



A Thematic Inspection of the Points-Based System: Tier 2 (Skilled Workers)

July – August 2010

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

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**Write to us: Independent Chief Inspector of the UK Border Agency
5th Floor, Globe House
89 Eccleston Square
London, SW1V 1PN
United Kingdom**

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Foreword from John Vine CBE QPM



The points-based system (PBS) was introduced to achieve greater transparency, consistency and objectivity to decision making on immigration applications. Tier 2 of the PBS enables skilled workers to come to the United Kingdom to fill gaps in the labour force. This is an important area of the UK Border Agency's operations and I therefore wanted to inspect it early on in my inspection programme.

I was pleased to find that, on the whole, the UK Border Agency was meeting its performance targets. However, it was not clear to me why there was such disparity between targets for UK and overseas cases, and I would urge the Agency to assure itself that its targets are set at the right levels.

I noted in particular the positive feedback from stakeholders and delivery partners regarding the good working relationships they enjoyed with the UK Border Agency. I was also impressed with the professionalism, enthusiasm and commitment demonstrated by so many staff at the various locations I inspected.

Given that one of the aims of the PBS is to increase transparency and remove subjectivity, I found inconsistent approaches being adopted in regards to decision making. I strongly believe that an applicant should receive the same level of service wherever they submit their application and I would expect the Agency to implement and uphold a consistent approach worldwide. Applicants should not have to make and pay for subsequent applications if minor omissions can be addressed with minimal effort by the Agency.

I was also concerned that sponsors had been registered without all necessary pre-licence checks in order to meet an ambitious implementation date for Tier 2. While the Agency has developed risk profiling to focus its efforts on sponsors with no previous record of compliance, I did not find evidence of a systematic approach being taken to carry out all required checks on sponsors retrospectively.

The Agency needs to ensure it takes action to curtail the leave of migrants under Tier 2 who stop working for their sponsor. It is an integral part of the system for sponsors to inform the Agency when a person stops working for them. There needs to be greater assurance that action is taken as a result of these notifications with people required to leave the UK if they no longer qualify to stay.

I have set out my findings, along with 12 recommendations that I believe would strengthen the UK Border Agency's operation of Tier 2 of the PBS.

The issues I have considered are of relevance to the decision making and enforcement of Tier 2 in general. I note, however, that the Government has announced plans for an annual limit to be placed on the numbers of skilled workers coming to work in the United Kingdom. Subject to this cap being introduced, I will consider carrying out a further inspection on Tier 2 once these changes have been made.

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

1. Executive Summary

1. The UK Border Agency has set clear targets for the processing of applications made under Tier 2 of the points-based system (PBS). On the whole, staff were aware of the targets they were expected to achieve and felt these to be realistic and achievable. There was however, disparity between targets for processing applications made in the United Kingdom and overseas with no clear rationale for the variance.
2. The UK Border Agency confirmed it had carried out some evaluation of productivity in decision making taking into account the various different influencing factors in its United Kingdom and overseas operations. However, the Agency had not been able to conclude whether the targets for numbers of cases to be decided were set at the correct levels. We found no targets in place for the quality of decision making other than for applications made in the United Kingdom, although this did not extend to sponsor licensing applications.
3. We found that the UK Border Agency was generally meeting its performance targets with regard to processing Tier 2 applications. Our file sampling identified some historic problems with backlogs in several areas but when we were onsite, we found these had been cleared and performance had significantly improved. Performance targets for cases processed in the United Kingdom and Mumbai were regularly significantly exceeded, and were generally being met in Manila.
4. We found that the quality of decisions made was generally good with decisions being made in accordance with Immigration Rules and UK Border Agency policy guidance. However, our sampling identified a number of cases where original decisions on applications made in the United Kingdom had been overturned at appeal. The Agency had carried out analysis on allowed appeals and concluded that generally problems were not due to poor quality decisions but were caused by a lack of representation in court and the provision of new and additional evidence at the appeal. Our inspection of Asylum in 2009¹ identified similar problems regarding representation in court and we recommended then that the Agency adopted a clear and consistent approach to representing cases at appeal.
5. We found different approaches to the quality checking of decisions on Tier 2 cases by managers across the different locations we inspected. There were inconsistent approaches, not only between posts but also between individual teams and managers. We found that very few successful applications were checked, and the numbers of refused applications checked varied significantly between locations in the cases that we sampled.
6. In introducing the PBS, the UK Border Agency aimed to introduce a greater degree of transparency, consistency and objectivity to its decision making on Immigration applications. In doing so, the Agency intended to eradicate the need to refer back to applicants to request missing information or to amend minor errors. In practice however, as confirmed by the results of our sampling, the Agency found unexpectedly high numbers of cases were being refused due to applicants making minor omissions of evidence or information. It was good to see that the Agency responded by introducing in August 2009, a policy of *Evidential Flexibility* for case workers in Sheffield processing Tiers 1, 2, 4 and 5 applications. This enabled caseworkers to defer making a decision and contact applicants in certain circumstances, allowing them three working days to provide missing information or documentation before making a decision on their application.

1 "Asylum: Getting the Balance Right? A Thematic Inspection" was published on 26 February 2010 and can be found on the Independent Chief Inspector's website at: http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Asylum_Getting-the-Balance-Right_A-Thematic-Inspection.pdf

7. However, we found different approaches were taken in other locations. For example, in Manila caseworkers were encouraged to adopt a pragmatic approach, offering a degree of flexibility in some cases. Caseworkers in Mumbai did not exercise flexibility but followed Agency policy guidance, refusing an application if all required evidence was not submitted. The Agency needs to adopt a consistent approach worldwide and it is not doing so at present. Applicants should receive the same service with relation to the decision made on their application regardless of which part of the Agency they submit it to. We do not believe it is fair on applicants or an effective use of resources to require a further application and consequently a further assessment and decision when the initial concern about a minor omission in documentation could be addressed through contact with the applicant or the sponsor. The application of Tier 2 must not drive out common sense in decision making.
8. Staff found PBS policy guidance confusing, inconsistent and lacking defined terms. We were also made aware of problems encountered due to frequent changes to policy guidance, and the often short notice given of these changes.
9. We found a strong belief among staff, managers and stakeholders that the sponsorship system had real potential. However we found mixed views with regard to how successful it has been and how robust it is. We found that a late surge in sponsor applications just prior to the implementation of the PBS in November 2008 had caused problems for the UK Border Agency, in that it had been unable to carry out adequate checks on a significant number of sponsors prior to registering them. For example, although database checks were made, pre-licensing visits had not been made on all sponsors who warranted them in accordance with policy guidance. The Agency was unable to confirm how many cases fell into this category, and we found no evidence that the Agency had adopted a systematic approach to ensuring all required checks and post-licensing visits were carried out on these sponsors retrospectively. Staff and stakeholders voiced concerns over the extent to which the Agency focused on compliance. They believed there was a need for more checks to be made on sponsors to ensure compliance and a successful managed migration system.
10. We were concerned to find that the UK Border Agency does not routinely take the required action to curtail the leave of migrants who stop working. The Agency informed us that 150 cases were awaiting curtailment action with an additional unquantified proportion of cases due to arise from 3000 outstanding sponsor notifications.
11. We received very positive feedback from external delivery partners and stakeholders at each of the locations we inspected regarding the way UK Border Agency worked with them. The Agency liaised with a number of key stakeholders through regular Employer Task Force meetings. These enabled the Agency to consult stakeholders, and had resulted in changes to policy and processes following feedback.
12. We also found evidence of effective working relationships between the Agency and the Visa Application Centres (VACs) in both Manila and Mumbai. High Commission staff and UK Trade and Investment (UKTI) were also complimentary about the relationships they had developed with the Agency. We also observed that good working relationships had been developed between different teams and posts within the Agency.
13. We found widespread concern among staff, managers and some stakeholders that there was potential for abuse within the PBS for migrants to be given leave to work in the UK when they do not qualify for it. These concerns mainly focused on whether all sponsors were complying with policy guidance when issuing certificates of sponsorship, for example meeting the requirements of the Resident Labour Market Test and the Shortage Occupation List. Under the PBS, the Agency expects to be able to trust its sponsors so if they confirm they have complied with requirements such as advertising jobs appropriately, then the Agency accepts it and if the applicant meets required points thresholds, the application will succeed.

14. It is essential that the Agency operates effective intelligence gathering mechanisms to help reduce immigration offending. We found different approaches were adopted with varying levels of success depending on the location. For example in Sheffield, a buddy system helped provide direct contact between case workers and the Intelligence team. Risk profiles had been developed but due to a delay by senior managers in signing these off, we found inconsistent approaches to decision making being taken by caseworkers.
15. In Mumbai we found a very close relationship between RALON (Risk and Liaison Overseas Network) and the caseworking teams which worked well. In Manila we also found evidence of RALON working well with caseworkers, and we found a good example of RALON Manila sharing information with RALON Mumbai to positive effect. Staff in both posts and Sheffield criticised the levels of feedback they received from Sponsor Management when they referred concerns to them. However, we noted improvements had been made, such as the implementation of bi-weekly calls being set up in the previous few months between posts and Sheffield to provide direct access to appropriate contacts.
16. We found considerable frustration among staff regarding the various IT systems used to process PBS applications. Common complaints included having to use a number of different systems which were slow, and frequently crashed. While sponsors liked the external Sponsor Management IT system, Metastorm, the internal UK Border Agency sponsorship IT system was widely criticised, largely due to its lack of functionality.
17. Staff in Manila and Mumbai were unable to view full details of the Certificates of Sponsorship so were missing vital information they needed to make decisions. They had to contact staff in London to arrange for screen shots to be sent to them, causing delays in processing applications. Since raising this with the Agency we were pleased to find that changes have been made following our inspection so all staff overseas can access the information they need to process applications.

2. Summary of Recommendations

We recommend that the UK Border Agency:

1. identifies all Tier 2 migrants whose leave should be curtailed, acts promptly to curtail their leave and, subject to any appeal, takes appropriate enforcement action.
2. identifies and carries out all outstanding checks and visits to ensure that all registered sponsors meet the criteria in the published PBS policy guidance.
3. adopts a pragmatic approach to deciding applications where there are minor omissions in documentation or information and implements this consistently at all its locations worldwide.
4. evaluates and compares productivity levels and targets for PBS applications decided overseas and in the United Kingdom to provide assurance that these are realistic, accurate and fair, while maintaining decision quality.
5. sets a minimum figure of PBS cases to be reviewed by managers in line with other limited rights of appeal cases, and implements a consistent formal quality assurance framework within overseas posts and Sponsor Licensing and Management units.
6. adopts a clear and consistent approach to representing cases at appeal.
7. ensures that decision letters contain the relevant Immigration Rules and purpose of the application, and ensures that document templates fully meet the needs of staff and applicants.
8. revises its Tier 2 policy guidance, ensuring it is consistent, with clearly defined terms, and provides appropriate notice of forthcoming changes to staff, sponsors and all other interested parties.
9. ensures that feedback on sponsor concern referrals and the outcome of any investigations is routinely provided to caseworking teams overseas and in the UK from Sponsor Licensing and Management units.
10. implements a permanent IT system-based solution so that staff in overseas posts can view the full Certificate of Sponsorship in order to process visa applications as efficiently and effectively as possible.
11. improves its website to make it more user-friendly for all members of its target audience, and ensures that details of changes to policy guidance are made simultaneously on both its intranet and internet websites.
12. reviews the length and content of its PBS Tier 2 application form to ensure it is easier and quicker for applicants, sponsors and staff to use.

3. The Inspection

- 3.1 The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. It includes monitoring entry clearance decisions where there is a limited right of appeal against refusal. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and contractors of the UK Border Agency.²
- 3.2 The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.

Purpose and Aim

- 3.3 'To inspect the operation of Tier 2 of the points-based system (PBS) in respect of skilled workers and intra-company transfers; assessing in particular, decisions to issue and refuse entry clearance; licensing of sponsors and customer service'.

Inspection criteria

- 3.4 The inspection was carried out against a selection of the Independent Chief Inspector's core criteria.
- 3.5 The specific criteria under each heading that were selected for the inspection are listed in full at Appendix 1. The full details of the core inspection criteria can be found on the Independent Chief Inspector's website: www.independent.gov.uk/icinspector

² http://www.legislation.gov.uk/ukpga/2009/11/pdfs/ukpga_20090011_en.pdf

4. Background

4.1 The UK Border Agency is divided into six business areas:

- Border Force;
- International Group;
- Immigration Group;
- Intelligence Group;
- Criminality and Detention;
- Corporate Services.

The two business areas we are focusing on in our inspection of the points-based system (PBS) Tier 2 are:

Immigration Group – operates a regional structure comprising six regions: London and South East; East and West Midlands; North West; North East, Yorkshire and Humber (NEYH); Wales and South West; and Scotland and Northern Ireland. Each Immigration Group region is headed up by a Regional Director. There is also an Immigration Policy Team that develops and delivers policy and legislative framework for migration, asylum and free movement of European Economic Area (EEA) nationals.

International Group – an integral part of the UK Border Agency which has 2300 staff in 136 locations throughout the world. It is structured into six regional locations: Africa; Americas; Asia Pacific; Gulf, Iran and Pakistan; EuroMed; and South Asia. Each International Group region is headed up by a Regional Director. There is also an International Policy Directorate responsible for the strategic coordination of the UK Border Agency's international portfolio.

Both the Immigration Group and International Group process applications under the points-based system.

4.2 In 2006, following public consultation, the Government published proposals to modernise and strengthen the immigration system by bringing in a points based system comprising of five tiers:

- Tier 1 – Highly skilled individuals to contribute to growth and productivity;
- Tier 2 – Skilled workers with a job offer to fill gaps in the UK labour force;
- Tier 3 – Low skilled workers to fill specific temporary labour shortages (this Tier is currently suspended);
- Tier 4 – Students;
- Tier 5 – Youth mobility and temporary workers: people coming to the UK to satisfy primarily non-economic objectives.

4.3 The PBS aimed to increase the level of control over migration as well as increasing transparency to applicants and potential sponsors. It was designed to contribute primarily to the Public Service Agreements (PSAs) in force at the time including PSA 3: 'to ensure controlled, fair migration that protects the public and contributes to economic growth' but also to a number of other PSAs:

PSA 1: to raise the productivity of the economy;

PSA 2: to improve the skills of the population, on the way to ensuring a world-class skills base by 2020;

PSA 6: to deliver the conditions for business success in the UK;

PSA 8: to maximise employment opportunities for all.

