been clarified by making a phone call to the customer

#### The UK Border Agency:

- maintained that the Tier 4 policy only allowed a grant of leave for two courses where the second is not dependent on successful completion of the first, or where a course is modular and progress is dependant on successfully completing each module before progressing
- was unable to show us where this was stipulated in the Tier 4 guidance for customers
- maintained that their decision to refuse the application was correct.

5.50 The UK Border Agency subsequently informed us that the Tier 4 policy guidance applicable and current at the time these applications were made (Published June 2009) did in fact set out the six month limit – this despite the initial response we received from the visa section (as highlighted above in Figure 12).

- 5.51 We therefore reviewed the Tier 4 policy guidance in force at the time these applications were made and in the section highlighted: *Course to prepare you for study* (page 15), we found no reference was made to the maximum length of a pre-sessional course (although this fact was referred to at page 18 in a table: *How long can I come for as an adult student?*). We also noted that in a subsequent section on *When can I come to the United Kingdom?* (page 43), reference was made to pre-sessional courses of six months or less. We reviewed the wording used in this section and found it did not explicitly state that pre-sessional courses could not be longer than six months.
- 5.52 We therefore reviewed the cases we had sampled to establish whether customers had been informed clearly that their applications were being refused because their pre-sessional courses were longer than six months. We found they were not. Rather, they were refused because their pre-sessional courses were almost the same length as the customer's main course of study.
- 5.53 We also reviewed what managers had told us while we were on site. We found they had said there was no explicit time limit for the length of pre-sessional courses, but that they would not expect a course designed to prepare a student for a course of study to be of similar length to the main course of study. However, we could find nothing in the guidance that made this clear to customers. In conclusion, we found that staff and managers were unclear on the apparent six-month limit. We also believe that customers were similarly confused because this time limit was not included in the grounds for refusal.
- 5.54 We also reviewed the Tier 4 policy guidance about visa letters and again were unable to find any information that clearly stated that only one course of study was allowed on a visa letter. In all of these Tier 4 cases, the visa section's interpretation of the Tier 4 policy guidance was not communicated to customers, who were clearly disadvantaged as a result. We raised these issues with the UK Border Agency and asked them to show us where it made this information available to customers. They were unable to do so.
- 5.55 This is similar to a finding we made during our inspection of the visa section in Chennai. This revealed Entry Clearance Officers were not satisfied with loan letters which had been submitted by customers as evidence of funding. These applications were refused on the grounds that there was no evidence of the terms and conditions of the loan having been met.
- 5.56 We found that customers in Chennai had not been aware of any such requirement in relation to loans, either in the points-based system guidance issued by the UK Border Agency or locally. At that time we recommended that: visa sections do not impose additional requirements that customers are unaware of and so cannot meet when making their applications. The UK Border Agency accepted this recommendation and acknowledged that guidance about loan letters was unclear. It then updated its guidance on the UK Visa Services website to ensure customers clearly understood what requirements they needed to meet in respect of loans.
- 5.57 We were therefore concerned that a similar practice had been adopted by the Guangzhou visa section, in that it had also been interpreting policy guidance locally without:
- communicating its interpretation to customers in advance; and
  - being able to demonstrate clear written authorisation from the UK.
- 5.58 We therefore reiterate our previous recommendation.

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

- Makes it clear to customers what evidence they are required to produce to support their Tier 4 application, and ensures that no local interpretations are allowed, unless they are authorised by the respective policy team and communicated to all parties (stakeholders; customers and entry clearance staff)

5.59 We also found three cases (6% of the sample) where some of the supporting documentation provided by customers was not retained to allow the cases to be assessed fully. To establish whether the decision to refuse in these three cases was balanced and in line with evidence, we reviewed the documents that had been retained, and examined the casework notes made by Entry Clearance Officers on the UK Border Agency’s IT system. We then used this information to determine whether the decision to refuse entry clearance in these cases was balanced. We concluded they were.

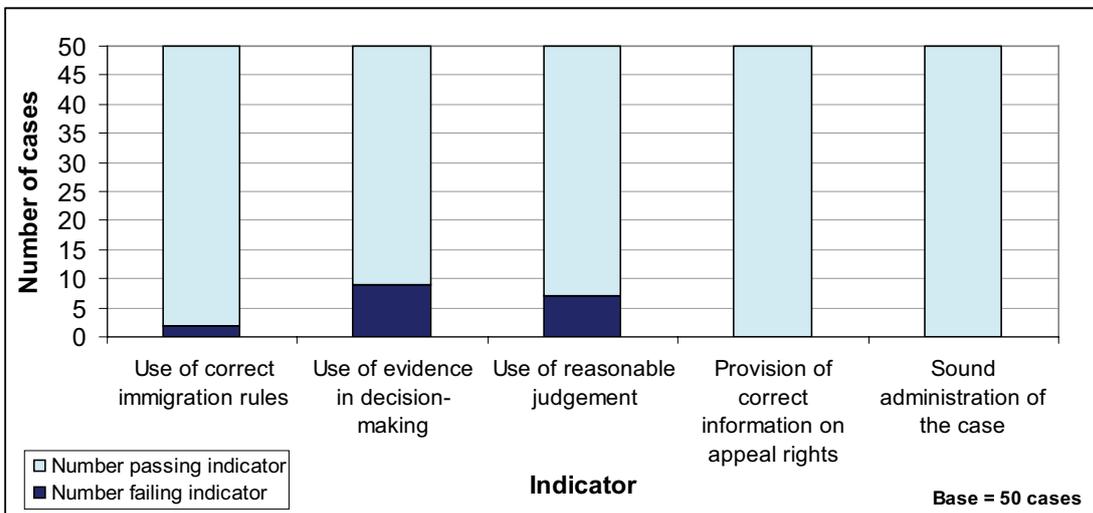
**Inspection results of the sample of Tier 4 grants of student applications under the points-based system**

5.60 We looked at 50 issue decisions of applications made under Tier 4. We assessed the cases against the following criteria:

- Were the points awarded in line with guidance?
- Were the documents submitted correctly assessed against the guidance?
- Was the visa issued with the correct endorsement?
- Was the visa issued with the correct period of validity?

5.61 Data accuracy was good, with all 50 cases being recorded accurately on the UK Border Agency IT system. Of the 50 cases we reviewed, eight cases (16% of the sample) failed one or more decision-making quality indicator. Figure 14 shows the results of our sampling of cases that were granted entry clearance.

