



A comparative inspection of the UK Border Agency visa sections that process applications submitted in Africa : Nairobi, Abuja, Pretoria and the UK Visa Section.

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Independent Chief Inspector of Borders and Immigration



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Foreword from John Vine CBE QPM



This inspection of four UK Border Agency visa sections in the Africa region – Nairobi, Abuja, Pretoria and the UK Visa Section shows the comparative level of consistency in the issuing of and refusal to grant visas in a demanding operation throughout the Agency as I was able to compare and contrast the performance of each post.

I have previously inspected the visa sections in Abuja and the UK Visa Section and while I noted some improvements had been made since my last inspection, I was disappointed to find there was still significant room for improvement, particularly in regard to the quality of decision making.

Despite my making recommendations in previous inspections to help the Agency improve, I found that little progress had been made in a number of areas. This is especially frustrating considering the Agency has accepted the recommendations and yet I continue to identify the same issues.

There is still a significant proportion of cases where applicants are refused entry clearance for failing to provide information, the need for which they could not have been aware of when submitting their application. In not allowing applicants an opportunity to subsequently provide this information before refusing their application, the Agency is not in my view treating applicants fairly.

I was also troubled to find a significant number of cases where the lack of an audit trail made it very difficult for me to determine a basis on which the decision had been made. I found an inconsistent approach being taken to the retention of supporting documents relevant to the decision and a failure to make adequate notes on the IT caseworking system.

The lack of a robust quality assurance mechanism is also something the Agency needs to urgently address. There is a strong correlation between the quality of decision making and the effectiveness of any quality assurance mechanism in place. I found significant variation between the four posts with evidence of the process working reasonably well in Nairobi and Pretoria, but a clear need for improvement in Abuja and the UK Visa Section.

Generally I found better performance in Nairobi and Pretoria than in Abuja and the UK Visa Section. While some local variation is inevitable, the Agency must strive for greater consistency between all four posts.

On a more positive note I found that overall the visa sections in Abuja, Pretoria and Nairobi had performed well against the Agency's customer service targets although performance in the UK Visa Section was poor in this regard also.

In summary, I found performance varied significantly across the four posts inspected in the Africa region. I was disappointed to still find a clear need for improvement in the quality and consistency of decision making.

I have made 12 recommendations, a number of which have been made before, in previous reports. I would now like to see these recommendations being embraced by the Agency without delay to ensure that there is a real improvement in the quality and consistency of decision making.

John Vine CBE QPM
Independent Chief Inspector of Borders and Immigration

A handwritten signature in black ink that reads 'John Vine' followed by a period.

1. Executive Summary

1. This inspection measured the performance of four different visa sections that assess visa applications made in each part of Africa: South Africa (Pretoria), West Africa (Abuja), East Africa (Nairobi) and North Africa (the UK Visa Section in Croydon - responsible for considering applications made in Algiers). The inspection examined quality, consistency and fairness of decision making by assessing whether decision making was:
 - efficient, effective and fair; and
 - in line with relevant Immigration Rules and Agency policy and guidance.
2. The inspection focussed on various aspects of the visa operation in each of the four visa sections selected, including the quality and timeliness of visa decisions in three visa application categories:
 - Family visitor;
 - Other visitor; and
 - Settlement.
3. We had previously inspected the visa sections in Abuja and the UK Visa Section so this inspection also focussed on how well the Agency had implemented the recommendations we made during those inspections.
4. Overall we found the visa sections in Nairobi, Abuja and Pretoria had performed well against the Agency's customer service targets. However, in comparing the performance of the four visa sections, it is clear that the performance of the UK Visa Section in processing applications made in Algiers was poor, and the worst in the region. For example we noted that no family visit issue cases and only 20% of family visit refusal cases were decided in 15 days. The Agency informed us that significant IT problems had contributed to this poor performance.
5. We found problems with long delays in cases where DNA testing was required. In order to meet the 12 week customer service target managers in Nairobi Visa Section had decided to refuse these cases on the IT caseworking system but not send out the decisions until the results came back. Managers told us they had done this because they felt that the reason for the delays was not something within their control. They had worked on streamlining the system and told us the referral process for DNA cases was now much quicker than previously.
6. We were disappointed to find that the Nairobi Visa Section had manipulated its performance in relation to the Agency's customer service standards. This would have had an adverse impact on applicants, who were being misinformed about the level of the Agency's performance in meeting its 60-day target. The Nairobi Visa Section advised us that this practice had ceased after three months and on reflection accepted it was wrong. We commented on a similar practice we found in Abuja when we first inspected that post in 2009. We believe that any such practice is unacceptable and the Agency must ensure that staff report performance accurately against its stated performance targets.
7. We found that in order to attain customer service standards, benchmark targets had been set which Entry Clearance Officers (ECOs) and Entry Clearance Assistants (ECAs) were expected to meet. These had been set at each of the four visa sections and on the whole had been developed with some involvement or consultation with staff, although this was said to be limited at UK Visa Section. Staff generally understood their targets and how these had been determined.