4.4 The basis of the PBS is that anyone from outside the EEA who wants to work or study in the UK has to have the right skills and meet the points criteria set out for each tier. Points are awarded for age, qualifications, earnings, language and funds.

4.5 Additional aims of the PBS were to:

- improve public confidence in the immigration system;
- fill skill gaps;
- attract highly productive and highly skilled workers and students;
- attract investment and increase productivity and flexibility in the labour market; and
- ensure that people leave at the end of their stay.

Tier 2

4.6 The aim of the skilled migrant tier (Tier 2) was to enable UK employers to recruit individuals from outside the European Economic Area (EEA) to fill a particular job that could not be filled by a British or EEA worker. It consists of four distinct categories:

General (Skilled workers)

There are two General categories:

- **Shortage occupation:** for skilled people coming to the UK for a specific vacancy that cannot be filled by a British or EEA worker. The independent Migration Advisory Committee maintains and regularly updates the list of occupations considered to be shortage occupations.
- **Resident Labour Market Test:** for jobs that cannot be filled through the other Tier 2 routes. The employer (sponsor) needs to show that there is no suitably qualified worker from the UK or EEA available to fill this vacancy.

Intra-Company Transfers

For employees of multinational companies being transferred by their employer overseas to a skilled post in a UK-based branch of the company.

Ministers of Religion

For those coming to fill vacancies as religious workers with recognised religions.

Sportspeople

For elite sportspeople and coaches who are internationally established at the highest level, whose employment will make a significant contribution to the development of their sport at the highest level in the UK, and who intend to base themselves in the UK.

Applying under Tier 2

- 4.7 There are three ways of applying under Tier 2 of the PBS:
- Entering the UK under the skilled migrant tier;
 - Extending a stay in the UK in the skilled migrant tier;
 - Switching while in the UK into the skilled migrant tier. Migrants who have entered the UK under certain other immigration categories are able to change into the skilled migrant tier.
- 4.8 There is a single application process, whether in or outside the UK. All skilled migrants require a Certificate of Sponsorship (CoS) in order to obtain leave. Any skilled migrant wishing to enter the UK under the PBS requires prior entry clearance.
- 4.9 Tier 2 is based on a system of sponsorship. Any employer who wishes to employ someone from outside the EEA has to apply for a sponsorship licence. In order to be granted a licence, the employer must show that they are no threat to immigration control and that they have certain HR processes and systems in place to monitor compliance with Immigration Rules.
- 4.10 When an employer applies for a licence, the UK Border Agency will assess the application on the papers submitted and may decide to arrange a visit to the employer to check proper procedures are in place. If the application is successful, the employer will be rated A or B. An A-rating means the sponsor has all the necessary systems in place to meet their duties and no evidence of abuse. It also allows a sponsor to certify that the maintenance requirement of an applicant will be met by them. A B-rating means the sponsor does not have the correct systems in place or they are not adequate to meet their duties or there may have been some evidence of abuse in the past.
- 4.11 If a B-rating has been awarded, it is compulsory for an action plan to be issued outlining the steps that must be taken to bring the sponsor up to an A-rating. However, B-rated sponsors can still bring successful applicants into the United Kingdom while they are complying with their action plan and making improvements.
- 4.12 Once an employer has a licence they are able to sponsor migrants to come and work for them by issuing a CoS for each migrant they wish to employ. The UK Border Agency decides upon the number of certificates sponsors can issue each year.
- 4.13 For a migrant wishing to apply as a skilled worker, they must have a sponsor and a valid CoS. When they apply, their application is assessed on qualifications, sponsorship, expected earnings, English language skills and available funds for maintenance. If successful the applicant will be allowed to stay in the UK for up to three years. Once this period has elapsed, it is possible for migrants to extend their stay for up to a further two years.

Scope

- 4.14 The Chief Inspector's published inspection plan for 2010 / 2011 stated the following in respect of this inspection:

'The Agency has now introduced the points-based system which governs the basis on which students and workers come to the UK. As outlined above, I have already begun considering the quality of decisions taken on applications to come to the UK in my international programme. This year, as well as focusing on decisions in respect of student applications in my inspection of Abu Dhabi, I will conduct a thematic inspection of the Agency's management of applications for workers to come to the UK under Tier 2. I will inspect the end-to-end process, including the quality of decisions overseas and in the UK; and the service standards for deciding applications and licensing sponsors.'

- 4.15 This inspection focused on Tier 2 of the PBS and specifically on the General and Intra-Company Transfer categories. It assessed:
- Quality of decisions:
 - How the Agency ensures the quality of decisions taking into account the relevant Immigration Rules, performance targets, the number of applications granted and refused and Administrative Reviews of refusals;
 - Compliance:
 - How the Agency ensures sponsors comply with their duties, including pre- and post-licensing checks;
 - Customer service:
 - The service provided to applicants and sponsors, taking particular account of the time taken to decide applications and the availability of information to applicants and sponsors.
- 4.16 The inspection focused on three sites based on the location of decision making in the UK and the make-up of the applications received at two overseas posts. The sites selected were:

Sheffield – this is the main location in the UK for processing PBS applications received in-country. Sheffield is one of the major cities within the North East, Yorkshire and Humber (NEYH) region. The NEYH has around 2000 staff. It runs from the border with Scotland down to the South Yorkshire county border and stretches from the North Sea in the east across to Derbyshire and the Peak District in the west.

The areas inspected were:

Sponsor Licensing Unit (SLU)

This unit makes decisions on applications to join the register of organisations wishing to sponsor migrants under the PBS. It awards licences, including the rating.

Sponsor Management Unit (SMU)

This unit oversees the implementation and subsequent management of the PBS. It plays a key role within the PBS licensing process, carrying out assessments on those employers and educational establishments that have applied for a licence. The Unit handles all post-licensing work including follow up visits to sponsors to make sure they are maintaining their records correctly in accordance with the standards required by the UK Border Agency. It also considers whether to re-rate a sponsor and suspends or withdraws licences where there has been a clear breach of procedures.

In-Country Casework Teams

These are the teams that deal with the processing of applications received from those applicants already in the UK. They also make decisions on applications received from applicants switching from work permits issued prior to the introduction of the PBS.

Manila, Philippines – this post receives a large number of healthcare applications for jobs on the Shortage Occupation List. This post is a hub covering Japan, Taiwan, Hong Kong and South Korea. Overall, taking into account all types of applications received from many different nationalities, this post also has a high application refusal rate. The Philippines is in the Asia Pacific region of the International Group.

Mumbai, India – this is the second largest post with a high proportion of Tier 2 applications. 63% of these applications are Intra-Country Transfers (ICTs). Mumbai receives visa applications from the four Visa Application Centres (VACs) in Western India (Mumbai – south and north, Ahmedabad and Pune). Overall, taking into account all types of applications received from many different nationalities, this post has a low application refusal rate. India is in the South Asia region of the International Group. The scope of this inspection did not extend to the categories of Ministers of Religion and Sportspeople within Tier 2.

Methodology

- 4.17 The onsite phase of the inspection took place between 26 July 2010 and 26 August 2010. A one day pre-inspection planning meeting was held onsite in Sheffield on 11 June 2010.
- 4.18 A range of methods were used during the inspection, including:
- Sampling:
 - 293³ Tier 2 applications from Sheffield, Manila and Mumbai (ICT, General, refusals and issues)
 - 148⁴ Tier 2 sponsor applications (A-rated, B-rated and refusals);
 - We interviewed and held focus groups with UK Border Agency staff and managers across a range of work areas and grades;
 - In Sheffield we:
 - carried out 20 interviews, 26 focus groups, open sessions, observations of the Public Enquiry Office (PEO), caseworkers, pre- and post-licensing; and Visiting Officers;
 - In Manila we:
 - carried out 13 interviews, three focus groups and six stakeholder interviews; observed the making of Tier 2 decisions and visited the Visa Application Centre (VAC);
 - In Mumbai we:
 - carried out seven interviews, five focus groups and five stakeholder interviews; observed the making of Tier 2 decisions, the pre-assessment team, the Document Verification team and visited the VAC;
 - In addition, we:
 - observed a meeting of the Employers Task Force, interviewed five other stakeholders across the UK and two staff from Sponsor Management Unit (SMU) in the London and South East region;
 - analysed documentary evidence, statistical information and policy guidance.
- 4.19 Twelve days after the completion of the onsite phase of the inspection, the inspection team provided feedback on high level emerging findings to the UK Border Agency.
- 4.20 The inspection identified 12 recommendations for improvement. A full summary of recommendations is provided on page 6 of this report.

³ We originally requested 300 applications but 7 of these requested either could not be found by the UK Border Agency or when received were out of scope.

⁴ We originally requested 150 applications but 2 of these either could not be found by the UK Border Agency or when received were out of scope.

5. Inspection findings – High level outcomes of the business, and Processes and procedures including quality of decision making and consistency of approach

5.1 We considered in particular if the UK Border Agency:

- had clear and realistic performance targets to drive improvement;
- liaised effectively with delivery partners and stakeholders including employers;
- had clear mechanisms to use intelligence and other information so as to further improve performance, develop policy and reduce immigration offending and to set operational priorities and tasking; and
- utilised technology effectively to increase security and customer service.

5.2 We also considered whether decisions were:

- taken within the timescales set out by the Agency;
- consistent, appropriate and proportionate;
- relevant to the individual's circumstances and based on the evidence provided; and
- regularly reviewed by managers to check for quality and consistency across the Agency.

Were the performance targets clear and realistic?

5.3 The UK Border Agency Immigration Group Business Plan 2009/2010, the most recent published plan at the time of our inspection, set out the following targets:

- *to meet migration turnaround times for 75% of Employment cases (PBS Tiers 1,2,5) to be concluded in 4 weeks;*
- *to meet migration turnaround times for 95% of sponsor licenses cases to be concluded within 4 weeks; and*
- *no less than 91% of economic and family migration decisions are fully effective.*

5.4 However, the UK Border Agency North East, Yorkshire and the Humber Regional Business Plan April 2010 – March 2011 detailed an updated, reduced target for processing sponsor licenses to: *Meet migration turnaround times for sponsor licenses of 65% in 4 weeks.*

5.5 The UK Border Agency International Group Business Plan 2009/2010 states the Agency's objective to: *Meet all customer service targets for visa decision making.* These customer service standards as published on the Agency's Visa Services website⁵ are to: *complete 90% of visa applications (except settlement categories), in not more than three weeks, 98% in six weeks and 100% in 12 weeks.*

⁵ <http://www.ukvisas.gov.uk/en/>

5.6 We found that while managers and more senior staff were aware of these targets, many staff had only a limited understanding and awareness of them, and how their work contributed towards their achievement. However, although this varied between locations, we found staff were generally very aware of and very focused on achieving locally derived lower level targets. Details of our findings at each location follow.

Sheffield

5.7 We found staff in the PBS Tier 2 caseworking teams worked in a culture that was very much performance driven. They are required to conclude five cases per day with no less than 91% of these assessed as being a correct decision. Every member of staff we spoke to was fully aware of the number of cases they were expected to process each day, and of the quality targets. The targets had been set following timing exercises and most people we spoke to felt they were realistic.

5.8 On the sponsor licensing teams, staff processing sponsor licence applications are expected to consider six or seven cases per day, and make decisions on four of these. Staff were aware of what was expected of them, and on the whole felt they were realistic. We found no formal targets in place for quality of decision making.

5.9 We found no service level agreements were in place for post-licensing activities, and as a result, some teams within the Sponsor Management Unit had less clear targets. For example:

- Visiting Officers do not work to an official national target regarding visiting sponsors but told us they aim to complete four visits per week;
- Staff in the maintenance team have a target of 20 units of work per day. This equates to approximately 12 to 15 applications for additional certificates of sponsorship (CoS) plus six to eight changes of circumstances per day; and
- Staff in the re-rating team and suspensions and revocations team do not work to specific targets.

Mumbai

5.10 Staff assessing PBS Tier 2 applications in Mumbai work to benchmarks rather than targets. These varied for applications from the different tiers but for Tier 2 applications, staff are expected to process 30 to 35 applications per day. These benchmarks had been agreed for India as a region following staff consultation. Staff were aware of the benchmarks and felt they were realistic and achievable. We found no targets in place regarding quality of decisions.

Manila

5.11 At the time of the onsite phase of our inspection, formal targets for staff assessing PBS Tier 2 applications in Manila had only recently been introduced. The number of cases concluded each day depended on the nationality of the applicant and the type of case. For Tier 2 applications made in the Philippines, staff were expected to process between 45 and 55 cases per day. For applications made at one of the region's spokes (Japan, Taiwan, Hong Kong or South Korea), staff were expected to process between 45 and 65 cases per day.

5.12 Managers told us that the targets were realistic and had been set taking into account staff input, volume of work and local expectations. We found mixed evidence however regarding staff understanding and awareness of the targets. We found no targets in place regarding quality of decisions.

5.13 We found there was a very clear disparity between the different targets and benchmarks for processing applications made in the United Kingdom and overseas. These ranged from five cases per day in Sheffield to potentially 65 cases for applications made in one of Manila's spokes. However we could find no rationale for the difference.

- 5.14 We appreciate that it is not simply a case of looking at how many cases a caseworker or Entry Clearance Officer can physically make - any targets set must take into account all contributory factors. There are a number of differences between the United Kingdom and overseas operations which need to be borne in mind. For example, these include:
- if any pre-assessment activity is carried out before the case arrives with the decision maker, for example by a pre-assessment team;
 - the grade of staff making the decision – decisions for United Kingdom cases are made by Administrative Officers who are of a more junior grade than the Entry Clearance Officers who make overseas decisions;
 - the ratio of support staff to decision makers.
- 5.15 However, even taking all of this into account, there remains a significant disparity between the United Kingdom and overseas targets with no obvious and transparent justification. We raised this with the UK Border Agency, who told us it had carried out an evaluation of productivity in decision making on PBS cases looking at the different influencing factors. The Agency said that in taking into account these various factors, the disparity, although still significant, is very much reduced.
- 5.16 The Agency confirmed that it had not attempted to draw any conclusions regarding whether the targets in place in the United Kingdom and overseas for numbers of cases to be decided were too high or low. This was due to a lack of robust Agency-level data on the quality of decisions that was comparable.
- 5.17 We found a further inconsistency in that overseas teams have cumulative targets to deal with 100% of cases within set periods of time. However, we found no target in place for processing United Kingdom cases beyond the initial target to process 75% of cases within four weeks.