**Figure 14: Tier 4 issue cases assessed against indicators of decision making quality and visa quality**



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

### Points awarded in line with guidance / Documents correctly assessed

- 5.62 In three of the 50 cases sampled (6% of the sample), we found that points had not been awarded in line with guidance. These cases were as follows:
- one case in which it was not clear the customer had held funds in their account for 28 days prior to the date of the application, as required in the Tier 4 customer guidance;
  - one case in which the Entry Clearance Officer failed to recognise the customer had submitted inconsistent evidence; and
  - one case where no checks were carried out on a poor quality visa letter.
- 5.63 We reported our concerns to the UK Border Agency in connection with these three cases. They accepted our comments in relation to two cases and told us they had taken the following action:
- contacted one customer, and obtained additional evidence of funds which confirmed that the decision to issue the visa was correct; and
  - contacted the college where another customer was studying to obtain further evidence to clarify inconsistencies in the original application.
- 5.64 In the remaining case, we were told that the visa letter on file was received electronically in reply to an email exchange, and that prior to this another visa letter had been received. As there was no evidence of a better quality visa letter on file, we maintained our assessment of the case. This again emphasises the importance of retaining relevant documentation to support decisions that have been made.
- 5.65 In one of the above cases, we noted that the customer had been issued with a visa, despite submitting a visa letter that included details of two courses. This was inconsistent with the locally-applied practice identified whilst sampling Tier 4 refusal cases. The UK Border Agency informed us that this was an error. The case study at Figure 15 illustrates this case.

#### Figure 15: Case study – Tier 4 student application

##### The customer:

- submitted an application for entry clearance on 23 December 2009
- submitted supporting documentation with their application which included a visa letter and evidence of funds
- was issued entry clearance as a Tier 4 student on 12 January 2010

##### Chief Inspector's comments:

- as of 1 October 2009, customers were required to have held the requisite funds in their account for 28 days prior to the date of the application however, in this case funds were deposited on the day the application was made but the visa was still issued
- the customer was granted entry clearance despite the fact that they listed two courses on one visa letter

##### The UK Border Agency:

- noted that there had been an error in granting the customers application when they had listed two courses on one visa letter
- accepted that it was not clear from the documents on file, whether the customer had held the requisite funds in their account for 28 days prior to the date of the application
- contacted the customer's college who confirmed that they were still studying in the UK
- obtained additional evidence from the customer which showed they had held the requisite funds for 28 days prior to the date of the application

- 5.66 In eight cases (16% of the sample) we found that documents had not been correctly assessed. These included the three cases above, where points were not issued in line with guidance. In the remaining five cases, the customers were children under 18, but the applications did not include a letter from a parent consenting to their travel, as required in the Tier 4 customer guidance.
- 5.67 We reported our concerns to the UK Border Agency in connection with these five cases. They reviewed them and agreed with our findings. They told us they would re-issue guidance to staff and VFS Global Services about copying and retaining supporting documentation, especially consent letters for children.
- 5.68 Our sampling of Tier 4 cases issued identified similar inconsistencies with the retention of supporting documentation. We therefore reiterate the importance of retaining all relevant documentation. This will ensure there is a clear and unambiguous audit trail to support the decision making process followed in each case.

### **Visa validity and endorsement**

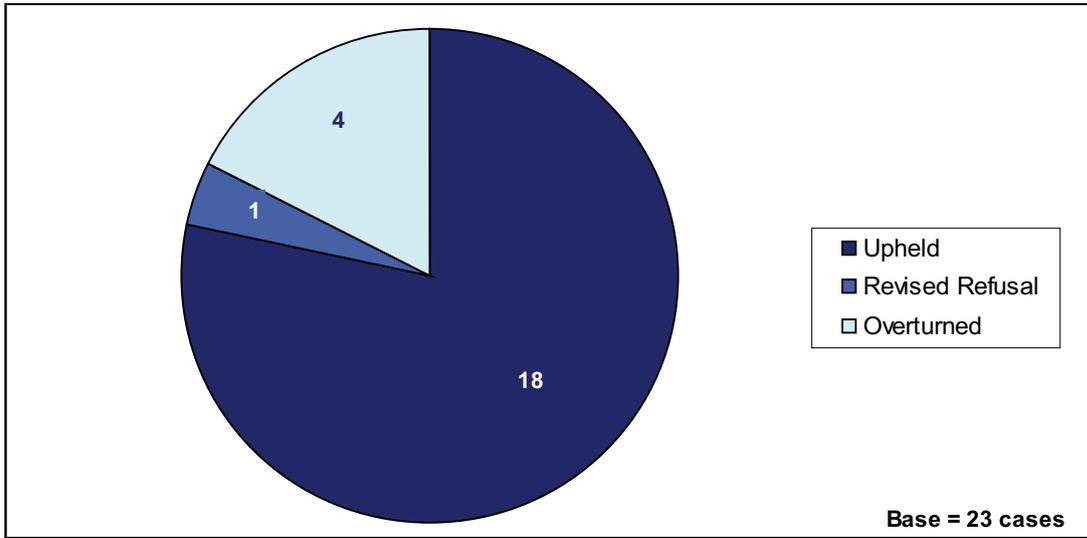
- 5.69 In all 50 cases we noted that the visas had been issued with the correct endorsement. However, we identified three cases where the visa had been issued with the incorrect period of validity. The UK Border Agency agreed to remind staff in Guangzhou about the importance of issuing visas with the correct period of validity.

### **Inspection results of the sample of administrative review cases**

- 5.70 Administrative review is the mechanism for reviewing refusal decisions made under the points-based system where the customer believes an error has been made in the decision. An Entry Clearance Manager should conduct the administrative review, but it must be a different Entry Clearance Manager from the one who gave advice on or reviewed the original decision. In posts where no such Entry Clearance Manager is available, an Entry Clearance Manager from another visa section will conduct the review.
- 5.71 Of the 27 administrative review cases requested, one could not be located in the visa section. We therefore examined 26 points-based system decisions made in Guangzhou, where an application for an administrative review had been received between 1 December 2009 and 28 February 2010. Of the 26 administrative review cases sampled, one file was out of scope because the customer's subsequent application as a Tier 1 investor was issued before the administrative review was conducted.
- 5.72 The 25 cases we examined were broken down as follows:
- Tier 4 – 16 cases
  - Tier 1 – five cases; and
  - Tier 2 – four cases.
- 5.73 Two of the cases we examined had not had an administrative review, because the Entry Clearance Manager considered they had been submitted out of time<sup>14</sup>. In one of these cases, we found that the application was actually submitted in time. We raised this with the UK Border Agency. A review was subsequently conducted, which led to the decision being overturned.
- 5.74 Figure 16 shows the outcome of the remaining 23 administrative review cases.