8. Managers acknowledged that the complexity of cases could impact on the achievement of benchmarks but believed that generally they were achievable. This view was largely echoed by staff although some voiced concerns that achieving the numerical targets could have a negative impact on the quality of the decisions they made. These concerns appear to have been borne out by the results of our file sampling which highlighted poor quality decision making particularly in the UK Visa Section and Abuja.
9. We found the benchmarks for the various different categories of cases were different across the four visa sections and although some of the benchmarks were similar, others were significantly different with no obvious reason for this.
10. We were concerned to note significant problems regarding the quality of decision making. In summary, we had three main concerns with our findings from file sampling. The first of these was the significant number of applicants being asked to provide information, the need for which they would not have been aware of at the time of making their application. Examples include applicants being asked to prove their relationship to their sponsor in family visit cases. This is something we have previously raised in other inspection reports, most notably Amman, Istanbul and the Global Review of Entry Clearance decision making.
11. In refusing applicants visas on the basis that they have not supplied information - the need for which they would not have known at the time of application - and then failing to allow them the opportunity to subsequently provide this information, the Agency is acting unfairly to applicants. This is an issue that needs to be urgently addressed by the Agency.
12. We were also concerned by the lack of an audit trail caused by an inconsistent approach in retaining supporting documents relevant to the decision. A lack of comprehensive notes entered onto the Agency's IT caseworking system made it very difficult for us to ascertain how and why certain decisions had been reached. This contravenes the Agency's own guidance and has been commented upon in a number of previous inspection reports and accepted by the Agency. It was therefore very disappointing that we continued to identify the same issue yet again.
13. Our third main concern related to the large number of cases where we found evidence had been misinterpreted or positive evidence had been disregarded causing staff to refuse applications either incorrectly, or to write inaccurate refusal notices which were not in line with all available evidence.
14. We also found problems with the quality of decision making in settlement cases. The main problem we found related to indefinite leave to enter being incorrectly granted to applicants in 14 of the 135 (10%) settlement cases we initially requested to select our sample of 50 cases in Abuja. The Agency acknowledged that it became aware of this problem following our initial file sampling request, and that this was a serious error. The Agency agreed to make improvements in the training of all ECOs and ECMs.
15. We noted conflicting evidence in terms of the quality of refusal notices with generally good quality found in Nairobi and Pretoria, and more variable quality found in Abuja and the UK Visa Section. In many cases the wording was not in line with the evidence submitted and therefore not always relevant to the applicant's circumstances. We noted some cases where implicit value judgements appeared to have been made as indicated by the use of inappropriate phrases.
16. We were pleased to find no issues with regard to case administration as all cases reviewed had been administered soundly at each of the four visa sections inspected. Overall, we were also pleased with the quality of visa vignettes which generally contained correct endorsements and periods of validity.
17. We were concerned to find a high number of settlement cases where adequate checks had not been performed. Following a recommendation we made as part of our previous inspection of UK Visa Section, the Agency issued guidance on 6 April 2010 to staff to the effect that additional checks on

sponsors should be routinely made in settlement applications. While there had been an improvement in the numbers of checks made by UK Visa Section since our last inspection, the Agency accepted it still needed to do more. We were also concerned at the lack of checks in Abuja where the Agency confirmed it had not been following Agency guidance in this regard. On identifying this issue however, managers had provided additional settlement training for staff, including the need to perform additional checks.