We recommend that the UK Border Agency:

- evaluates and compares productivity levels and targets for PBS applications decided overseas and in the United Kingdom to provide assurance that these are realistic, accurate and fair, while maintaining decision quality.

Performance against targets

- 5.18 In order to assess how the UK Border Agency was performing against its targets, we sampled:
- 293 Tier 2 applications from Sheffield, Manila and Mumbai – this included both ICT and General applications and comprised cases that were issued and cases that were refused. Cases were randomly selected from applications made between 1 May – 31 October 2009.
 - 148 Tier 2 sponsor licence applications – this included cases that were licensed as A-rated as well as B-rated sponsors and licence applications that were refused. Cases were randomly selected from applications made between 1 July 2009 and 1 July 2010.
- 5.19 In the sampled cases, we considered both the timeliness of the actions taken and the quality of the decisions made. Details of the findings from our sampling exercises, summarised for each location, follow.

Processing applications

Figure 1: Performance against application processing targets of Tier 2 cases in Sheffield

Target: to process 75% of cases within four weeks

	General applications issued	ICT applications issued	General applications refused	ICT applications refused	Total applications decided
Total cases sampled	25	24	23	25	97
Percentage of cases processed in four weeks	72%	96%	52%	64%	71%
Number of cases by which target was missed (-), met (0) or exceeded (+)	-1	+5	-5	-3	-4

- 5.20 Figure 1 provides details of processing performance for all cases sampled. We found that the UK Border Agency met its target *to process 75% of cases within four weeks* in only one of the four categories sampled – successful ICT applications, where the target was significantly exceeded with 96% of cases being decided within four weeks. The Agency processed 72% of successful General applications and 64% of ICT refusal cases within target and only managed to process 52% of General refusal cases within target. It was not always clear from the files why there had been a delay in processing cases. However, we found several cases had been delayed pending the resolution of the sponsor licensing application.
- 5.21 When we were onsite we found that the UK Border Agency was significantly exceeding its target to conclude 75% of cases within four weeks. In total, 91% of cases were decided within target for the year 2009-2010 and we were provided with performance data which confirmed that around 90% of Tier 2 cases were regularly processed within the four week target.
- 5.22 It should be noted that since the requirement for applicants to have their biometrics taken for Tier 2 applications made in the United Kingdom⁶ was introduced in January 2010, the Agency has altered the way it measures performance. Instead of measuring the total time taken from application to decision, the UK Border Agency now measures only the time taken from when the applicant has had their biometrics taken to when the decision is made.
- 5.23 It was not clear how far this change in measuring performance may have affected UK Border Agency's performance against its published targets. However, we would expect the Agency to be more transparent regarding how it measures its performance when publishing its performance statistics.

⁶ Biometrics have been taken for all Tier 2 applicants overseas since Tier 2 was implemented

Figure 2: Performance against application processing targets of Tier 2 cases in Manila

Targets: to complete 90% of visa applications for non-straightforward cases (except settlement categories) in not more than three weeks, 98% in six weeks and 100% in 12 weeks

	General applications issued			ICT applications issued			General applications refused			ICT applications refused			Total applications decided		
	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under
Total cases sampled	24			24			25			25			98		
Timescale	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under
Percentage of cases processed by timescale	71%	92%	96%	71%	96%	100%	68%	80%	96%	100%	100%	100%	78%	92%	98%
Number of cases by which target was missed (-), met (0) or exceeded (+)	-5	-2	-1	-5	-1	0	-6	-5	-1	+2	0	0	-12*	-6*	-2

* Please note that this does not equal the sum of the component parts due to rounding.

5.24 Figure 2 provides details of processing performance for all cases sampled. We found that the UK Border Agency only met its target *to complete 90 % of visa applications for non-straightforward cases (except settlement categories), in not more than three weeks, 98 % in six weeks and 100% in 12 weeks*, in one of the four categories sampled – refused ICT applications. The target was actually exceeded with 100% of cases sampled completed within three weeks. In the other three categories, the Agency only managed to complete between 68-71% of cases within three weeks, between 80-96% of cases within six weeks, and between 96-100% between 12 weeks. The Agency did meet the target to complete 100% of cases within 12 weeks for successful ICT applications.

5.25 It was not always clear why there had been a delay in processing cases. However, we found one case which was delayed beyond 12 weeks due to problems with the Certificate of Sponsorship, and four cases where there was a delay of between three and 17 working days between making the decision and sending the refusal notice out.

5.26 When we were onsite, we found that performance had improved in Manila. Previous backlogs of work had been cleared and targets were, on the whole, being met. For example, UK Border Agency performance data for July and August 2010 shows that 96% of cases were being processed within three weeks, and 97% of cases were being processed within both six and 12 weeks.

5.27 Managers in Manila told us that average processing times in Manila for Tier 2 cases were 48 hours for cases from Japan, 72 hours for cases from Manila, and in general, 90% of cases were being processed within five working days. We spoke to various stakeholders who all confirmed that they had noticed definite improvements in the speed of processing applications in Manila, and that on the whole they were happy with the levels of service provided.

Figure 3: Performance against application processing targets of Tier 2 cases in Mumbai
Targets: to complete 90% of visa applications for non-straightforward cases (except settlement categories) in not more than three weeks, 98% in six weeks and 100% in 12 weeks

	General applications issued			ICT applications issued			General applications refused			ICT applications refused			Total applications decided		
	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under
Total cases sampled	25			25			24			24			98		
Timescale	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under	3 weeks or under	6 weeks or under	12 weeks or under
Percentage of cases processed by timescale	92%	100%	100%	100%	100%	100%	100%	100%	100%	96%	100%	100%	97%	100%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	0	0	0	+2	0	0	+2	0	0	+1	0	0	+6*	+2*	0

* Please note that this does not equal the sum of the component parts due to rounding.

5.28 Figure 3 provides details of processing performance for all cases sampled. We found that the UK Border Agency performed well in Mumbai, meeting its target *to complete 90% of visa applications for non-straightforward cases (except settlement categories), in not more than three weeks, 98% in six weeks and 100% in 12 weeks* for all files sampled. The Agency had actually exceeded its target of completing 100% of successful ICT applications and unsuccessful General applications and 96% of unsuccessful ICT applications within three weeks.

5.29 When we were onsite, we found that staff in Mumbai continued to sustain an on-target performance. UK Border Agency performance data for July and August 2010 shows that 97-98% of cases were being processed within three weeks, 99% of cases were being processed within six weeks and 100% of cases were being processed within 12 weeks.

5.30 Staff and managers told us that the aim in Mumbai is always to significantly exceed the target by processing applications within 10 working days. They were proud of their reputation for deciding applications quickly and wanted to maintain this. We spoke to various stakeholders who told us that they preferred the PBS as it was much faster than the old Work Permits system.

Sponsor Licensing applications

Figure 4: Performance against application processing targets of Sponsor Licensing applications in Sheffield

Target: to process 65% of applications within four weeks

	A rated sponsors	B rated sponsors	Refused sponsor applications	Total sponsor applications
Total cases sampled	49	50	49	148
Percentage of cases processed in four weeks	33%	2%	12%	16%
Number of cases by which target was missed (-), met (0) or exceeded (+)	-16	-32	-26	-73*

* Please note that this does not equal the sum of the component parts due to rounding.

5.31 Figure 4 provides details of processing performance for all cases sampled. We found that the UK Border Agency performed poorly against its target for processing sponsor licensing applications. The target in 2009/2010 was to process 95% of applications within four weeks and this was subsequently reduced to 65% of applications within four weeks for 2010/2011. Managers and staff consistently told us that the reason for changing the target was because 95% within four weeks was unachievable. The results of our sample showed that the Agency only managed to process within the four week target:

- 33% of applications which were awarded A-rating sponsor status;
- 2% of applications which were awarded B-rating sponsor status;
- 12% of applications which were unsuccessful and were refused.

5.32 When we were onsite, managers and staff told us that the 95% target was unrealistic, particularly in relation to trying to arrange pre-licensing visits within the four week time frame. The new 65% target was considered to be more realistic.

5.33 Our sample showed that visits were carried out as follows:

- A-rated sponsors – 12 out of 49 cases (24%);
- B-rated sponsors – 49 out of 50 cases (98%);
- Refused cases – 19 out of 49 cases (39%).

5.34 We found it was not always clear from the files the extent of any delay caused by the need for a pre-licensing visit. However, it is reasonable to conclude that the need for a visit was a contributory factor to the UK Border Agency’s performance in processing sponsor licensing applications.

5.35 We found another factor likely to have affected the UK Border Agency’s performance in processing sponsor licensing applications was the need to request additional information from the sponsor before making the decision.

- 5.36 Our sample showed that requests for additional information from sponsors were made as follows:
- A-rated sponsors – 18 out of 49 cases (37%);
 - B-rated sponsors – 13 out of 50 cases (26%);
 - Refused cases – 13 out of 49 cases (27%).
- 5.37 It was not always clear from the files why the UK Border Agency required further information. However, the Agency should ensure that its guidance for sponsors and application forms are as clear as possible in order to minimise problems in this area.
- 5.38 Our sampling showed that the time taken to process sponsor licensing applications ranged from a shortest time of 21 days and a longest time of 333 days. The average time taken ranged from 56 days for A-rated sponsors, 85 days for B-rated sponsors and 76 days for refused applications.
- 5.39 Some of these delays were clearly not helped by the sponsor's actions. For example, in 17 out of the 43 refused applications where the Agency failed to meet its target, we found that sponsors had failed to provide all documentation or information required by the Agency. In addition, eight of these sponsors had failed to respond to subsequent requests from the Agency to supply the missing information.
- 5.40 When we were onsite we found that the UK Border Agency's performance in processing sponsor licensing applications had improved significantly. Managers and staff told us that they were now achieving their targets. UK Border Agency performance data shows that the 65% target was significantly exceeded in April, May and June, and was just under target at 62% in July.

Quality target

- 5.41 As we have already reported, the only formal quality target in place relates to the processing of PBS applications made in the United Kingdom and decided in Sheffield. The target is *no less than 91% of economic and family migration decisions are fully effective*. A decision is considered to be fully effective when it is correct and no errors have been made.
- 5.42 We found that the UK Border Agency narrowly missed its quality target for 2009/10. However when we were onsite, we found that the Agency was exceeding the target with a year to date performance of over 92% of cases assessed as being fully effective.
- 5.43 International Group introduced a target in April 2010 *that 80% of Administrative Reviews are upheld*. However, performance against that target for both Manila and Mumbai had not yet reached target level at the time of our inspection.

Quality of decision making

- 5.44 We found from the results of our file sampling that the quality of decisions was generally good with decisions being made in accordance with Immigration Rules and UK Border Agency policy guidance.
- 5.45 In our sampling, we considered various quality indicators including whether the:
- correct Immigration Rules had been applied;
 - appropriate number of points had been awarded for:
 - sponsorship
 - qualifications
 - prospective earnings
 - maintenance
 - English Language;

- applicant's documents had been correctly assessed; and
 - case had been processed soundly, with no errors.
- 5.46 In total we sampled 97 cases processed by Sheffield's Tier 2 caseworking teams. We found that all of the cases had been correctly processed with only one minor error regarding points awarded for qualifications being found in two of these cases. Neither error materially affected the quality of the decision.
- 5.47 We sampled 98 cases processed in Manila and found that the majority of these had been correctly processed without errors. We found 13 cases where minor errors had been made with regard to the number of points awarded. However none of these errors materially affected the quality of the decision.
- 5.48 We sampled 98 cases processed in Mumbai and found that the majority of cases had been processed correctly without errors. We found ten cases with minor errors, mainly with regard to the number of points awarded. However none of these errors materially affected the quality of the decision.
- 5.49 Another indicator of good quality decisions relates to the number of Appeals and Administrative Reviews where the original decision made by the UK Border Agency is upheld. For decisions made in the United Kingdom, if an applicant believes a mistake has been made and if they meet certain criteria, they may be able to appeal against the decision. For decisions made overseas, if an applicant believes a mistake has been made, they are entitled to ask for the decision to be checked by way of an administrative review. This process entails the decision being checked by an Entry Clearance Manager who has not previously reviewed the case, and should be completed within 28 days of receipt of the request for a review. UK Border Agency guidance states that in exceptional circumstances if the reviewer is unable to meet the 28 day deadline, they should write to the applicant advising when they can expect the result of the review.
- 5.50 From our sampling, we found that requests were made for administrative reviews in four Manila cases and 13 Mumbai cases. With regard to the Manila cases, the request for one administrative review was withdrawn and in the other three cases, the original decision was upheld. However, we were concerned to find the 28 day deadline was significantly exceeded in all three cases with processing times of 44, 140, and 142 working days. We found no evidence of letters being sent to the applicants to explain there would be delays in reviewing the decisions. We found similar problems and made recommendations for improvement in our reports following our inspections of the Chennai and Kuala Lumpur visa sections⁷.
- 5.51 We raised the issue of administrative review delays when we were onsite. Managers and staff told us that there had been a problem when a backlog of administrative reviews had built up to an unmanageable level. Although UK Border Agency guidance stipulates that administrative reviews should be carried out by Entry Clearance Managers, managers in Manila took the decision to ask experienced Entry Clearance Officers to undertake reviews on a temporary basis to help clear the backlog. The backlog had been cleared, cases were now being processed much more quickly and administrative review work had reverted back to being carried out by managers. In addition, an Entry Clearance Manager had been allocated specific responsibility for administrative reviews. Recent UK Border Agency performance data supported the view that Manila's performance with regard to administrative reviews has improved.
- 5.52 In all 13 Mumbai cases the original decision was upheld, and processed within the 28 day deadline. However we found that one of the cases appeared to have been reviewed by an Entry Clearance Manager who had previously reviewed the case. This was contrary to UK Border Agency's published policy guidance. Additionally, we found a number of cases where the correspondence contained minor errors such as not completing the applicant's details or the points claimed and awarded.