<sup>14</sup> A request for Administrative Review must be made within 28 days of the customer receiving a refusal notice

**Figure 16: Administrative review cases assessed against indicators of decision making quality**

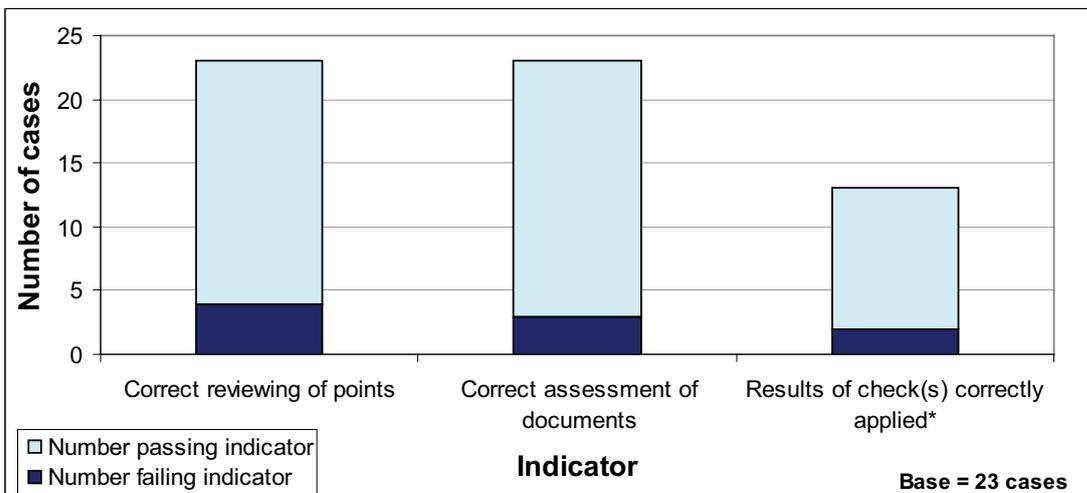


5.75 We assessed these cases against the following criteria:

- Were the points correctly reviewed by the administrative reviewer?
- Were the documents correctly assessed by the administrative reviewer?
- Did the administrative reviewer check that the Entry Clearance Officer who had originally considered the case applied the results of any checks correctly?

5.76 Of the 23 cases we reviewed, four cases (17% of the sample) failed one or more key indicator. Figure 17 shows the results of our sampling of administrative review cases.

**Figure 17: Administrative review cases assessed against indicators of decision making quality**



**Note: \* Checks were carried out in 15 of the 23 cases**  
**Each case file is assessed against the three indicators and can fail against more than one indicator.**

### **Points correctly reviewed and documents correctly assessed**

- 5.77 In three cases we found that the administrative reviewer had incorrectly calculated the points to be awarded to the customer. In two of these cases we also found that the administrative reviewer had not correctly assessed the documents. In these cases the administrative reviewer failed to realise that the Entry Clearance Officer made unverified judgements about evidence or missed key pieces of evidence.
- 5.78 We reported our concerns about these three cases to the UK Border Agency. They reviewed these cases and sent out revised administrative review letters in two cases.
- 5.79 In the final case, the UK Border Agency maintained their decision was correct. In this case, the customer was disputing the Entry Clearance Officers assertion that their visa letter was not genuine. We were told that detailed checks were carried out to prove this. However, the UK Border Agency was unable to provide evidence of this. We therefore maintained our assessment of the case. As there was no evidence that checks had been carried out, we also concluded that the administrative reviewer did not confirm that the Entry Clearance Officer had applied the results of the checks correctly.
- 5.80 In one case, although the points had been awarded correctly, and the documents had been correctly assessed, we found that the application had been incorrectly refused under paragraph 320(11) of the Immigration Rules for having previously contrived in a significant way to frustrate the intentions of the Immigration Rules. This case is illustrated in the case study at Figure 18.

## Figure 18: Case study – Administrative review of a Tier 2 application

### The customer:

- applied for entry clearance under Tier 2 (intra-company transfer) of the points-based system on 24 December 2009
- declared two previous US visa applications that were refused
- declared a previous application to extend their stay in the UK legitimately that was refused because of alleged technical difficulties in collecting the application fee
- provided evidence of sufficient funds at the time they applied to extend their stay
- showed they had left the UK voluntarily on 3 April 2008 after being informed that their application for an extension of their stay in the UK had been refused
- was awarded full points but refused entry clearance on 29 December 2009 under paragraph 320(11) of the Immigration Rules
- applied for an administrative review of the decision which was upheld on 2 February 2010

### Chief Inspector's comments:

- the UK Border Agency indicated that the customer's failure to answer question 6.3 in the visa application form about previous visa refusals was suspicious, despite the fact that the customer declared these refusals in response to question 7.1 on the same application form
- the customer had previous leave to remain in the UK until 31 January 2008 and applied on 28 January 2008 for an extension
- due to difficulties in collecting the application fee, the application for further leave was refused
- the customer re-applied on 11 February 2008, but fee payment problems meant the application was again refused and the customer was informed on 7 March 2008 that they must leave the UK
- the customer made a third attempt to extend his stay and at that time enclosed postal orders due to the previous payment difficulties, but by that point the application was not accepted
- the customer therefore left the UK voluntarily
- we found that the refusal under paragraph 320(11) could not be justified for the following reasons:
- the customer did not withhold information about his immigration history from the UK Border Agency
- the UK Border Agency in Guangzhou misinterpreted important evidence relating to the customer's finances, to the detriment of the customer
- the UK Border Agency made no attempt to contact the customer or interview them to establish the reasons for the payment difficulties they experienced when seeking to extend their stay in the UK in 2008
- there was no evidence that the customer had previously contrived in a significant way to frustrate the intentions of the Immigration Rules

### The UK Border Agency:

- reviewed the case and accepted a refusal under paragraph 320(11) was not justified
- revoked the original refusal and invited the customer to submit a gratis application
- issued the customer with a visa on 4 August 2010, following the receipt of a new application.

- 5.81 We believe it is important that the UK Border Agency uses its powers to apply general grounds for refusal fairly. Paragraph 320(11) is a general ground for refusal on which entry clearance should normally be refused where there is evidence that the applicant has previously contrived in a significant way to frustrate the intentions of the Immigration Rules. To that end, we consider it critical that the UK Border Agency has significant and solid evidence of such intentions.
- 5.82 In the case study above, we were concerned to note that no attempt was made by the UK Border Agency to interview the customer. This would have helped to establish the facts behind the technical problems with payment of their application fee when they sought to extend their stay in the UK. We were also surprised that little regard was paid to the customer's voluntary departure from the UK after being informed that they must leave.
- 5.83 We were surprised that the Entry Clearance Officer arrived at their decision to apply paragraph 320 (11) in this case, based on the evidence in front of them. Even more worrying was the failure of the administrative review to identify the obvious unfairness with the original decision, particularly the statement that the customer had significantly sought to evade UK immigration control. We hope the visa section in Guangzhou will learn from this experience, and ensure that where more punitive sanctions are applied, they are carefully reviewed to make sure they are appropriate and fair.
- 5.84 As with our previous file samples we found six cases (26%) where not all of the supporting documentation had been retained to allow the case to be assessed fully. We therefore examined the information that had been retained and used the casework notes recorded on the UK Border Agency's IT system to determine whether the administrative review decisions were balanced and met the quality indicators set out in Figure 17. We found that:
- four cases met all three of the quality indicators;
  - one case failed one of the quality indicators because the result of a check had not been applied correctly; and
  - one of these cases did not meet any of the quality indicators.
- 5.85 Details of both cases were referred to at the outset of this section.