18. Disappointingly, we found different practices and different levels of quality assurance in operation at the four visa sections inspected. There are definite links between the effectiveness of the quality assurance mechanism and the quality of decision making at respective visa sections. This clearly points to a need for considerable improvement in this area, particularly in Abuja and the UK Visa Section. We have made recommendations about the need to improve the quality of ECM reviews in previous inspection reports and it is clear that the Agency needs to do more to embed a “*right first time*” culture in its visa decision making.
19. ECOs and ECMs at each of the four visa sections inspected had received core training provided in the UK. Each visa section also provided some form of local induction training for staff, and implemented various local training initiatives. Examples of these included:
 - Forgery training in Nairobi;
 - Training on verification and child trafficking in the UK Visa Section;
 - Setting up a six week ECO training programme in Abuja; and
 - “*Lunch and learn*” sessions on child protection in Pretoria.
20. We found mixed evidence regarding the use of paragraph 320. Performance was generally good in this area in Nairobi and Pretoria but there was room for improvement in the UK Visa Section and Abuja. This demonstrates the Agency has further work to do to ensure paragraph 320 is used consistently across all of its visa sections, particularly as the penalties it confers are significant from an individual’s point of view.
21. Both Nairobi and Pretoria provided evidence of some good work between the visa section and RALON. This was particularly evident in Nairobi. While we still found evidence of good work in Abuja and the UK Visa Section, progress was more limited in part, due to resource issues (in Abuja), and by staff not fully completing details of cases on the Decision Support Tool IT system – something we commented on in our previous inspection of the UK Visa Section.
22. We also found there was mixed performance regarding complaints and correspondence handling. We noted some evidence of good work in this area for example in Pretoria but were disappointed to find there was still significant room for improvement especially at the UK Visa Section. We found there had been a distinct lack of progress in this area despite our findings in our last inspection there and the subsequent recommendation we made for improvement.
23. Our file sampling provided no evidence at any of the four visa sections inspected that applicants of different nationalities were being singled out and treated differently by staff when deciding visa applications. This was generally reinforced by our findings from the various focus groups and interviews we carried out where staff confirmed that the decisions they made were based on the Immigration Rules and no other factors.
24. We found that staff and managers at all four visa sections inspected had a general awareness of equality and diversity issues and had all completed the Agency’s mandatory e-learning training on equality and diversity.

25. We found there was generally a good awareness among all staff of their need to take the welfare of children seriously and protect them. We also found that all staff were aware of the need to carry out extra checks on cases of unaccompanied children and were confident in referring cases to RALON where they were not completely satisfied. We observed cases where ECOs were not happy with certain aspects of cases involving children being referred to RALON at several visa sections inspected.
26. Agency guidance issued in September 2010 required that for child applicants, all visa sections must ensure that details of sponsors, guardians and accommodation are recorded on the Agency's caseworking IT system. Staff at Nairobi, Abuja and Pretoria confirmed appropriate checks were being done and entered onto the system. However, while staff in UK Visa Section were carrying out the required checks, they confirmed that they were not recording details on the system.
27. We found mixed evidence regarding the secure storage and handling of personal data. For example the Agency's Data Protection Act breach policy was in place and enforced in Nairobi and Pretoria but we found there was room for improvement in Abuja and the UK Visa Section. A major cause for concern in Abuja was the incidence of documents going missing. Managers were investigating this when we were on site but it was not clear when the issue would be resolved.
28. This emphasises the importance of having clear document handling processes in place, in conjunction with appropriate training, to ensure staff are aware of their responsibilities in this regard. Such procedures help to reduce instances of documents going missing, while at the same time delivering better accountability and audit trails to identify where in the process problems are occurring.
29. At each of the four visa sections inspected we found some evidence of actions taken to effect continuous improvement and implement recommendations made in our previous inspection reports. However, this varied considerably between visa sections.
30. We found only limited evidence in each of the four visa sections of recommendations from our previous inspection reports having been implemented. For example, in our last inspection of Abuja in July 2009 we recommended that the Agency *"uses the Entry Clearance Manager Review Guidance Tools to carry out quality assurance on issues and refusals of entry clearance."* We also recommended that the Agency *"...provides more feedback to Entry Clearance Officers to improve consistency of decision making."* The Agency accepted our recommendations at the time we made them and confirmed they had been implemented.
31. In practice we found progress towards implementing this recommendation varied considerably between the four inspected visa sections. In Abuja and the UK Visa Section we found there was a lack of a robust ECM review mechanism with the full range of checks not being implemented. However in Nairobi and Pretoria ECMs were carrying out the full number of reviews as set out in the Agency's guidance. We also found there were variations in how staff perceived the adequacy and quality of the feedback they received on their work.
32. Following our 2010 inspection of Abu Dhabi and Islamabad visa sections, we recommended that the Agency *"implements a formal review to determine the main reasons for allowed appeals and uses this analysis to drive improvements in decision making quality."* Only limited progress if any had been made in implementing this recommendation.
33. We also found there was very little, if any, action taken to review cases where an ECM had overturned a decision generally, or on receipt of a notice of appeal. This is something we have referred to in previous inspection reports and consider to be good practice to identify trends and patterns to improve decision quality. In not doing this we consider that the Agency was missing opportunities to learn lessons to improve.