⁷ These reports can be viewed on the Independent Chief Inspector's website:
<http://icinspector.independent.gov.uk/inspections/inspection-reports/2010-inspection-reports/>

- 5.53 We found from our sampling of refused applications made in the United Kingdom that appeals were made in 11 (23%) out of 48 cases. Of these, three appeals were withdrawn (27%), the original decision in four cases was upheld (36%), and the original decision in four cases was overturned (36%).
- 5.54 When we were onsite, we found managers had been concerned about high rates of overturned appeals so had commissioned some analysis on cases overturned at appeal. Findings from the analysis were that generally the problems were not caused by poor quality decisions but by problems with regard to a lack of representation in court and the provision of new and additional evidence at appeal.
- 5.55 Staff and managers highlighted that the UK Border Agency was not able to provide Presenting Officers for every appeal due to limited resources. PBS cases were regarded by the Agency as generally a lower priority than cases of foreign national prisoners or asylum cases. This was clearly a source of some frustration but managers told us that they were working with the regional Presenting Officers' Units to try to improve the situation and to be clear on the types of cases when it was vital to have representation. The lack of a clear approach to providing representation at appeal was also highlighted in our inspection of Asylum in 2009. This is an issue we expect the Agency to resolve.
- 5.56 Another problem related to the UK Border Agency PBS guidance stipulating that caseworkers should decide applications based solely on the evidence submitted with the application form. However the Agency's analysis of overturned appeal cases showed that Immigration judges were overruling this in a number of cases and accepting evidence produced by the applicant at the time of the hearing. As a result the Agency was trying to work with Immigration judges to improve their understanding of PBS guidance. Some local practices had also been implemented regarding flexibility in relation to provision of evidence, and this will be covered in more detail later in this report.

We recommend that the UK Border Agency:

- adopts a clear and consistent approach to representing cases at appeal.

Quality of correspondence

- 5.57 Our sampling also assessed the quality of the letters sent to applicants advising them of the UK Border Agency's decision.
- 5.58 Generally, we found the quality of correspondence was variable between each of the posts inspected. Many of the cases sampled were of an acceptable quality with only minor errors, including several cases where clearer explanations of points awarded were required.
- 5.59 However, we found a more significant problem with regard to correspondence issued from Sheffield and Mumbai advising that applications had been refused. In nine (19% of refused UK cases in our sample) Sheffield cases we found that the correct purpose of the application was not stated. The most likely cause of this problem was that caseworkers had used the wrong template or had failed to insert the correct purpose of application in a generic template document.
- 5.60 We observed caseworkers using document templates when we were onsite and noted that it was a laborious process involving them having to spend a considerable amount of time manually changing fonts and template text. Caseworkers told us that the templates were very time-consuming and not user friendly.
- 5.61 We found that 31 out of 48 Mumbai refusal letters (65%) were not of an acceptable quality. This was largely due to problems with document templates where, for example, caseworkers had failed to insert details of specific sub paragraphs of the Immigration Rules where the template specified. While these errors could be considered to be minor, they made the letters to applicants and their sponsors look unprofessional.

- 5.62 When we were onsite in Mumbai, we found that caseworkers had devised new standard wordings for correspondence and templates to make them more user-friendly and shorter. When we spoke to managers about the results of our sampling, they acknowledged they had identified the problem from their own sampling of the cases and were confident the new templates would help solve the problem.
- 5.63 Successful applications made overseas result in a vignette being issued and pasted into applicants' passports. In sampling 50 Mumbai cases we found only one error – the incorrect stating of the applicant's details. However in sampling 48 Manila cases we found nine cases (19%) where there were inaccuracies in stating the correct period and purpose of the entry clearance awarded, and one case with incorrect stating of the applicant's details. These problems should have been picked up before the vignettes were issued.
- 5.64 When we sampled correspondence sent in response to 148 sponsor licensing applications, we found good quality work with only minor errors in 4 cases (3%).

We recommend that the UK Border Agency:

- ensures that decision letters contain the relevant Immigration Rules and purpose of the application, and ensures that document templates fully meet the needs of staff and applicants.

Quality checking

- 5.65 We found different approaches to the quality checking of decisions on Tier 2 cases by managers across the different locations we inspected. There were inconsistent approaches not only between posts, but also between individual teams and managers.

Figure 5: Numbers of Tier 2 decisions quality checked by managers in Sheffield, Manila and Mumbai

	Sheffield	B rated sponsors	Refused sponsor applications
General applications issued	2 (8%)	0 (0%)	1 (4%)
ICT applications issued	2 (8%)	0 (0%)	1 (4%)
General applications refused	4(17%)	4 (16%)	24 (100%)
ICT applications refused	5 (20%)	5 (20%)	24 (100%)

- 5.66 Figure 5 provides details of the numbers of cases we found to have been checked by a manager in each of the four categories of decisions we sampled. We found that very few successful applications were quality checked at any of the three locations, with none being checked in Manila. Quality checking of refused applications varied significantly between the locations with 100% of cases being checked in Mumbai while much smaller numbers of cases were checked in Sheffield and Manila.
- 5.67 When we were onsite in Sheffield, managers told us that they are required to check all refused applications, a further 2% of cases randomly generated by the IT system, and one additional case per caseworker. The latter two categories of files could include applications that were granted as well as applications that were refused.
- 5.68 We found that there were at least three ways in which this one additional case per caseworker was selected for quality checking. For example, on some teams, managers asked caseworkers to provide them with the first case they decided each day. Other teams had a system where it was left up to caseworkers to select which case they gave to the manager to check. On some teams there was a much more formal system in place where the manager would randomly pick a case to be checked and identify this to the caseworker by inserting a blue piece of paper in the file.

- 5.69 We were concerned at the disparity between the ways cases were selected for quality checking as the lack of control, particularly when caseworkers were able to self-select the cases checked, meant there was potential for abuse of the system which would be difficult to detect.
- 5.70 Managers review the cases using a quality assurance tool which measures the quality of cases against a formal framework. The cases are assessed in line with the quality target *no less than 91% of economic and family migration decisions are fully effective*, and awarded ratings accordingly.
- 5.71 The UK Border Agency carried out a survey of Tier 2 and Tier 5 caseworkers in August 2010. This survey was carried out by the Process Support Team which provides support to the Employment Routes caseworking teams – Tiers 1, 2 and 5. The survey is one of the initiatives being used to improve quality in the Tier 2 caseworking teams. Other initiatives included appointing quality champions on teams and forming a staff Innovation Group to drive improvements in quality. We were told these methods were used successfully with Tier 1 teams, and managers were confident they would be similarly successful with Tier 2 teams.
- 5.72 With regard to quality checking overseas, we found that although managers do review decisions, the systems in place are less formal than in Sheffield, with no quality assurance framework in place.
- 5.73 In May 2010, the UK Border Agency issued new guidance (OPI 207) relating to the numbers of cases which should be reviewed by Entry Clearance Managers (ECM). The guidance states that the minimum number of PBS refused decisions that must be subject to an ECM review is 0%, therefore it is up to individual posts if they check any PBS cases or not. We consider that management checks are important and if posts do not carry out any checks on PBS refusal cases, there is a risk that problems will go unnoticed and the potential to leave the Agency exposed.
- 5.74 In Manila, we found that although ECM reviews were recorded on Proviso, the Agency's caseworking system, there was no formal framework to identify and analyse recurring quality issues and trends. Some random checking was carried out but numbers of checks depended on the experience levels of individual Entry Clearance Officers. However we were told that managers checked 100% of unsuccessful applications received from spokes. A new system of one to one monthly meetings with managers was being introduced and we were told that these would provide an opportunity for staff to receive feedback on the quality of their work and for this to be formally recorded.
- 5.75 In Mumbai, we found that managers reviewed the quality of decisions but again there was no quality assurance framework in place. The Entry Clearance Manager who has the lead responsibility for quality made notes of frequently occurring errors from administrative reviews and these were discussed weekly with teams. We were told that attempts to improve quality have been made over the last year. For example all staff had refresher training and new templates were introduced for refusal notices. Although the revised guidance on numbers of PBS refusals which must be checked means that no PBS refusals actually have to be checked, managers in Mumbai have continued to check them.
- 5.76 In the Sponsor Licensing and Management units we found that checks were carried out on 100% of unsuccessful licence applications and 100% of decisions to license as a B-rated sponsor. 25% of decisions to license as an A-rated sponsor were also checked. Additional numbers of checks made were variable depending on the experience levels of staff as less experienced staff would have higher numbers of cases checked. We found no formal quality assurance framework in operation however, unlike in the Tier 2 casework teams.

We recommend that the UK Border Agency:

- sets a minimum figure of PBS cases to be reviewed by managers in line with other limited rights of appeal cases, and implements a consistent formal quality assurance framework within overseas posts and Sponsor Licensing and Management units.

Were decisions consistent, appropriate and proportionate, as well as being based on the individual's circumstances and the evidence provided?

Evidential Flexibility

- 5.77 In introducing the PBS, one of the aims of the UK Border Agency was to introduce a greater degree of transparency, consistency and objectivity to its decision making on immigration applications. It aimed to remove any element of subjectivity from considering applications so caseworkers should no longer exercise any discretion. Decisions should be made based simply on whether applicants meet the criteria and qualify for the requisite number of points.
- 5.78 From our sampling, we found a significant number of cases where applications were initially refused. This was done correctly in accordance with the Immigration Rules and published UK Border Agency guidance. However, these applicants then made subsequent successful reapplications. To put this into context, this applied to 34 out of 72 General refusal cases in our sample (47%), and 50 out of 74 ICT refusal cases (68%). This had significant cost repercussions both to applicants who in effect have to pay twice, and to the Agency which has to fund the cost in terms of resource to process the additional applications.
- 5.79 For example, the cost to applicants of applying for a Tier 2 visa overseas is £350. This compares to the unit cost to the UK Border Agency for processing an application of £197. In the United Kingdom an applicant would be charged either £500 for a postal application, or £800 in person at a Public Enquiry Office. The cost of processing these applications is £344 and £330 respectively. These are the latest updated fees charged from 22 November 2010.
- 5.80 The UK Border Agency had intended that by making PBS clear, objective and simple, it would eradicate the need to refer back to applicants to request missing information or to amend minor errors. In practice, as confirmed by the results of our sampling, the Agency found unexpectedly high numbers of cases were being refused due to applicants making minor omissions of evidence or information. This problem was compounded as staff and managers perceived that significant numbers of these refusal decisions were subsequently being overturned by Immigration judges at appeal.
- 5.81 As a result, in August 2009, UK Border Agency introduced an Interim Casework Instruction entitled *Evidential Flexibility*, for caseworkers in Sheffield processing Tiers 1, 2, 4 and 5 applications. This instruction was reviewed several times and was due to be reviewed again in October 2010. Essentially it provided caseworkers with the authority to contact applicants who have made minor errors or omissions in relation to providing evidence or information, and allowing them up to three working days to submit it to the Agency. Caseworkers should only do this for cases which would be refused solely due to the absence of the evidence or information, for example in the case of a missing wage slip or bank statement. At the end of the agreed period, the caseworker makes a decision based on all available evidence at the time.
- 5.82 We found mixed evidence regarding the success of this new process. It appeared to have been well received by sponsors, who welcomed the increased flexibility and customer service. A number of staff believed this provided a sensible solution to cases where there was an absence of documentation. However, there were inconsistent views about the length of time given to applicants to provide the relevant documents with a number believing three days was insufficient to deliver the benefits of the policy change
- 5.83 In Manila we found no formal process or explicit guidance was in place with regard to evidential flexibility, however we found caseworkers exercised some degree of flexibility in some cases. Caseworkers were encouraged to adopt what was termed a pragmatic approach to the policy guidance, using discretion where appropriate and deferred making decisions in some cases to obtain necessary documents.

- 5.84 We were told that flexibility was more likely to be used in deciding applications received from the spokes rather than in applications received from the Philippines. This inconsistent approach using different levels of flexibility for different nationalities was apparently due to spoke applications being perceived as a higher priority and less of a risk.
- 5.85 We were concerned to find a lack of clarity, consistency and transparency in how flexibility was applied to applicants of different nationalities. If different nationalities pose greater risks then these should be recorded in formal risk profiles which are regularly reviewed. The UK Border Agency is under an obligation not to discriminate on grounds of nationality unless this has been specifically authorised by Ministers. It is essential that very clear processes and guidance are in place to ensure that inadvertently or otherwise, nationals of particular countries are not disadvantaged due to different approaches taken in different posts.
- 5.86 In Mumbai, we found yet another different approach to evidential flexibility in operation. Staff and managers held clear views that the responsibility lay with applicants to provide the evidence in accordance with the guidance on the UK Border Agency website⁸. We found staff did not exercise evidential flexibility but would follow the published guidance and refuse an application if all the required evidence was not submitted. Senior managers told us they felt that if a more flexible system was to be introduced, it would require more staff to operate it.
- 5.87 Mumbai does operate a Business Express Programme (BEP) which allows established legitimate companies to fast-track applications for visas for their employees, having been subjected to additional checks. Staff and sponsors we spoke to felt this system worked well, and this was a programme that the Deputy High Commissioner and UK Trade and Investment were keen to see continue.
- 5.88 We observed a case worker in Mumbai considering an ICT application for the main applicant and three dependants where, with the exception of one small omission, everything was in order with the application. The applicant had submitted the appropriate number of certified payslips and there was no reason to assume these were not authentic. However he had failed to provide an accompanying letter from his employer confirming their authenticity. The caseworker refused all four applications in accordance with published UK Border Agency guidance. If the applicant were to make another application, he would have to pay the required fees for himself and his dependants' applications again. As an example, based on charges from 22 November 2010, this would cost an additional £1400.
- 5.89 Had that application been processed in Sheffield, it is likely that it would be handled differently as the caseworker would use evidential flexibility and invite the applicant to provide the missing evidence within three working days. If the applicant provided the sponsor's letter in time, the application would be successful. Had the application been processed in Manila, it is possible that a pragmatic approach would have been taken and the decision deferred pending the submission of the missing evidence. However, in the absence of defined guidance on using flexibility, it is also possible that the decision would have been made to refuse the application as it was in Mumbai.
- 5.90 The Agency needs to adopt a consistent approach worldwide and it is not doing so at present. Applicants should receive the same service with relation to the decision made on their application regardless of which part of the Agency they submit it to. While there is clearly some onus on applicants to submit correct applications, we do not believe it is fair on applicants or an effective use of resources to require a further application and consequently a further assessment and decision when the initial concern about a minor omission in documentation could be addressed through contact with the applicant or the sponsor. We understand and agree with the benefits of a transparent and objective system for deciding points-based applications. However this must not drive out common sense.