#### **Results of checks applied correctly**

- 5.86 In 15 cases checks had been carried out by the Entry Clearance Officer that had considered the original application. In two of these cases we found that the administrative reviewer did not check that the Entry Clearance Officer had applied the results of the checks correctly. This included one of the cases referred to above, in which the UK Border Agency was unable to provide evidence that checks had been carried out on the customer's visa letter.
- 5.87 In the remaining case we found that the document verification report did not clearly indicate whether the customer's visa letter was genuine or false. As this case was identified during further case file analysis, it was not discussed directly with the Guangzhou visa section.

#### **Administrative review processing times**

- 5.88 We found that 22 of the completed administrative reviews (96% of the sample) had not been finalised within the published 28-day timescale. Figure 19 shows the time taken to process these cases.

**Figure 19: Processing times for administrative reviews**

Correspondence interval (calendar days)	Number of cases	Percentage of cases
14 or under	0	0%
Between 15 and 28	1	4%
Failed target cases: Over 28	22	96%
<b>Total cases</b>	<b>23</b>	<b>100%</b>

- 5.89 The longest time taken to process an administrative review case failing the target was 180 calendar days. The shortest processing time of an administrative review case failing the target was 30 calendar days. We have previously reported our concerns<sup>15</sup> about the delays in the administrative review process and the effect these delays can have on customers.
- 5.90 We have also made two previous recommendations on this issue which the UK Border Agency has accepted. Despite this, performance against this target remains poor. For this reason we believe the UK Border Agency should now review whether its completion target of 28 days remains realistic. If this work determines that the target is realistic, we believe the UK Border Agency must be much more proactive in taking action globally to deliver against this target.

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

- Determines whether its 28 day completion target for administrative reviews is realistic, and if it is, takes action to ensure its overseas visa sections routinely meet this target.

#### Overall file sample

##### Detailed checks

- 5.91 We found that 40 out of 298 cases (13% of the sample) had received more detailed scrutiny, typically through an employment or financial check. This demonstrated that Entry Clearance Officers were challenging supporting documents in cases where they had concerns about the applications they were examining. We believe this contributes to the UK Border Agency's strategic objective to protect the border. The table at Figure 20 shows the number of cases in each category that were subject to a detailed check.

**Figure 20: Number of cases in each category that were subject to a detailed check**

Category	Number of cases	Percentage of cases
"other visitor" refusal	9	18%
"other visitor" issue	5	10%
settlement refusal	2	4%
settlement issue	3	6%
Tier 4 refusal	16	33%
Tier 4 issue	5	10%
<b>Total cases</b>	<b>40</b>	<b>13%</b>

<sup>15</sup> Inspections reports on Kuala Lumpur, Chennai and United Arab Emirates/Islamabad.

5.92 In 17 cases (6% of the sample) we found that a detailed check was not undertaken when it would have been beneficial. An example of this is illustrated in the case study below.

### Figure 21: Case study – “other visitor” refusal application

#### The customer:

- submitted a business visitor application on 14 January 2010, together with various supporting documents, including evidence of their employment and a letter of invitation from a UK company
- was refused entry clearance on 26 January 2010 because there were inconsistencies in the evidence submitted

#### Chief Inspector’s comments:

- the irregularities identified suggested that the application might not be genuine
- further checks would have identified whether this was the case, leading to a refusal under paragraph 320(7A) of the Immigration Rules

#### The UK Border Agency:

- a decision to refuse was taken on the evidence without further enquires
- verification resources are limited and the requesting of a check is designed to provide additional information that will enable an ECO to make a decision to issue or refuse.

5.93 We believe detailed checks should be completed when evidence accompanying visa applications is considered doubtful or suspicious. Such action helps the UK Border Agency to:

- identify fraudulent applications for entry clearance;
- refuse applications under Paragraph 320 7(A)<sup>16</sup> of the Immigration Rules; and
- reinforce its message that abuse of the immigration system will not be tolerated.

#### Quality of refusal notices

5.94 Customers pay a fee for the application process, usually ranging from £46 to £690, although some categories are issued free of charge (appendix 3 refers to visa fees). They are non-refundable, unless payment has been made and the application is not submitted, or the customer refuses to provide biometric details with their application. In these cases the UK Border Agency will refund the fee.

5.95 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.

5.96 To assist our assessment of the quality of refusal notices, we used the five quality pointers shown below:

- Rules – (not assessed in administrative review cases) does the refusal notice quote the correct Immigration Rules?
- Purpose and period – does the refusal notice accurately quote the purpose of the visit and the length of stay?
- Evidence (not assessed in Tier 4 or administrative review cases) – does the refusal notice use evidence provided by the customer?
- Balance (not assessed in Tier 4 or administrative review cases) – does the refusal notice include positive as well as negative points?

<sup>16</sup> Paragraph 320 (7A) is a general ground for refusal which means that cases involving deception have to be established to a higher standard than refusals under category-specific Immigration Rules. Where deception is identified, applicants can be banned from entering the UK for up to ten years.

- Quality – is the refusal notice well-presented and free from spelling or grammatical errors?

### Correct Immigration Rules

- 5.97 Under this category we examined refusal notices for “other visitor”, settlement and Tier 4 cases. Of these 148 refusal notices assessed, we found eight refusal notices (5% of the cases assessed) did not quote the correct Immigration Rules. We found that six of these were settlement refusal notices, and two were “other visitor” refusal notices. We consider this was far too high an error rate for what is the most rudimentary basis of a refusal notice, and believe the UK Border Agency needs to ensure both its training and quality assurance processes tackle this problem.

### Purpose and period

- 5.98 Under this category we examined refusal notices for all refusal categories to assess whether the correct period and purpose had been quoted in correspondence sent to customers. Of the 148 cases assessed, we found 25 refusal notices (17% of the cases assessed) did not accurately quote the purpose of the visit and the length of stay. Twenty-one of these cases related to “other visitor” applications, and four to settlement cases.
- 5.99 It is important that this information is included, because it personalises the refusal notice and demonstrates the UK Border Agency’s professionalism. We also consider that, if Entry Clearance Officers do not have a period and purpose firmly in their mind, it is easier to make mistakes in weighing and assessing evidence.

### Evidence

- 5.100 We assessed whether refusal notices used evidence provided by the customer in all “other visitor” and settlement cases. Of the 99 refusal notices assessed, we found five settlement refusal notices (5% of the cases assessed) and 10 “other visitor” refusal notices (10% of the cases assessed) did not refer to evidence provided by the customer, or referred to evidence that was not submitted by the customer. This meant that customers were not always clear why their application had been refused, and what evidence would be required to support any subsequent applications.

### Balance

- 5.101 We assessed whether refusal notices in settlement and “other visitor” cases were balanced in setting out where customers had met the requirements of the Immigration Rules and where they had not. Of the 99 refusal notices assessed, we found twelve settlement refusal notices (24% of the sample of settlement refusals) were not balanced. We were particularly concerned to find 21 “other visitor” refusal notices (42% of the sample of “other visitor” refusals) were not balanced, and mainly referenced negative evidence.
- 5.102 We raised our concerns with the UK Border Agency about the lack of balance in refusal notices. We were told that the need for balance had been removed in May 2010 as part of the review of refusal notices. We were told this review was carried out following our previous recommendation about the quality of refusal notices. Although we agree that refusal notices need to be clear and concise, we believe it is important for the UK Border Agency to make it clear to customers where they have met the requirements of the Immigration Rules, as well as where they have not.
- 5.103 In Tier 4 cases, we assessed whether refusal notices were balanced by looking at how well the UK Border Agency explained the rationale behind lost and awarded points. Of the 49 refusal notices assessed we found that only two were not balanced.

## Quality

- 5.104 We assessed the overall quality of refusal notices in all application categories, including administrative review notification letters. Of the 171 cases sampled, we found 62 cases (36% of the cases assessed) where the correspondence contained either grammatical errors, repetitive sentences or erroneously made reference to incorrect pieces of evidence. While some of these errors did not adversely affect the overall quality of the correspondence, some did, particularly those linked to incorrect pieces of evidence.
- 5.105 We believe Entry Clearance Officers must be given more time to ensure refusal notices are accurate and written in plain English. It is too early yet to determine whether the review of refusal notices will help improve accuracy and overall quality, but this is an area the Inspectorate will continually review in upcoming inspections.
- 5.106 In administrative review cases we assessed whether the administrative review points summary document included standard paragraphs that were not relevant to the application being considered. We were concerned to find that in 11 cases the administrative review letter included irrelevant stock paragraphs (paragraphs that were not relevant to the application being considered). We believe this was confusing for customers and affected the overall quality of the administrative review letter.

## Risk & Liaison Overseas Network (RALON)

- 5.107 The RALON Guangzhou office is located in a self-contained area within the British Consulate General in Guangzhou. The team consisted of:
- one Returns Liaison Manager, based in Beijing;
  - one Immigration Liaison Manager, based in Beijing;
  - two Immigration Liaison Officers;
  - two Immigration Liaison Assistants; and
  - two Return Liaison Assistants.
- 5.108 Overall, we found there was a good working relationship between RALON and the visa section. We were told that RALON assisted visa section staff by:
- providing forgery expertise and training;
  - providing support with processing Tier 4 applications;
  - producing weekly updates for visa section staff highlighting identified abuses, trends and risks;
  - attending weekly team meetings with visa section staff to update them on any recent developments;
  - producing risk profiles which were used by Entry Clearance Officers as part of the decision making process;
  - conducting compliance checks on returning summer/winter school groups where the agent was deemed to be of sufficient risk (typically where absconders had previously been encountered from their group); and
  - conducting compliance checks on Approved Destination Scheme visa holders.
- 5.109 Entry Clearance Officers told us they did use risk profiles to assist them in their work. They added they generally found them to be a useful aid, although they considered one of the risk profiles could be improved upon.
- 5.110 Due to IT concerns, a decision had been made not to use the Decision Support Tool<sup>17</sup> in China. However, we were told that for Tier 4 cases, Entry Clearance Officers used a document checking tool

<sup>17</sup> A web page based IT programme used to record visa application details and assist with the identification of risk

to help determine whether further checks were required. We reviewed this and considered it was an effective tool in identifying where further checks on documents were required.

- 5.111 RALON staff told us the introduction of Tier 4 had dominated their work during 2009 and meant other objectives had to be pushed to one side. They told us about the work the section undertook prior to Tier 4 being introduced, which demonstrated the risk associated with the dismantling of credibility and financial checks. They were not therefore surprised when they and their colleagues in the visa section started to identify significant levels of fraudulent applications following the introduction of Tier 4 on 31 March 2009.
- 5.112 RALON staff confirmed that the high levels of abuse they identified resulted in the suspension of certain Tier 4 categories in September 2009. While they considered this had helped to reduce the risks associated with this visa category, they remained concerned at the time of our inspection that the Tier 4 process was inherently vulnerable to false applications.

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

- 6.1 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.*
- 6.2 To help us make an informed judgment about the level of customer service provided by the visa section in Guangzhou, 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.*
- 6.3 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.*
- 6.4 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.*
- 6.5 In order to assess the impact on people subject to UK Border Agency services, we visited and assessed the visa application centre in Guangzhou, looked at processes for handling correspondence and complaints, and examined visa application processing times.

### **Visa application centre**

- 6.6 In order to assess the visa application centre in Guangzhou, we observed how customers were treated from the point they made their applications until they had provided their biometric details. We also examined the complaint handling processes adopted by the visa application centre and looked at the commercial partner's (VFS Global Services) website to assess whether the provision of information and its design were customer friendly.

- 6.7 The visa section in Guangzhou receives applications from three visa application centres in South China: Shenzhen, Fuzhou and Guangzhou. The visa application centre in Guangzhou is situated on the first floor of a large office building, and was easy to locate. The waiting area was clean and relatively comfortable. There was adequate seating, access to water and the temperature was comfortable. Access to the visa application centre was controlled by a member of staff at the front desk who was responsible for answering straightforward customer queries, and directing customers to a VIP lounge or the public waiting area.
- 6.8 VFS Global Services have a service level agreement with the UK Border Agency to process applications in under 30 minutes. Visa application centre staff told us that applications were normally processed in just under 20 minutes. This included:
- ten minutes with an enquiry officer to check their application and documents against the relevant document checklist;
  - two minutes to make a payment at the payment desk;
  - a five minute wait to have biometrics taken; and
  - two minutes to have biometrics taken.
- 6.9 Surprisingly, we found that the time customers waited to see an enquiry officer was not included by the visa application centre when calculating its performance against the service level agreement with the UK Border Agency. We were told that the average waiting time was typically 30 minutes during busy periods, but that customers were seen almost immediately during quiet periods.
- 6.10 We believe the practice of splitting the waiting time from the actual processing time was unfair to customers, because they were not being properly informed about the amount of time they could expect to spend in the visa application centre. We made a similar finding when we conducted an unannounced inspection of the Public Enquiry Office in Croydon<sup>18</sup> – this related to customers not being informed accurately about the overall time they could expect their application process to take.
- 6.11 We consider the practice we identified at the Guangzhou visa application centre was at odds with the UK Border Agency's Customer Strategy and Customer Charter. As such, we believe a clear target should be set for the end-to-end process in the Guangzhou visa application centre. This will help customers anticipate the amount of time they will need to set aside for the application process, from arrival to departure. It will also help the UK Border Agency:
- accurately measure the performance of its commercial partner;
  - take action, when necessary, if customer service levels fall below what is expected; and
  - demonstrate its commitment to delivering excellent levels of customer service.
- 6.12 We noted that additional services were provided at extra cost, including:
- photocopying;
  - return of documents to the customer's home address by courier; and
  - VIP lounge with a dedicated enquiry officer for customers that had paid a fee of 250 RMB (£25) and booked an appointment in advance.
- 6.13 To avoid overcrowding within the visa application centre, we were told that groups of five or more were required to make an appointment before attending the visa application centre. The group leader