⁸ www.ukba.homeoffice.gov.uk

We recommend that the UK Border Agency:

- adopts a pragmatic approach to deciding applications where there are minor omissions in documentation or information and implements this consistently at all its locations worldwide.

Policy Guidance

- 5.91 We found widespread criticism from staff and managers at each of the locations we inspected regarding PBS policy guidance. Staff told us that they had difficulty with the guidance as it was confusing and did not define certain terms. Examples included:
- Applicants are required to show maintenance for 90 days whereas for their dependants the requirement is for three months;
 - Documents in languages other than English need to be translated by an “official interpreter”, however there is no definition as to what constitutes an “official interpreter”; and
 - Phrases referred to such as “time bound” and “Agency labour” are not defined.
- 5.92 The UK Border Agency carried out a survey of Tier 2 and Tier 5 caseworkers in August 2010. One of the findings from the survey was that 29% of respondents either disagreed or strongly disagreed with the statement “I am able to assess Tier 2 and 5 applications confidently against the policy guidance”.
- 5.93 We could see why staff may find the policy guidance confusing, particularly when they are involved in processing claims from all PBS tiers. In our view, it is vital that terms which will not necessarily be clear to the layman, are clearly and concisely defined to promote a common understanding.
- 5.94 Another common complaint related to the frequency of changes to policy, and the often short notice given of changes. Staff gave examples of being provided with new guidance only a few days before changes came into effect, or sometimes after changes had come into effect.
- 5.95 A particularly bad example of this was provided by Mumbai where staff were embarrassed when they were actually informed of changes to guidance by some of their BEP partners. This related to some significant changes to PBS guidance introduced on 6 March 2010 following the UK Border Agency’s response to recommendations made by the Migration Advisory Committee in their 2009 report on PBS Tier 2. Staff told us it was embarrassing as they were not officially notified of the changes until 13 March 2010. They had to take a local decision to provide their BEP partners with a period of grace for applications made as a gesture of goodwill. While we did not explore the specific reasons for this guidance being unavailable, it is essential that staff have adequate notice of changes to policy to answer questions from employers and applicants, and to make correct decisions.
- 5.96 Staff in all locations complained of problems in interpreting guidance consistently. Changes are often notified to staff by email and there is potential for them to interpret it differently. We encountered similar complaints from staff in our other overseas inspections, for example, Chennai and Abu Dhabi. We found many staff tried to discuss changes together in order to adopt a common approach.
- 5.97 The different ways PBS cases are processed in different locations can affect how familiar staff are with the guidance. For example in Sheffield, Tier 2 cases are processed by teams of caseworkers whose main function is to process Tier 2 cases. In Mumbai, PBS cases are processed by the PBS team who work exclusively on PBS cases but work on cases from all tiers. In Manila, staff work on all types of applications for entry clearance and are organised geographically so work on either hub cases from the Philippines or cases from one of the spokes, for example Japan or Taiwan.

- 5.98 The PBS team in Mumbai had made a lot of effort to improve consistency. Each tier of PBS has an Entry Clearance Officer as its lead, and they are responsible for checking regularly for any changes to policy guidance for that tier. They then update the other members of the PBS team and agree a common approach. The team all sit together and told us it was useful to be able to discuss cases with each other to improve their understanding.
- 5.99 Staff told us it was not always clear what changes had been made to policy guidance, and they often have to compare old and new guidance to try to spot the changes. Staff and stakeholders suggested it would be very useful if changes to guidance could be tracked in order to maximise clarity for staff, sponsors and applicants. It would also be useful if the UK Border Agency provided an archiving facility on its website and intranet so that staff, sponsors and applicants could access previous versions of the guidance as only the current version of the guidance is available to them electronically.
- 5.100 We also found examples of problems with the UK Border Agency's website and its intranet not always being updated simultaneously. This meant that staff sometimes had problems with conflicting information, for example with one system stating that a sponsor was A-rated and another showing that sponsor had been re-rated down to a B-rating. We comment further on this point and make a recommendation for improvement in Chapter 6 of this report.
- 5.101 PBS is predicated on caseworkers adopting a one-size-fits-all approach. However, another problem we identified in relation to policy guidance is that it was written by and primarily for people from a Western European outlook. As a result it does not always take account of the need to make allowances for differences in other cultures, and applicants can find it difficult to meet all the requirements of the PBS such as birth certificates, degree certificates and bank statements with bank logos displayed. Examples of problems identified include:
- Japanese bank statements do not have logos;
 - Applicants in India will often only have provisional degree certificates;
 - Difficulties procuring birth certificates and bank statements in certain cultures.
- 5.102 We were pleased to find examples where overseas posts had been able to feed back details of problems with guidance and influence changes. We found an example in Manila where problems with the wording in the guidance related to the Japanese interpreter's qualifications. We also found an example in Mumbai where an exception to the guidance was made in relation to Indian fixed deposits.
- 5.103 Sponsors and other stakeholders we spoke to also commented on difficulties they had with the policy guidance. They told us that they did not always know whether applications they submitted would be granted or refused. They also said that there were errors in the guidance on the UK Border Agency website when Tier 2 was introduced.

We recommend that the UK Border Agency:

- revises its Tier 2 policy guidance, ensuring it is consistent, with clearly defined terms, and provides appropriate notice of forthcoming changes to staff, sponsors and all other interested parties.

Sponsorship

- 5.104 The PBS places greater responsibilities on employers, including specific compliance responsibilities, given the benefits they obtain from immigration.
- 5.105 We found there was a strong belief among staff, managers and stakeholders that the sponsorship system has the potential for real benefits. However, we found mixed views with regard to how successful it has been and how robust it is.
- 5.106 A particular issue raised consistently by staff and managers was the initial registering of sponsors on the UK Border Agency system. We were told that, as a result of around 6,000 sponsor applications

being received only a few weeks prior to the Agency's "go-live" date in November 2008, a significant number of sponsors were placed on the register without adequate checks being made on them first. For example pre-licensing visits had not been carried out in all cases that warranted them. When we asked for confirmation as to how many cases fell into this category, the UK Border Agency were unable to provide this as this information was not collected.

- 5.107 UK Border Agency senior managers acknowledged that while database checks had been made on all sponsors, the Agency had not been able to carry out pre-licensing visits on a significant number of sponsors before registering them, in accordance with its policy guidance. The Agency planned to carry out post-licensing visits on those sponsors when resources allowed.
- 5.108 We were told that post-licensing visits were carried out in accordance with risk profiles so priority was given to those sponsors who posed more of a risk than others. However, managers acknowledged that their main priority was to provide assurance on Tier 4 sponsors as they were perceived to pose a much higher risk than Tier 2 sponsors, given problems experienced for example with certain educational institutions.
- 5.109 We found no evidence that the UK Border Agency had adopted a systematic approach to carrying out all required checks and post-licensing visits on all of these sponsors. We found a widespread perception that visits to all sponsors had not been carried out and that the register of sponsors needed to be reviewed and updated. Staff and managers told us there was a perception that Tier 2 was of much less risk than Tier 4. However limited resources and a focus on Tier 4 meant that this theory had not been tested or proven. We found the Agency did not have sufficient levels of assurance around the levels of risk in the system.
- 5.110 We found there were clear limitations around the number of pre-licensing and post-licensing visits that the UK Border Agency could undertake due to a lack of Visiting Officer resources. Waiting times for visits varied around the country depending on the ratio of sponsors to Visiting Officers in the regions. A high concentration of sponsors are situated in the Midlands and London and we were told this could cause difficulties. We found examples of Visiting Officers from Sheffield having to carry out visits in other parts of the country to assist. Staff told us that they were having to wait around four to six weeks for a visit to be carried out.
- 5.111 We found there was a perceived variation in the quality of Visiting Officers across the different UK Border Agency regions. This included variations in:
- standards of reports produced;
 - training; and
 - professional standards, including poor standards of dress.
- 5.112 A significant number of staff commented on the perceived variation in the standards of reports produced by Visiting Officers. The UK Border Agency provided us with a sample of eight reports to highlight examples of both good and poor quality reports. These reports confirmed that the standard was variable. While we saw examples of comprehensive and detailed reports, we also noted examples of problems including:
- variable standards of English with poor spelling and grammar;
 - some reports were subjective and were founded on impressions rather than based on facts; and
 - a lack of detail in some reports which failed to address all relevant issues.
- 5.113 We received comments from staff, managers and stakeholders that further training for Visiting Officers would be beneficial. Particular areas of concern included the need for training around how companies are organised, and how to interpret company accounts and share certificates.

- 5.114 Comments made by staff and stakeholders relating to some Visiting Officers needing to improve the way they conducted themselves and dressed while visiting sponsors were taken on board and addressed by senior managers. This was something that was specifically raised by a number of employers at the Employers Task Force meeting we observed. We were pleased to find no problems in this regard when we accompanied several Visiting Officers as part of this inspection.
- 5.115 One of the main concerns we found related to a lack of clarity around the role of the Visiting Officer. Visiting Officers have both a customer service function where they assist sponsors, and an enforcement and compliance role. These are two completely different functions which are not necessarily complementary.
- 5.116 Managers in Sheffield told us that they would much prefer it if Visiting Officer resources were managed centrally in order to maximise their contribution to the Agency. As they are currently managed regionally, we were told that there are often conflicting demands on their time. When we were onsite, we were told that a submission proposing central management of Visiting Officers from Sheffield had been made to an Agency director, but the outcome of this proposal was not certain. It was not clear to us whether managing Visiting Officer resources centrally would improve the utilisation of Visiting Officer resources. However, it is vital that the Agency deploys sufficient resources to service its pre and post-licensing visit requirements throughout the UK.
- 5.117 We found many staff felt that the PBS had removed their ability to consider the intention of the applicant. They felt that safeguarding the integrity of the border had been passed over to sponsors and they were not confident the sponsor licensing system was as robust as it needed to be. This was a view echoed by a major overseas stakeholder we spoke to. They believed more checks should be done on sponsors and there needed to be greater enforcement of the rules.
- 5.118 A major UK industry stakeholder also voiced concerns over the extent to which the UK Border Agency focused on compliance. They told us they had received feedback from some A-rated sponsors who are concerned that they have still not received a post-license visit. This has led to wider concerns regarding whether the necessary checks are in place to ensure compliance, which they consider vital to a successful managed migration system.

We recommend that the UK Border Agency:

- identifies and carries out all outstanding checks and visits to ensure that all registered sponsors meet the criteria in the published PBS policy guidance.

Curtailment

- 5.119 If an applicant's job ends or they leave their job before the end of their permission to stay, their leave should be curtailed to 60 days if there are more than six months remaining. The applicant would be expected to leave the United Kingdom before the leave expires and if they did not, would be in the country illegally.
- 5.120 Sponsors have a responsibility to inform UK Border Agency if a sponsored migrant ceases working for them. Sponsors can easily do this using the Sponsor Management IT system.
- 5.121 We were concerned to find that the UK Border Agency does not routinely take action to curtail the leave to remain of migrants who stop working. When we were onsite, we were unable to ascertain from the Agency how many migrants had been reported as having ceased working and should have their leave curtailed. The Agency subsequently provided us with figures taken from their systems on 22 December 2010 which were as follows:
- 150 Tier 2 cases identified as requiring curtailment action were outstanding; and
 - approximately 3000 sponsor notifications were outstanding, an unquantified proportion of which would require curtailment action.

- 5.122 We were unable to form a sense of whether or when curtailment action was likely to be taken on outstanding cases. We were consistently told by managers and staff that the Agency does not have sufficient resources to take the required curtailment action. Tier 2 has been seen by the Agency as lower priority than Tier 4 and limited resources available have been allocated accordingly.
- 5.123 Senior managers told us that they are looking to automate the curtailment process by making changes to its IT processing system. However this was not likely to be available for around nine to 12 months till the summer of 2011.

We recommend that the UK Border Agency:

- identifies all Tier 2 migrants whose leave should be curtailed, acts promptly to curtail their leave and, subject to any appeal, takes appropriate enforcement action.

Priorities

- 5.124 We found evidence of conflicting views among staff and managers regarding how UK Border Agency does and should balance its priorities regarding:
- income generation;
 - immigration control;
 - quality of decision making; and
 - customer service.
- 5.125 Many staff perceived that quality of decision making and controlling immigration were not as much of a priority for the UK Border Agency as generating income and providing customer service.
- 5.126 We saw evidence of resources being moved around the different work streams in order to meet demand. For example, while we were onsite we noted staff on Tier 2 caseworking teams were due to commence working on outstanding curtailment cases when new Tier 2 applications tailed off. There was a perception among staff however that the emphasis was always on income generating work first before doing other work. This view was echoed by staff in sponsorship who confirmed that post-licensing sponsor maintenance work was seen as lower priority as it did not attract income.
- 5.127 We found no Service Level Agreements in place with regard to maintenance work and the Agency did not measure performance against any formal targets in this area. We encountered criticism from some sponsors around the Agency's response times to maintenance requests, and the Agency did confirm it had backlogs in this area. We would expect the Agency to consider all relevant factors in deciding its priorities, as securing the border through taking curtailment action, and providing a good post-licensing service to sponsors are equally as important as generating income.

Effective joint working

- 5.128 We were particularly interested in how well the UK Border Agency liaises effectively with external delivery partners and stakeholders, including employers. However, we also considered how well the Agency worked with its internal stakeholders, for example, working across different teams.

Sheffield

- 5.129 We observed that the UK Border Agency liaised with a number of key stakeholders through regular Employer Task Force meetings. These were attended by representatives from a wide range of employers with first hand experience of using the PBS. Key Agency senior managers and staff were also in attendance including representatives from Sponsor Licensing, Sponsor Management, International Group and Policy. Examples of key stakeholders in attendance included the Immigration Law Practitioners' Association (ILPA), Honda, Tesco, National Health Service (NHS), and Pricewaterhousecoopers.