<sup>18</sup> The Croydon Public Enquiry Office inspection report was published on 5 March 2010.

would then be invited to attend the visa application centre to submit application forms for the entire group. The rest of the group would then be given a separate time to attend to submit their biometrics.

- 6.14 We found that staff at the front desk used a ticketing system to monitor the number of customers in the visa application centre. This allowed managers to know if capacity (of 50 customers) had been reached or was imminent. If capacity was reached before the official closing time, the visa application centre would contact the visa section in Guangzhou and seek permission to close early on that day.
- 6.15 We found that the signage in the visa application centre carried the up to date UK Border Agency logo. Hard copies of UK Border Agency visa information leaflets were available, and notice boards contained relevant and up to date information for customers. The visa application centre was very busy when we attended. However, we noted that respect and privacy for customers was shown and staff were polite and courteous.
- 6.16 Customers could check the status of their application online or by telephone. Processed applications were stored in a safe in a secure staff access only area of the visa application centre. If they were not collected by the customer within one month, they were returned to the visa section in Guangzhou.
- 6.17 We looked at how complaints were handled at the visa application centre. Notices giving details of how to complain or submit feedback were clearly displayed on the wall at the exit. A customer feedback book was also available in the public waiting area for customers to record complaints and compliments about the service they received. We examined this book and noted it was comprehensively completed with details of the complaint, the response provided and any action taken. An “applicant satisfaction survey” form was also made available to all customers.
- 6.18 We reviewed the website for visa application centres in China to assess its accessibility and to make judgments about its design, provision of information and signposting. We were informed by staff at the visa application centre in Guangzhou that the UK Border Agency was responsible for controlling the content of the information available on the website and VFS Global Services managed the display of the website.
- 6.19 We found that the website was easy to navigate, and provided customers with useful and up to date information. Figure 24 records our findings.

#### Figure 24: VFS Global Services Website for China

##### Design & layout

- a simple, consistent use of three colours
- a clear index to help customers navigate around the site
- a short FAQ for applicants who require quick responses

##### Information

- information was up to date, sufficiently detailed and easily accessible
- clear information about opening and closing times
- location maps for each of the visa application centres
- guide to visa application processing times
- document checklists for all the main visa categories
- a contact email address if the visa category required was missing

##### Signposting

- clear links to other useful web pages, such as UK Visas, UK Border Agency and VFS Global Services, which allowed applicants to track their applications

6.20 The VFS Global Services website also set out how customers could provide feedback or make a complaint. They could:

- attend the visa application centre in person;
- email the visa application centre; and
- write or email the UK Border Agency (the full postal address of the UK Visa Section was provided along with an email address).

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

6.21 We observed visa section staff receiving applications at the visa section. Applications were delivered by private courier from the visa application centres in Shenzhen, Fuzhou and Guangzhou. Applications were transported in secured padlocked boxes. The keys for the boxes were kept at the visa section. We observed two members of staff check the number of applications received against the list of applications sent, provided by VFS Global Services. We were told that any discrepancies would be reported immediately to the VFS Global Services representative, who was present throughout the post opening process. The list was then signed by one member of staff from the visa section, and the VFS Global Services representative. Overall we found that the process was secure and well managed.

### **Correspondence and complaints at the visa section**

- 6.22 Most correspondence was received by email, and we were told that the visa section received approximately 800 emails per month. We were told that entry clearance staff in the Registry were responsible for managing incoming correspondence at the visa section in Guangzhou. Complicated correspondence, including any correspondence relating to refusals and/or complaints, was forwarded to Entry Clearance Managers for action. We found that the Entry Clearance Assistant had no way of knowing when an Entry Clearance Manager had responded to such correspondence. As there was no central contact monitoring when all correspondence had been responded to, we found that there was a risk that some correspondence could be overlooked.
- 6.23 We found that visa section staff used a number of standard responses to reply to other types of correspondence, and aimed to respond to correspondence within five working days. We found there was no mechanism for managers to monitor the quality of this outgoing correspondence. We also found during our file sampling that such correspondence was not retained with the casework file, nor was it recorded on the case-working IT system.
- 6.24 We raised these issues with Entry Clearance Managers. They agreed to undertake a review of the visa section correspondence process to establish a better way of recording incoming correspondence, evidencing that it had been replied to and monitoring the quality of outgoing correspondence.
- 6.25 We were told that complaints were usually received by email, but were also accepted by telephone or fax. The Entry Clearance Assistant responsible for managing incoming correspondence was also responsible for identifying whether correspondence should be categorised as a complaint. We were told that a strong expression of dissatisfaction would need to be seen before an enquiry was classified as a complaint.
- 6.26 Entry Clearance Managers told us that the frequency and content of repeated correspondence would determine whether it should be considered to be a complaint. However, we were concerned to find that multiple emails from customers, chasing the progress of their application, or writing about long delays were typically not treated as complaints.
- 6.27 In our Abu Dhabi/Islamabad inspection report we recommended that the UK Border Agency provide staff with clear guidance on what constitutes “an expression of dissatisfaction”. We re-iterate this recommendation in this report. This will help to ensure that correspondence is correctly classified as either correspondence or a complaint.

- 6.28 We examined the complaints register from January to May 2010. The complaints register was managed by one of the Entry Clearance Managers. We found that all of the complaints recorded in January were repeated in February, so we discounted them from our examination. This left 15 complaints. Our examination showed that complaints were not always recorded in the month they were received. We also found that three of the recorded complaints were from the same customer, and related to the same case.
- 6.29 The UK Border Agency complaints procedure states that complaints must be responded to within 20 working days. We found two cases missed the 20 day target for complaints, because:
- one was a complex case, and other work commitments prevented visa section from meeting its target; and
  - one related to an administrative review case, and administrative review cases were subject to delays at the time.
- 6.30 In four other cases we could not determine from the complaints register whether the 20 day target had been met or not. We therefore believe the Guangzhou visa section needs to take more care when completing the complaints register to ensure complaint handling performance is accurately measured and reported.

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

- Provides clear guidance to staff on what constitutes a complaint, and ensures complaints are accurately recorded in line with the Agency's complaint handling procedures.

# 7. Inspection Findings – Management and Leadership

## Methodology

- 7.1 We held a number of interviews, focus groups and a ‘drop-in’ session in order to meet a range of staff in Guangzhou. We interviewed:
- the Operations Manager
  - two Entry Clearance Managers
  - two Entry Clearance Officers
  - the Office Manager
  - the Immigration Liaison Manager
  - two Immigration Liaison Officers
  - one Return Liaison Officer
- 7.2 We also held two focus groups with Entry Clearance Officers, and one with Entry Clearance Assistants, Immigration Liaison Assistants, the Returns Liaison Assistant and Visa Writers. We also observed ten staff performing their duties.

## Change Management

- 7.3 Throughout all interviews and focus groups a consistent finding emerged of a visa section that had faced significant challenges, predominantly caused by ineffective change and resource management. Guangzhou had received two new Entry Clearance Managers in October and November 2009. Neither had received a formal handover from the outgoing Entry Clearance Manager, who had left the visa section prior to their arrival.
- 7.4 Senior Managers told us that they had raised this as a potential issue with the UK Border Agency Human Resources (HR) department at least six months prior to the Entry Clearance Managers’ arrival, but HR was unable to accommodate these concerns. In addition to this, five new Entry Clearance Officers also joined the visa section in summer and autumn 2009.
- 7.5 Staff told us that this degree of change had affected the quality and consistency of decision making, because there were no clear procedures for experienced Entry Clearance Officers to mentor and advise new Entry Clearance Officers. This was evidenced in our file sampling results, where we identified the incorrect application of Immigration Rules, local interpretation of Tier 4 guidance and inconsistent retention of supporting documentation.

## Leadership

- 7.6 Entry clearance staff told us that problems with the way change had been managed in the visa section had caused considerable problems with leadership. We were told that senior managers (managers above Entry Clearance Officer grade) were focussed on delivery and only provided limited support to Entry Clearance Officers, a view supported by the Consul General.
- 7.7 Staff also expressed some concern about the management style of some senior managers in driving performance which they felt did not encourage improved productivity and performance. We were told that senior management visibility had been poor, although this had improved following notification of our inspection.

- 7.8 Staff at all grades above Office Manager consistently spoke positively about the quality of work completed by Entry Clearance Assistants, and it was evident that Entry Clearance Assistants were highly valued by their colleagues and managers for their local knowledge and expertise. During our observations of staff in the visa section, we noted that Entry Clearance Officers often consulted Entry Clearance Assistants for advice when considering Chinese language documents.
- 7.9 During our file sampling, we found some Entry Clearance Officers struggled to understand Chinese financial documents. This meant that staff were sometimes confused about the amount of funds customers held in their bank accounts. However, locally employed Entry Clearance Assistants had been instrumental in working with Entry Clearance Officers to resolve this problem, and we were shown a copy of an email from an Entry Clearance Assistant, sent to staff in February 2010, that explained how to interpret Chinese financial documents.

### **Performance Measurement**

- 7.10 The Operations Manager told us that they had identified some shortcomings with the current processes for collating and using management information, and agreed to review this. This included:
- statistical information about staff performance against targets;
  - the quality of correspondence; and
  - the timeliness of reviews carried out by Entry Clearance Managers.
- 7.11 The Operations Manager also told us that they had spoken to Entry Clearance Managers about the quality of their work, but was not able to tell us exactly how they had identified specific quality issues. They told us that although they did not check the quality and timeliness of Entry Clearance Managers decisions daily, they asked for and received daily Entry Clearance Officer performance reports to assess productivity. Our view was that a review of the current process for collating and using management information was important, particularly as both Entry Clearance Managers were relatively new to the visa section.

### **Training**

- 7.12 Overall, we found staff were clear about the value of training. However, we found that, in practice, operational demands meant that there was little focus on training and development.
- 7.13 We were told that previously, local induction training for new Entry Clearance Officers was poor. However, at the time of the inspection we were told this had improved. This was corroborated by two newer Entry Clearance Officers who provided positive feedback about their induction to the visa section, which included:
- introduction to the team and the consulate;
  - receipt of an induction pack; and
  - three weeks mentoring by an experienced Entry Clearance Officer.
- 7.14 Staff told us that there was no formal induction training for Entry Clearance Assistants. However, new Entry Clearance Assistants shadowed an experienced member of staff for a few days. Entry Clearance Assistants told us that they felt a structured induction programme would be beneficial as this would help to ensure that all new Entry Clearance Assistants were equipped with the skills and knowledge required to carry out their work effectively.
- 7.15 We found that there were limited opportunities for more formal training and development within the visa section, and several Entry Clearance Officers told us that they did not have a personal development plan. We were told that Consular-wide training courses were run throughout the year,

but visa section staff were encouraged not to attend courses during the busiest periods (May to October).

- 7.16 Staff told us that they would welcome more training, but informed us that work pressures and budgetary restraints often meant that they were unable to attend courses that would be important for their development. This was corroborated by local managers, who told us that even though there was a regional training centre in Hong Kong, cost and volume of work prevented them from sending staff to Hong Kong for training.
- 7.17 Most of the Entry Clearance Officers had line management responsibilities, but we were told that many of them had not received formal line management training. A line management course had been scheduled for May 2010, but all of the Entry Clearance Officers registered to attend at the end of May were not able to do so due to operational demands.
- 7.18 Staff told us that training on the points-based system had been limited. We were told that one Entry Clearance Officer had attended a Tier 1 and Tier 4 points-based system training course in the UK. We were told that this training was poor as the trainers had little knowledge about how the points-based system worked in practice. The Entry Clearance Officer was then responsible for training all Entry Clearance Officers within the visa section in Guangzhou.
- 7.19 Due to budget restraints, the same Entry Clearance Officer received training for points-based system Tier 2 and Tier 3, using a CD training aid, which was limited in terms of the practical application of the points-based system. This made it even more difficult for them to train other Entry Clearance Officers. We were also told that new Entry Clearance Officers were not given specific points-based system training.
- 7.20 Managers told us that the introduction of the points-based system was perhaps the biggest policy change they had had to implement for a long time. They added that training involved sending two Entry Clearance Officers to London, who were then responsible for cascading this training throughout the China network. However, they believed that for such an important change, a dedicated training resource should have been available to deliver expert guidance, particularly to larger visa sections, such as those in China.
- 7.21 Some staff told us that they had received forgery detection training in December 2009. This training was delivered by the Immigration Liaison Manager based in Shanghai. Other staff, particularly Entry Clearance Assistants, felt that they would benefit from forgery detection training as they were the first group of staff to look at documents received in the visa section.
- 7.22 All staff told us that they had completed mandatory equality and diversity training.