- 5.130 Through these regular meetings, the UK Border Agency consulted with stakeholders, providing them with the opportunity to offer feedback and suggestions for improvement. We were told that specific changes had been made to policy guidance and Tier 2 processes as a direct result of these well attended meetings.
- 5.131 We found positive evidence of good working relationships developed within Sheffield. An example of this was the formation of the Employment Routes Operational Support (EROS) team which had been very well received by caseworkers. The new team had been formed to bridge a gap between caseworkers and policy teams, making it much easier for caseworkers to be able to obtain clarity on policy, and feed back any concerns they may have. A buddy system had also been implemented with caseworkers acting as policy buddies. There was also a rotation system in place where caseworkers were seconded to EROS. This helped ensure the team was up to date in terms of recent casework experience.
- 5.132 The Public Enquiry Office (PEO) in Sheffield is one of 11 Home Office locations in the United Kingdom where applicants can have their biometrics taken. It also operates a Premium service where applicants can make a Tier 2 application in person and receive a decision on that same day. We observed good working relationships between the PEO and caseworking teams. An example of this was the arrangement where caseworkers from the Tier 2 teams support the PEO by making decisions on PEO cases sitting alongside PEO staff. Staff and managers commented that there were also effective working relationships in place with EROS, Intelligence teams, Enforcement colleagues and the Regional Verification Team (RVT).
- 5.133 We have already reported staff perceptions of variations between the quality of Visiting Officers around the different UK Border Agency regions. We observed very good relations between caseworking staff and Visiting Officers based in Sheffield. Staff considered their local Visiting Officers to be some of the best in the Agency and found them to be very helpful.
- 5.134 We noted that there was a strong working relationship between case workers and the RVT, with clear processes in place for caseworkers to refer potentially suspect documentation. To support this process, the RVT had developed single points of contact with many banks and utility companies, and had close liaison with HM Revenue and Customs and the NHS.
- 5.135 The UK Border Agency had implemented an Account Manager sponsor function to provide assistance to sponsors as well as to fulfil compliance activities such as auditing sponsors. This had been well received by sponsors and appeared to be working effectively.

Mumbai

- 5.136 We received positive feedback from various stakeholders and delivery partners in Mumbai regarding effective liaison with the UK Border Agency. For example, UK Trade & Investment (UKTI) told us they had a very good working relationship with the UK Border Agency and this was mutually beneficial. UKTI has an office in Ahmadabad and they feed back information on companies there to the Agency, while the Agency has always been helpful with regard to requests for facilitation. This is where other sections of a post request that a visa application is expedited. Such applications still require the correct documentation to be submitted and will have no effect on the decision made, but can help in cases where someone needs to travel to the UK at short notice, particularly for business or official purposes or where there are exceptional compassionate circumstances.
- 5.137 We also spoke to key overseas stakeholders such as Tata, Nasscom and Nomura. All said they had a very good working relationship with the Agency in Mumbai and they were confident that if a problem did arise they could approach the Agency and the matter would be looked at.

- 5.138 We have already reported on the Business Express Programme (BEP) operated in Mumbai whereby trusted companies receive priority in having visa applications processed both for Tier 2 and business visitors. Most of the companies that apply for Tier 2 in ICT are BEP members. The UK Border Agency audits BEP members to ensure they are complying with the rules and companies undergo an annual health check. BEP members were in favour of the programme, and other parts of the Deputy High Commission liked the system and felt it worked well. Staff felt that there was little abuse of Tier 2 from BEP companies and worked closely with them so that members knew the procedures and what they were required to submit.
- 5.139 We visited the Visa Application Centre (VAC) and spoke to various managers at different levels in VFS Global, the delivery partner operating the VAC. All described their working relationship with the Agency as being very strong, telling us they had regular formal, constructive dialogue with informal contact on an almost daily level.
- 5.140 Entry Clearance Officers told us they had a very good working relationship with RALON (Risk and Liaison Overseas Network) officers. When the PBS was introduced, staff had a lot of concerns about the quality of sponsors and RALON stepped in to assist. We found they act as a conduit to feed back information to the UK and are keen to do so. They designed a form for staff to record concerns about sponsors in a consistent fashion and up to 1000 a month were being completed for all PBS tiers. RALON resources for the PBS in Mumbai have been ring fenced and they are viewed as an integral part of the team.

Manila

- 5.141 As in Mumbai, we visited the Visa Application Centre (VAC) and received very positive feedback from various managers working for VFS Global, the delivery partner operating the VAC. They told us they had a very good working relationship with the UK Border Agency, with excellent communication mechanisms. They clearly saw themselves as working in partnership with the Agency to drive improvements in performance.
- 5.142 We found evidence of effective working relations with stakeholders at the various spokes. Examples of this included positive feedback from UKTI and Ambassadorial or High Commission staff. Specific feedback included stakeholders praising Manila for communicating well with them.
- 5.143 We noted examples of staff doing outreach work within spokes, including giving presentations on the PBS to Human Resources departments of key Japanese stakeholders.
- 5.144 Another stakeholder with experience of working with several different UK Border Agency overseas posts told us he was very pleased with the service his organisation received from Manila, citing them as “the best team I have worked with”.
- 5.145 We found staff in both Manila and Mumbai had mixed views around the effectiveness of their relationships with Sponsor Licensing and Management units. Many staff did not really know much about roles and responsibilities in the sponsor teams and felt this would be beneficial for them. We heard criticisms around communication from the sponsor teams, with many staff complaining that they received no response to feedback they provided for example in relation to sponsor concerns.
- 5.146 We were told that historically relations between the posts and the sponsor teams were not good. However, we were pleased to note that staff and managers both overseas and in the UK confirmed that communications had improved and they were working better together. Examples of these improvements included the implementation of regular conference calls between sponsor teams and posts to discuss issues and review specific problem cases. These had been well received.

Intelligence – were there clear mechanisms in place to use this effectively?

- 5.147 We found widespread concern among staff and managers that there was potential for abuse within the PBS for migrants to be given leave to work in the UK when they do not qualify for it. As we have already reported, the PBS transfers some responsibility for enforcing immigration control to sponsors. This means that the UK Border Agency relies on sponsors to operate within the guidelines, fulfilling all relevant criteria. The Agency therefore simply makes a decision on an application based on whether an applicant meets the relevant points thresholds for attributes including qualifications and earnings, English language, and maintenance (funds). According to the way the PBS operates, if an applicant meets the points thresholds, then their application should be granted unless there are exceptional circumstances such as grounds to refuse the case on the basis of paragraph 320 of the Immigration Rules on “General Grounds for Refusal”. An example of this would be submitting fraudulent documentation.
- 5.148 For General applications, an applicant can only come to work in the United Kingdom if there is no suitable settled worker to fill that job. Employers must therefore meet the requirements of the Resident Labour Market Test (RLMT) unless the job appears on the Shortage Occupation list. This is a list of jobs formulated by the Migration Advisory Committee which they believe can sensibly be filled by migration as they would be difficult to fill from within the settled UK population. Examples of jobs on the Shortage Occupation list include skilled senior care workers and skilled chefs.
- 5.149 To meet the requirements of the RLMT, employers must advertise the post for a period of 28 days in a method permitted by the relevant code of practice, for example, a newspaper or trade press. In addition the post must be advertised in Jobcentre Plus and the employer must be able to show that no suitably qualified settled worker can fill the post.
- 5.150 We found widespread concern among staff at all locations we inspected that there were loopholes in the PBS which were currently being exploited in relation to workers coming to the United Kingdom. Examples included workers from Mumbai and Manila coming to work as managers in fast food chain restaurants for considerable salaries, for example £28,000 per year. To put this into context, the Office of National Statistics published data for July 2010 showing the average UK salary as £25,543 per year.
- 5.151 Under the PBS, the UK Border Agency expects to be able to trust sponsors so caseworkers do not routinely make checks on whether jobs have been appropriately advertised. They have to accept the word of the sponsor that they have complied with RLMT requirements and if the applicant meets the points thresholds, the application will succeed. Where there is cause for concern, caseworkers can make referrals to the Sponsor Management team who can commission visits to sponsors if they think it necessary. However such concerns would not prevent the application succeeding unless sufficient evidence was subsequently found to enable the Agency to revoke the sponsor’s license.
- 5.152 Other examples included workers applying as skilled chefs and senior care workers where staff did not believe they fulfilled the relevant criteria to do the jobs. The Migration Advisory Committee has set out minimum levels of experience and salaries which need to be fulfilled before the job qualifies as a Shortage Occupation. However caseworkers reported that they came across a number of cases where they had doubts the information provided was correct.
- 5.153 It is therefore vital that the UK Border Agency operates effective intelligence gathering mechanisms which are used to improve performance, develop policy and reduce immigration offending, and to set operational priorities.
- 5.154 We found mixed evidence in relation to the effectiveness of UK Border Agency’s performance in this area, and some different approaches being taken depending on the location inspected.

Sheffield

- 5.155 We found that caseworkers had a direct link into the Intelligence team through a buddy system where a caseworker from each team acted as a conduit between the two teams. This enabled staff to refer any issues or concerns directly, and would hopefully enhance the Agency's ability to spot trends. Caseworkers liked this system and said it had improved working relations with the Intelligence team.
- 5.156 The Intelligence team had developed risk profiles for caseworkers to use when assessing applications in order to highlight the type of cases believed to pose the greatest risk to immigration control, and which require more detailed checks to try to minimise that risk.
- 5.157 Sponsor Risk profiles were in use within the Sponsor Licensing teams and we observed caseworkers using them. Depending on the results of checks made, if a case meets a risk profile, a pre-licensing visit may be commissioned by the caseworker. Instructions appeared clear and caseworkers reported no difficulties in using the risk profiles.
- 5.158 Risk profiles had also been developed by the Intelligence team for caseworkers to use in processing Tier 2 applications. These had initially been piloted from November 2009, and reviewed and revised in February 2010 and sent to UK Border Agency senior managers for approval and sign-off. When we were onsite in late July 2010, we were concerned to find that the revised risk profiles had not yet been signed off and the reason for this was not clear.
- 5.159 As a result we found that some caseworkers were using the old, unapproved risk profiles but others were not using any risk profiles so there were inconsistent approaches being adopted to processing applications.
- 5.160 We were pleased to find that following our raising this issue with senior managers, there was some evidence of progress being made regarding approval of risk profiles.
- 5.161 We found that generally staff were uncertain over their future within the Intelligence team due to a long-running national review of intelligence structures within UK Border Agency since October 2009. However we noted that the results of the review were conveyed to staff during our second week onsite in July 2010.

Mumbai

- 5.162 We found there was a very strong working relationship between RALON and caseworking staff. RALON staff analysed the sponsor concern forms completed by Entry Clearance Officers (ECOs) as well as other information available in order to identify trends from these and feed them back to the team. They did not use actual risk profiles as they said the situation in India was so fast moving that risk profiles would soon become outdated.
- 5.163 We also found that RALON staff were carrying out debrief interviews with applicants on cases where they considered there were problems, for example with the applicant's levels of skill and experience in a job falling under the Shortage Occupation List. They have had some success in identifying fraudulent applications.
- 5.164 We observed staff interviewing an applicant claiming to be an experienced Tandoori chef when they had concerns over his skill levels. The applicant appeared to have some difficulty verifying his skill to the level expected of a skilled chef but on this occasion he maintained his story. However, on investigating further, staff found discrepancies between the applicant's previous studies in the United Kingdom and what he was claiming in his application. The application was therefore refused due to misrepresentation, and a sponsor concern form was sent to Sheffield asking them to visit the sponsor to make appropriate checks on them.

- 5.165 We found staff worked closely with the document verification and the pre-assessment teams to identify abuse of the system. We observed the work of the Document Verification team and the processes they had in place. They sifted the applications as soon as they arrived to make checks on certain categories and profiles that have been identified as a risk. PBS ECOs and managers spoke very highly of the team.
- 5.166 The RALON team in Mumbai worked closely with other visa offices in India so that they could take an India-wide view of risk and feed this back to Sheffield. A regional coordinator for the PBS was based in Delhi and this was felt to work very well. However, staff felt the work they did in feeding back concerns was very much a one way process and they rarely got any feedback from Sheffield. They found this frustrating as they would have liked to know the outcome of cases they referred. This was echoed by managers but they had noted an improvement in contact over the last year. A weekly conference call was now held with Sheffield on PBS issues. This was initially implemented for Tier 4 and Tier 5 but Tier 2 issues had been raised when necessary. Mumbai also had single points of contact in Sheffield for each tier.
- 5.167 We have already reported that some changes to policy guidance were made as a result of feedback from India, for example the decision to accept Indian fixed deposits was agreed by the UK policy team. However it was not always clear whether changes in policy were made directly as a result of work carried out in India because of the lack of feedback provided.

Manila

- 5.168 We found similar complaints in Manila from staff and managers regarding poor levels of feedback from the UK. This was said to have a detrimental effect on staff who often felt discouraged to refer any concerns they may have to Sheffield.
- 5.169 We were told however that communication had improved between Sheffield and Manila with the introduction of bi-weekly conference calls between managers and staff at both locations. The sponsorship teams have also created the role of desk officer for the overseas regions so the Asia Pacific desk officer also participates in the conference call. These provide direct access to appropriate points of contact and were considered to be working well.
- 5.170 We saw evidence of RALON working well with Entry Clearance Officers, operating a matrix system for the referral of applications. RALON staff told us specific risk profiles were in place for spoke applications but not currently for Manila hub cases. They were however planning to produce tier specific risk profiles for Manila in the near future.
- 5.171 We were pleased to find evidence of RALON staff in Manila and Mumbai working effectively by sharing their knowledge and experience of concerns over sponsors in the fast food sector. We were told that initial concerns had been raised with Sheffield regarding a particular sponsor in July 2009. However, staff were understandably frustrated as 12 months had passed, they were still encountering problems with the sponsor and they had not received any feedback from Sheffield so did not know if any action was being taken.

We recommend that the UK Border Agency:

- ensures that feedback on sponsor concern referrals and the outcome of any investigations is routinely provided to caseworking teams overseas and in the UK from Sponsor Licensing and Management units.