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

- Places greater focus on staff personal development by ensuring that:
  - all managers create a personal development plan for staff which sets out their training and development needs for the year
  - resource planning takes into account the need for staff to have time to focus on their personal and professional training and development.

### **IT**

- 7.23 Staff told us that it would be useful to have access to the IT systems and databases used by UK Border Agency staff based in the UK, as this would enable them to access information more quickly. However, overall staff felt that the IT system was quite stable and they could access what they needed to do their job.

# Appendix 1

## Inspection Framework and Core Criteria

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

<b>1. High level outcomes of the business</b>	
1.1(a)	There are clear and realistic performance targets to drive improvement
1.1(c)	There is effective joint working with delivery partners and stakeholders including enforcement and security agencies; commercial partners and relevant overseas stakeholders
1.1(d)	There are clear procedures for handling data, including identity management, in accordance with national security and data protection requirements
1.1(e)	There are effective arrangements to manage demand so as to reduce existing backlogs and minimise future backlogs
1.2(e)	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

<b>2. Processes and procedures (including quality of decision making and consistency of approach)</b>	
2.2(d)	Decisions are made clearly based on all of the evidence and in accordance with current statutory requirements, published policy, guidance and procedures
2.2(e)	Training and written guidance enables staff to make the right decisions (lawful and reasonable)
2.3(a)	Decisions are taken within the timescales set out by UKBA
2.4(c)	Risks, including protecting the public, are assessed and inform decision making
2.4(G)	Managers regularly review the quality of decisions and consistency across the agency.

<b>3. Impact on people subject to UKBA services</b>	
3.2(f)	The needs of those travelling and trading are properly balanced with the need to protect the security of the UK
3.2(g)	Provision of information via hard copy and web sites is accessible, clear, easy to use, in plain language and accurate including self-serve where available
3.3(c)	UKBA 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

<b>4. Management and Leadership</b>	
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

# Information on visa fees

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

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

The fees are effective for all visa applications made from **6 April 2010**.

# Appendix 3

## Glossary

Term	Description
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 DST 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 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.</p> <p>More detailed information about Entry Clearance can be found on the UK Border Agency website: <a href="http://ukba.homeoffice.gov.uk/">http://ukba.homeoffice.gov.uk/</a></p> <p>The Immigration Rules say that 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>
Entry Clearance Manager	Manages the visa application processes.
Entry Clearance Officer	Decides visa applications.

European Economic Area (EEA)	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). Specifically, it allows Iceland, Liechtenstein and Norway to participate in the EU's single market without a conventional EU membership. In exchange, they are obliged to adopt all EU legislation related to the single market, except those pieces of legislation that relate to agriculture and fisheries.
European Economic Area (EEA) Family Permits	All European Economic Area (EEA) nationals enjoy free movement rights in the EEA. This means that they are not subject to the Immigration Rules and may come to the United Kingdom and reside here in accordance with the 2006 Regulations. They do not require permission from the UK Border Agency to enter or remain, nor do they require a document confirming their free movement status. An EEA family permit is a form of entry clearance issued to the non-EEA national family members of an EEA national who is in, or intends to come to, the United Kingdom in order to exercise a Treaty right.
Hub and Spoke	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.  Hub and Spoke was introduced to move away from the traditional model which was based on the physical presence of the visa section. The consideration of an application does not need to happen in the same place as it is collected.  Applications can be moved from the collection point (the spoke) to the processing point (the hub). This separation between the collection network and the decision making network aims to improve quality and consistency of decision making, efficiency and flexibility. Work can be moved to staff rather than the other way round.
Human Resources (HR)	UK Border Agency Human Resources Directorate
Immigration Liaison Assistant (ILA)	UK Border Agency job title
Immigration Liaison Manager (ILM)	UK Border Agency job title which encompasses posts previously known as Airline Liaison Officers (ALOs) and Risk Assessment Managers (RAM).
Immigration Liaison Officer (ILO)	UK Border Agency job title
Independent Chief Inspector of the UK Border Agency	The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.

Independent Monitor and legislation	<p>The legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal, was set out in section 23 of the Immigration and Asylum Act 1999 and amended by paragraph 27 of schedule 7 of the Nationality, Immigration &amp; Asylum Act 2002 and Statutory Instrument 2008/310 regarding the points-based system (from April 2008).</p> <p>Section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, stipulates:</p> <ul style="list-style-type: none"> <li>• The Secretary of State must appoint a person to monitor, in such a manner as the Secretary of State may determine, refusals of entry clearance in cases where, as a result of section 88A of the Nationality, Immigration &amp; Asylum Act 2002 (c.41)(entry clearance: non-family visitors and students), an appeal under section 82(1) of that Act may be brought only on the grounds referred to in section 84(1)(b) and (c) of that Act (racial discrimination and human rights).</li> <li>• The Secretary of State may not appoint a member of his staff.</li> <li>• The Secretary of State must lay a copy of any report made to him under subsection (3) before each House of Parliament.</li> </ul> <p>Although the legislation and the Independent Monitor’s formal title refer to “no right of appeal”, all 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>
Locally employed staff	Staff recruited directly by the British Embassy or High Commission in the country where they are employed
“Other Visitor”	Visitor cases that only attract limited appeal rights
Paragraph 320 (7A) – deception rules	From 29 February 2008, under Paragraph 320 (7A) of the Immigration Rules, a customer must be refused entry clearance if false representations or documents are used, or material facts not disclosed, whether or not the false representations or documents are material to the application, and whether or not the deception is with the customer’s knowledge.
PMR	Post monthly report
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 enables the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers. The system has three key elements:</p> <ul style="list-style-type: none"> <li>• It combines more than 80 previous work and study routes to the United Kingdom into five tiers;</li> </ul>

	<ul style="list-style-type: none"> <li>• 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;</li> <li>• It is a fair, transparent and objective system which enables potential migrants to assess their likelihood of making a successful application - this means that it should help to reduce the number of failed applications.</li> </ul>
Risk and Liaison Overseas Network (RALON)	An amalgamation of the former Airline Liaison Officer Network and Overseas Risk Assessment Unit Network. RALON has responsibility for identifying threats to the UK border, preventing inadequately documented passengers from reaching UK shores, providing risk assessment to the UKBA visa issuing regime and supporting criminal investigations against individuals and organisations which cause harm to the UK.
Risk Profile	A profile developed through the use of compliance exercises to identify areas of risk
Settlement application	Application to come to the UK on a permanent basis, most commonly as the spouse or other dependent of a British Citizen or a UK resident.
United Kingdom Border Agency	The agency of the Home Office responsible for border control, enforcing immigration and customs regulations. It also considers applications for permission to enter and stay in the UK, including nationality and asylum applications.

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