Use of technology

Sheffield

- 5.172 Staff are required to use a number of different IT systems, many of which do not communicate with each other. Complaints about the speed and the stability of the IT systems used were widespread among staff. Staff cited many problems including:

- having too many systems open at one time so their PCs crashed;
 - staff needing many different passwords so could not remember them all without writing them down – this is not good Information Assurance practice;
 - needing to complete a number of manual spreadsheets as UK Border Agency databases do not capture required information.
- 5.173 Metastorm, the Sponsorship system, came in for significant criticisms from many staff and managers. Frequent complaints related to the lack of functionality in the system. Managers confirmed that the original specification for the system had to be changed due to resource issues, so the end product was not as had been originally been intended.
- 5.174 We were told that the system crashed frequently resulting in significant down-time. This was compounded by the fact that, as a web-based application, if Metastorm went down, staff were also unable to access the Certificate of Sponsorship checking system. This affected their ability to process applications.
- 5.175 We also found that the system was considered to be so laborious that manual workarounds had been introduced to speed up the process of registering sponsors on the system and deciding their licensing applications.
- 5.176 In April 2010, the UK Border Agency introduced charges for preparing and monitoring action plans issued to B-rated sponsors to help them improve and hopefully attain A-rated status. When we sampled sponsor licence applications we could find no trace on the system of any invoices for action plans being raised or paid. We subsequently established that Metastorm does not have the functionality to record this information so separate records have to be entered manually and kept on stand-alone systems. This requires caseworkers to do additional work, including keeping manual checks on outstanding payments.
- 5.177 When we were onsite at the beginning of August 2010, we noted that since action plan charges were introduced in April 2010, the UK Border Agency had revoked the licences of 11 sponsors for failing to pay action plan charges.
- 5.178 The system also had only limited monitoring functionality. For example there was no automated way of monitoring when B-rated sponsors approached the deadline of 12 months as a B-rated sponsor. This is the limit for being B-rated according to policy guidance. It was also not possible to keep track of deadlines for actions to be completed according to action plans. The information all has to be recorded on manual spreadsheets and the Agency is reliant on caseworkers and Visiting Officers remembering to monitor these.
- 5.179 We found that a new caseworking tool had been introduced within Tier 2 caseworking teams in July 2010. This was an automated process which led caseworkers through processing applications in a concise and consistent way. It also prompted them to consider if cases hit a risk profile. The managers and staff we spoke to were in favour of this tool and told us initial results were good.
- 5.180 We observed applicants having their biometrics taken in the Public Enquiry Office in Sheffield. The process was successful although we noticed it was a little slow as several attempts often had to be made before applicants' fingerprints were scanned successfully. Staff told us they often experienced frustration as the equipment was not robust and often broke down.

Mumbai and Manila

- 5.181 We observed biometrics being taken at the Visa Application Centres (VACs) in both Mumbai and Manila and were impressed with the speed and ease of use. We were told that there were very few problems with the biometric systems and they were reliable and robust. On the rare occasions there was a problem, there was good support and spare equipment was kept in the centres so that it could be quickly replaced.

- 5.182 We noted widespread criticism in both Mumbai and Manila regarding the provision of IT systems. Staff in Mumbai told us that numerous power failures in the office disrupted their ability to make decisions. However it was hoped that a newly installed generator would improve matters. Staff in Mumbai also suffered from a shortage of laptops so that some staff had to work on machines which did not have sufficient security clearance to allow them to access their emails. New laptops had been ordered but took time to be built.
- 5.183 A new computer system F3G had been introduced in both Manila and Mumbai. Staff reported that the system often crashed or slowed down, requiring them to have to keep opening and closing programmes.
- 5.184 Staff overseas had only limited access to UK Border Agency systems. If any checks were needed on United Kingdom systems, for example, Casework Information Database (CID), staff would have to contact the Command and Control centre in Manchester and ask for them to provide the required information.
- 5.185 There were more specific problems in both Manila and Mumbai with the systems staff could access. The Certificate of Sponsorship (CoS) contains a lot of the information required to assess a Tier 2 application. Staff told us they could not access the full details and that applicants could see more information than they could. They gave a specific example of Tier 2 General applications where they could not see the Resident Labour Market Test details. In order to get round this problem, the Agency had devised a system where caseworkers would email colleagues in the International team in London and ask for a screenshot to be sent back to them. This was neither an efficient or effective use of time and caused delays in processing applications. Since raising this with the Agency, we were pleased to receive confirmation from the Agency that changes have been made since our inspection and all overseas staff can now access the information they need to process applications.
- 5.186 On a more positive note, staff in Manila have been piloting remote printing technology to speed up the processing of spoke applications made in Hong Kong since July 2010. Initial results have been successful and managers in Manila hope to be able to roll out remote printing technology in Brunei following the summer peak and then more widely throughout the UK Border Agency building on lessons learned from the pilot exercise. When we spoke to stakeholders in the region's spokes, they were very keen to take advantage of remote printing due to the enhanced customer service it provides.

We recommend that the UK Border Agency:

- implements a permanent IT system-based solution so that staff in overseas posts can view the full Certificate of Sponsorship in order to process visa applications as efficiently and effectively as possible.

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

6.1 We considered in particular if applicants are clear what UK Border Agency expects from them in relation to documentation, use of latest application forms, and provision of information when requested.

Application form

6.2 We received mixed evidence in relation to the PBS Tier 2 application form. Many staff and stakeholders told us they felt it was too complicated and much too long at 64 pages. Comparisons were made to the application form for settlement visas which is only 17 pages. However, other staff and stakeholders reported no problems with the form and considered it to be relatively straightforward. We observed that the application form was set out logically. However, large sections of the form were left unused as applicants only completed sections relevant to them and caseworkers only referred to certain sections of the application form in order to make a decision. We consider there is scope to reduce the length of the form to make it simpler.

Website

6.3 We received considerable feedback from staff and stakeholders that they found the UK Border Agency website difficult to navigate. People gave examples of having problems trying to find specific information, ending up spending a significant amount of time searching through a lot of information before managing to do so. It was suggested that providing an index and the facility to search for specific words or Agency terminology would make the website much easier for people to use. Based on our own experience of searching the Agency's website in preparation for this inspection, we echo the view that an index and search facility would be useful.

6.4 We also found that both staff and stakeholders commented that the UK Border Agency website is not always updated with details of changes to guidance when changes come into force. We have already reported that staff reported examples of problems when the Agency's website and intranet were not updated simultaneously.

6.5 We received positive feedback from staff and stakeholders regarding the points-based calculator on the Agency's website. It was considered useful for applicants to be able to calculate the points they were likely to be awarded when their application was considered. However, we did hear of examples where applicants had entered qualifications onto the points-based calculator and used this to complete their application. Caseworkers told us, however, that when they came to assess the application, the points awarded on the calculator had changed.

We recommend that the UK Border Agency:

- reviews the length and content of its PBS Tier 2 application form to ensure it is easier and quicker for applicants, sponsors and staff to use.
- improves its website to make it more user-friendly for all members of its target audience, and ensures that details of changes to policy guidance are made simultaneously on both its intranet and internet websites.

The PBS process

- 6.6 Sponsors we spoke to reported that they liked the Sponsor Management IT system and found it easy to use. They also told us that they appreciated the autonomy it afforded them in terms of when they could issue Certificates of Sponsorship. They could issue them around the clock to meet the demands of their own particular business and were no longer restricted by UK Border Agency opening hours.

Manila and Mumbai

- 6.7 We received positive feedback from a number of stakeholders and staff in relation to applicants' reaction to the UK Border Agency moving towards a hub and spoke arrangements for applications made in Japan, Taiwan, Korea and Hong Kong.
- 6.8 UK Trade and Investment and Ambassadorial and High Commission stakeholders told us there had been some real concerns among employers based in those countries that the hub and spoke arrangements would not be good for them. A particular example was provided regarding Japanese employers who were concerned about having to send passports and other documents from Japan to Manila in case these went astray.
- 6.9 Managers and staff in Manila confirmed that they had been made aware of these concerns and had put great effort in partnership with the Visa Application Centres (VACs) into ensuring that the process had gone smoothly. Feedback from sponsors and stakeholders was very positive, and we were told that none of the original fears had materialised, with positive feedback received regarding customer service.
- 6.10 We found evidence of arrangements put in place in Japan for applicants to make appointments with UK Border Agency staff to answer any queries or check documentation before it is submitted with an application.
- 6.11 We received feedback from staff and managers in VACs in Mumbai and Manila to confirm that their staff used checklists when dealing with applications submitted. This ensures they are aware of the documents required to be submitted and can record what an applicant has provided. This system worked well and it was considered that staff at the VACs had assisted applicants to understand the process and what was required of them.
- 6.12 When we visited the VACs, we found the operations to be well run and providing good customer service. We were shown evidence of customer surveys where consistently high markings were achieved for the service given. In both VACs, an enquiries desk had been set up for people to drop in without an appointment to clarify document requirements or other aspects of the application process. We were told this was because people preferred face to face contact rather than calling by telephone.
- 6.13 Staff in Mumbai explained how they had worked closely with their Business Express Programme (BEP) partners to ensure they understood how the PBS operated, the responsibilities placed on sponsors, and the documentation required to be submitted by applicants. Sponsors we spoke to confirmed they were happy they understood what was required of them and they were happy with the levels of service provided.

Guidance

- 6.14 As we have already reported, the policy guidance for the PBS is considered to be somewhat complex by staff. This view was echoed by stakeholders we spoke to. It also does not always take into account cultural differences, contains anomalies, and not all terms are well defined.
- 6.15 We made a recommendation earlier in this report for the UK Border Agency to make improvements to its policy guidance as we believe that this will further enhance applicants' understanding of what the Agency expects from them.

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.

Section 1 – High level outcomes of the business

1.1 General Criterion: The borders are secured and immigration is controlled for the benefit of the country. The specific criteria are shown in Figure 1.

Figure 1 – Specific criteria:

- 1.1(a) There are clear and realistic performance targets to drive improvement.
- 1.1(c) There is effective liaison with delivery partners and stakeholders including employers.
- 1.1(f) There are clear mechanisms to use intelligence and other information so as to further improve performance, develop policy and reduce immigration offending and to set operational priorities and tasking.
- 1.1(g) Technology is utilised effectively to increase security and customer service.

Section 2 – Processes and procedures including quality of decision making and consistency of approach

2.3 General Criterion: Decisions are timely, particularly in relation to children and families. The specific criterion is shown in Figure 2.

Figure 2 – Specific criteria:

- 2.3(a) Decisions are taken within the timescales set out by UKBA.

2.4 General Criterion: Decisions made are fair and consistent. The specific criteria are shown in Figure 3.

Figure 3 – Specific criteria:

- 2.4(d) Decisions are taken within the timescales set out by UKBA.
- 2.4(e) Decisions are relevant to the individual's circumstances and based on the evidence provided.
- 2.4(g) Managers regularly review the quality of decisions and consistency across the Agency.

Section 3 – Impact on people subject to UK Border Agency services

3.2 General Criterion: Facilities and services meet the needs of customers and are conducive to ensuing 'business' is progressed. The specific criterion is shown in Figure 4.

Figure 4 – Specific criteria:

- 3.2(h) Customers are clear what UKBA expects from them in relation to documentation, use of latest application forms, and provision of information when requested.

Appendix 2

List of stakeholders

During the inspection, we contacted and consulted with a wide variety of stakeholders. The stakeholders are as follows:

- Migration Advisory Committee
- Confederation of British Industry (CBI)
- Immigration Law Practitioners' Association (ILPA)
- Tata Consultancy Services UK
- Members of the UK Border Agency Employers Task Force for Tier 2
- Drake Consultancy (recruitment of health professionals)
- Philippine Nursing Association
- UK Trade & Investment (UKTI) Japan
- UKTI South Korea
- UKTI Philippines
- UKTI Mumbai
- HM Ambassador Manila
- Deputy Head of Mission Japan
- Tata Consultancy Services India
- NASSCOM (Chamber of Commerce for IT in India)
- Nomura Services (Business Express Programme partner)
- Deputy High Commissioner Mumbai

Appendix 3

Glossary

Term	Description
A	
A-rated sponsor	This term is applied to a sponsor under the points-based system for coming to the United Kingdom to work, train or study. It is the rating awarded by the UK Border Agency when a sponsor joins the register of sponsors.
Administrative Review	A review of a case by an Entry Clearance Manager following the refusal of an entry clearance.
Agency	Refers to the UK Border Agency.
Appeal	A challenge to the decision made by the UK Border Agency.
Applicant	The person making a formal request to UK Border Agency. For example, an application for permission to stay in the UK as a migrant worker or student. An application will usually be in writing, using the specific application form for that type of request.
Asylum and Immigration Tribunal (AIT)	See First-tier Tribunal (Immigration and Asylum Chamber).
B	
B-rated sponsor	This term is applied to a sponsor under the points-based system for coming to the United Kingdom to work, train or study. It is the rating awarded by the UK Border Agency when a sponsor joins the register of sponsors. A B-rating is a transitional rating for a sponsor who is under a sponsorship action plan.
Biometrics	Biometrics is the science of using digital technology to recognise a person from a physical characteristic (for example a fingerprint or iris pattern of the eye) or another unique personal characteristic (for example a voice pattern or handwriting). These characteristics are the biometric details. All customers are now routinely required to provide ten digit finger scans and a digital photograph when applying for a United Kingdom visa, extension of stay, or apply under a new category. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five.
Border and Immigration Agency (BIA)	The name of the Agency responsible for immigration functions prior to creation of the UK Border Agency.
Border Force	Part of the UK Border Agency, responsible for air, sea and rail ports.
Business Express Programme	A UK Border Agency scheme that supports accredited companies who regularly send their employees to the UK for business.
C	
Casework Information Database (CID)	The Case Information Database is an administrative tool, used by the UK Border Agency to perform asylum tasks including recording all applications for asylum, with the related casework and decisions.
Case	Generic term for any application being processed by the UK Border Agency.
Caseworker	The UK Border Agency term for an official responsible for processing and making a decision on a case.

Certificate of Sponsorship	A 'virtual document', with a unique reference number which is issued by the sponsor to a migrant so that they can apply for permission to enter the UK if they are overseas (known as 'entry clearance'), or permission to stay if they are already in the UK (known as 'leave to remain').
Chief Executive Officer	Senior civil servant at the head of the UK Border Agency.
Complaint	Defined by the UK Border Agency as 'any expression of dissatisfaction about the services provided by or for the UK Border Agency and/or about the professional conduct of UK Border Agency staff including contractors'.
Curtailment	Cancellation of a migrant's leave if they, or their sponsor, do not comply with the immigration laws.
Customer	Defined by the UK Border Agency as anyone who uses the services of the Agency, including people seeking to enter the United Kingdom, people in detention and MPs.
D	
Director	Senior UK Border Agency manager, typically responsible for a directorate, region or operational business area.
Document Verification team	Team to verify supporting documents when the caseworker doubts they are authentic.
E	
Employment Routes Operational Support (EROS)	UK Border Agency team to inform PBS case workers on policy.
Enforced Removal	A person or person(s) who has/have no leave to remain in the UK who physically leaves the UK through enforcement by UK Border Agency staff.
English Language	The ability to speak and write in English. A defined level of skill is required before certain applications can be made. Under the points-based system for coming to the United Kingdom to work, train or study, this is one of the categories for which points must be gained.
Entry Clearance	<p>A person requires leave to enter the United Kingdom if they are neither a British nor Commonwealth citizen with the right of abode, nor a person who is entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 European Economic Area Regulations. Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non-visa nationals).</p> <p>These documents are taken as evidence of the holder's eligibility for entry into the United Kingdom and, accordingly, accepted as "entry clearances" within the meaning of the Immigration Act 1971. The United Kingdom Government decides which countries' citizens are, or are not, visa nationals. Non-visa nationals may also require entry clearance if they seek to enter the United Kingdom for purposes other than to visit and/or for longer than six months. More detailed information about Entry Clearance can be found on the UK Border Agency website: http://ukba.homeoffice.gov.uk/</p> <p>The Immigration Rules say that a customer making an application for an entry clearance as a visitor must be outside the United Kingdom and Islands at the time of their application and must apply to a Visa Section designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant.</p>

Entry Clearance Manager	Manages the visa application processes.
Entry Clearance Officer	Processes visa applications.
European Economic Area (EEA)	<p>The European Economic Area (EEA) was established on 1 January 1994 following an agreement between the member states of the European Free Trade Association (EFTA) and the European Community, later the European Union (EU).</p> <p>All European Economic Area (EEA) nationals enjoy free movement rights in the EEA. This means that they are not subject to the Immigration Rules and may come to the United Kingdom and reside here in accordance with the 2006 Regulations. They do not require permission from the UK Border Agency to enter or remain, nor do they require a document confirming their free movement status.</p>
Evidential Flexibility	Where there are minor errors or omissions in an application and there is sufficient evidence to show that without them, the application would likely be granted, case workers may contact the migrant or the sponsor, normally by telephone, to seek clarification or request missing documentation and information.
Executive Officer	Lower management grade. Equivalent grades exist in the UK Border Agency, including Officer and Immigration officer.
F	
Firecrest/F3G	IT system used by the Foreign and Commonwealth Office.
First-tier Tribunal (Immigration and Asylum Chamber)	A tribunal where applicants with the right of appeal, can appeal against asylum and immigration decisions made by the UK Border Agency. It is independent of the Home Office and is part of the Tribunals Service. It is presided over by an Immigration Judge and the UK Border Agency is often represented by Presenting Officers defending the decision of Case Owners. It replaced the Asylum and Immigration Tribunal (AIT) on 15 February 2010.
Foreign and Commonwealth Office (FCO)	Government department responsible for promoting British interests overseas and supporting British citizens and businesses around the globe.
G	
General (Skilled Worker) Category	See Tier 2 (General)
Grade 7	Senior manager, subordinate to Grade 6, superior to SEO.
Grade 6	Senior manager, subordinate to the Senior Civil Service, superior to Grade 7.
H	
Harm Agenda	The scale against which the UK Border Agency prioritises which cases should be removed first, putting more resources into removing those who may cause more harm to the public such as foreign national prisoners.
Her Majesty's Revenue and Customs (HMRC)	HMRC Detection used to operate at UK air, sea and rail ports. It is one of the legacy organisations that made up the UK Border Agency.
Higher Executive Officer (HEO)	A management grade. Equivalent grades exist within the UK Border Agency, including Higher Officer and Chief Immigration Officer.
Home Office	The UK Border Agency has been a full Executive Agency of the Home Office since April 2009.

Hub and Spoke	<p>Prior to 2007, virtually all British diplomatic missions had a Visa Section. Each worked largely independently; handling all aspects of visa processing including taking decisions on site.</p> <p>Hub and Spoke was introduced to move away from the traditional model 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.</p> <p>Applications can be moved from the collection point (the spoke) to the processing point (the hub). This separation between the collection network and the decision making network aims to improve quality and consistency of decision making, efficiency and flexibility. Work can be moved to staff rather than the other way round.</p>
I	
Immigration Group	Part of the UK Border Agency responsible for regional operations and in-country decisions.
Immigration Judge	Appointed by the Lord Chancellor to preside over the First Tier Tribunal and decide appeals made by clients and legal representatives on behalf of their clients against the UK Border Agency decisions.
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.
International Group	The overseas arm of the UK Border Agency, responsible for running visa operations in 135 countries. Formerly known as UK Visas.
Intra-Company Transfer (ICT)	See Tier 2 – Intra-Company Transfers
J	
Judicial Review (JR)	The means through which a person or people can ask a High Court Judge to review the lawfulness of public bodies' decisions.
L	
Lessons learned	Used to describe any organisational learning that has arisen following the investigation of a complaint. May be good practice to share, or an area for improvement.
Local Enforcement Office (LEO)	An office consisting of case workers, reporting centre staff and operational enforcement staff whose role is to remove those with no right to remain in the United Kingdom.
Local immigration team (LIT)	A LIT is a local team undertaking as many functions as practicable at a local level in a defined area within a region. LITs will build on the work carried out by the best local enforcement offices but will have a wider remit to encompass community engagement beyond enforcement. They will undertake key enforcement roles in their locality.
Locally employed staff	Staff recruited directly by the British Embassy or High Commission in the country where they are employed.

M	
Maintenance	Funds available when an application is made under the points-based system for coming to the United Kingdom to work, train or study. It is one of the categories for which points must be gained. A defined level of maintenance is required before certain applications can be made.
Member of Parliament (MP)	Elected representative in the United Kingdom and key customer of the UK Border Agency.
Metastorm	IT database where details of sponsor licences are held.
Minister	The Minister of State for Borders and Immigration is a member of Her Majesty's Government with responsibility for matters relating to immigration.
Ministers of Religion	A minister of religion is a religious worker whose main duty is to lead a congregation in prayer and preach about his/her religious beliefs.
N	
Non-visa nationals	A national or citizen of any country that is not listed on the UK Border Agency website (Appendix 1 of the Immigration Rules). A non-visa national does not need a visa to come to the United Kingdom for less than six months, unless it is a requirement of the immigration category under which they are entering. A non-visa national coming to the United Kingdom for more than six months will need a visa.
P	
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.
Points-based system (PBS)	<p>On 29 February 2008, a new immigration system was launched to ensure that only those with the right skills or the right contribution can come to the United Kingdom to work or study. The points-based system 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"> • It combines more than 80 previous work and study routes to the United Kingdom into five tiers • Points are awarded according to workers' skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector. This allows the United Kingdom to respond flexibly to changes in the labour market • It is a fair, transparent and objective system 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.
Pre-licensing Visit	Visit made by the Sponsor Compliance (Visiting) Officer to the sponsor to assess their ability to fulfil their sponsor duties.
Presenting Officer (PO)	The person who represents the Home Office at the appeal hearing.
Presenting Officers Unit (POU)	The UK Border Agency unit where Presenting Officers prepare for appeal and bail hearings.
Processing Time	Length of time taken to make a decision on an application.
Prospective Earnings	The rate at which the migrant will be paid when taken into employment under Tier 2 of the PBS.

Proviso	The database used by overseas posts as the audit trail of entry clearance applications. It records all details of an entry clearance application from the date of application through to the decision and any post decision correspondence.
Public Enquiry Office	UK Border Agency office where fee-paying customers can submit an application to extend a stay in the UK or to settle permanently.
Q	
Qualifications	The grade, the name of the award, the country of study, the institution, and the year of the award as required for an application under the points-based system.
R	
Regional Director	Senior manager responsible for one of the six Immigration Group regions.
Regional Verification Team	See Document Verification Team.
Register of Sponsors	A list of all organisations licensed to sponsor migrants under the points-based system.
Resident Labour Market Test (RLMT)	The process an employer must follow before employing a person who is not a permanent resident of the United Kingdom if he/she is first required to show that no resident worker could be found to take a job.
Revocation	If a Certificate of Sponsorship is withdrawn/cancelled after the entry clearance has already been granted to an applicant, the entry clearance will be revoked and entry to the United Kingdom will not be allowed.
Risk and Liaison Overseas Network (RALON)	An amalgamation of the former Airline Liaison Officer Network and the Overseas Risk Assessment Unit Network. RALON has responsibility for identifying threats to the UK border, preventing inadequately documented passengers from reaching UK shores, providing risk assessment to the UK Border Agency visa issuing regime and supporting criminal investigations against individuals and organisations which cause harm to the UK.
Risk Profile	A profile developed through the use of compliance exercises to identify areas of risk.
S	
Senior caseworker/ case owner	The UK Border Agency term for an official, usually at Senior Executive Officer level, responsible for a team of case owners and/or caseworkers.
Senior Executive Officer	A management grade, subordinate to Grade 7. Equivalent grades exist within the UK Border Agency, including Senior Officer and Her Majesty's Inspector.
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.
Shortage Occupations	Specific types of work that have been officially listed as ones for which there are not enough resident workers to fill available jobs. Employers who wish to hire a worker from outside the European Economic Area to fill a vacancy that is on a list of shortage occupations may do so without carrying out a resident labour market test.
Sponsor Compliance Officers	Also called visiting staff or visiting officers and are any person from our sponsor management unit who will help sponsors comply with their duties when sponsoring migrants under the points-based system.
Sponsor Licensing Unit	Persons wanting to sponsor a migrant worker or student are required to apply for a licence. The Sponsor Licensing Unit decides all such applications.

Sponsor Management Unit	Responsible for the implementation and subsequent management of the Points Based System. The Unit carries out assessments on those employers and educational establishments that have applied for a licence.
Sponsors	The sponsor is an organisation in the United Kingdom that wishes to employ, or provide education to a migrant.
Sponsorship Duties	The responsibilities organisations have when they sponsor migrants under the points-based system. The duties are record keeping, reporting, compliance, co-operating with the UK Border Agency and tier-specific duties.
Spoke	See Hub and Spoke.
Sports Worker	See Tier 2 Sports Worker.
Substantiated	Used to describe a complaint that has been upheld, may also be partially substantiated.
Supporting Documents	The documents required by the UK Border Agency as evidence for what is written on an application form.
Suspension	If the UK Border Agency has reason to believe that a sponsor is breaching its duties and poses a threat to immigration control to the extent that withdrawal of the licence is considered, during the time that further enquiries are made, the licence may be suspended.
T	
Tier 1	A category of the points-based system for coming to the United Kingdom to work, train or study. It applies to people who are looking for highly skilled employment in the United Kingdom, or are self-employed or setting up a business.
Tier 2	A category of the points-based system for coming to the United Kingdom to work, train or study in the United Kingdom. It applies to skilled people with a job offer who are looking for employment in the United Kingdom.
Tier 2 (General) – Skilled Worker	A category of the points-based system for coming to the United Kingdom to work, train or study. It applies to skilled people with a job offer who are looking for employment in the United Kingdom, or are self-employed or setting up a business.
Tier 2 - Intra-Company Transfers	A category of the points-based system for coming to the United Kingdom to work, train or study. It applies to sponsors who are transferring employees within an organisation to a skilled job under Tier 2.
Tier 2 Religious Workers	A category of the points-based system for coming to the United Kingdom to work, train or study as a religious worker. Its applies to skilled people with a job offer who are looking for employment in the United Kingdom.
Tier 2 Sports Workers	A category of the points-based system for coming to the United Kingdom to work, train or study. It applies to skilled people with a job offer who are looking for employment in the United Kingdom.
Tier 3	A category of the points-based system for low-skilled workers filling specific temporary labour shortages, such as construction workers for a particular project.
Tier 4	Applies to people who are coming to the UK to undertake a course of study at a UK educational establishment.
Tier 5	Applies to people who are coming to the UK to undertake a period of temporary work or coming to the UK via the Youth Mobility Scheme.
U	
UK Visas	Ran visa operations at overseas locations. One of the legacy organisations that made up the UK Border Agency and is now known as International Group.

UK Trade & Investment (UKTI)	UK Trade & Investment works with UK-based businesses to ensure their success in international markets, and encourage the best overseas companies to look to the UK as their global partner of choice.
United Kingdom and Islands	The United Kingdom is made up of England, Scotland, Wales and Northern Ireland. The Channel Islands and the Isle of Man are not part of the United Kingdom. The geographical term 'British Isles' covers the United Kingdom, all of Ireland, the Channel Islands and the Isle of Man.
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.
United Kingdom Border Force	The directorate within the UK Border Agency that is responsible for front-line operations.
V	
Vignette	A sticker in the passport showing entry clearance details.
Visa Application Centre (VAC)	Where visa applications are submitted and biometric information provided. VACs are run by commercial partners.
Visa Nationals	<p>Visa nationals are those who require a visa for every entry to the United Kingdom. A visa national is a national of a country listed on the UK Border Agency website (Appendix 1 of the Immigration Rules). Some visa nationals may pass through the United Kingdom on the way to another country without a visa, but in some circumstances they will require a direct airside visa or visitor in transit visa. Visa nationals must obtain entry clearance before travelling to the United Kingdom unless they are:</p> <ul style="list-style-type: none"> • returning residents; • those who have been given permission to stay in the United Kingdom and, after temporarily leaving the United Kingdom, return within the duration of that permission to stay; • school children resident in a European Union member state who are on an organised school trip from a general education school and accompanied by a teacher.
Visiting Officer	See Sponsor Compliance Officer.
M	
Work Permit	Permission to work in the United Kingdom that is given to someone who has no automatic right to work here but has met the requirements to be allowed to do so.

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Assistant Chief Inspector:	Mark Voce
Lead Inspector:	Lorraine Auld
Inspection Officer:	Douglas Harrison
Inspection Officer:	Kryss Lawrance
Inspection Officer:	Fiona Cooper
Analysts:	Aalia Shamji Susanne Chan
Inspection Support:	Sandra White-Rennie