34. We also had some concerns regarding the accuracy of recording complaints and correspondence which meant that analysis by type of complaint or correspondence was not possible. This limited further the opportunities for learning in order to support continuous improvement.
35. We found mixed evidence in relation to staff and managers' knowledge of and involvement in the risk register at the four visa sections inspected. Generally managers at each of the four visa sections were aware of the risk register while more junior staff, particularly ECAs, but including some ECOs, had either never heard of it or had only very limited understanding of what it entailed. Reassuringly however at each of the four visa sections inspected, staff told us they would feel able to raise an issue they perceived to be a risk to their line manager.
36. The quality of the risk registers varied between visa sections with some containing more detail than others. It was also not clear how often these were actually rigorously reviewed and updated. We would expect a consistent standard of quality across all four visa sections inspected.

2. Summary of Recommendations

We recommend that the UK Border Agency:

1. provides applicants with clear information and guidance in advance of their application, about the requirements they need to meet when submitting their application.
2. ensures that when applicants have followed published guidance, but Entry Clearance Officers require further information to make a decision, applicants are given an opportunity to provide this.
3. ensures it records a clear rationale for entry clearance decisions and adequate case notes generally, on its IT case working system, and adopts a consistent approach to the retention of supporting documents on file, in order to maintain a clear audit trail.
4. provides all staff with adequate training on paragraph 320 of the Immigration Rules and ensures all staff are also trained in verification techniques including how to identify forged documents
5. ensures RALON teams are sufficiently resourced taking into account various local factors, for example in Abuja local factors would include the extent of fraud in Nigeria and the transfer of work from Lagos.
6. manages complaints and correspondence effectively and in line with its complaint handling process ensuring greater accuracy in identifying, classifying and recording complaints.
7. addresses the concerns raised through the Home Office staff survey and this inspection regarding the perceived disparity in treatment of staff.
8. ensures all staff undertake the mandatory training on keeping children safe and ensures all required details of cases involving children are captured on the Agency's IT caseworking system.
9. standardises its practice on data protection and document retention across all visa sections, ensuring the incidence of documents going missing is kept to an absolute minimum.
10. adopts a consistent approach across all visa sections to the process of carrying out ECM reviews, ensuring these are carried out effectively and in sufficient number to drive improvements in decision quality, and that feedback is provided to staff.
11. maximises the opportunities for learning and improving decision quality by adopting a consistent approach across all visa sections to analysing appeal determinations, decisions overturned by ECMs, and complaints to identify trends and patterns.
12. raises staff awareness of the risk register, including how they can contribute to it so that managers can be assured they are alerted as soon as possible to potential, emerging or changing risks. A consistent standard of quality, including a mechanism for reviewing and updating the register should be adopted across all visa sections.

3. The Inspection

- 3.1 The role of the Independent Chief Inspector (the Chief Inspector) of the UK Border Agency (the Agency) was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the Agency. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and contractors.
- 3.2 On 26 April 2009, the Chief Inspector was also appointed to the statutory role of Independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in section 23 of the Immigration and Asylum Act 1999 as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006 (regarding the introduction of the points-based system from April 2008).
- 3.3 On 20 February 2012, the Home Secretary announced that Border Force would split from the Agency from 1 March 2012, to become a separate operational command within the Home Office. The Home Secretary confirmed this change would not affect the Chief Inspector's statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the new Border Force.
- 3.4 The Chief Inspector's inspection criteria¹, revised in March 2011, were used to assess the efficiency and effectiveness of the visa sections in the Africa region under the themes of:
- Operational Delivery;
 - Safeguarding Individuals; and
 - Continuous Improvement.
- 3.5 This inspection also addressed the statutory remit of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal². This is set out in section 23 of the Immigration and Asylum Act 1999 as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, regarding the introduction of the points-based system (from April 2008).
- 3.6 To help us make an informed judgment about the quality of customer service, we measured the performance of Agency against the objectives in its customer commitments.³ These set out the level of customer service people subject to Agency services can expect.

Purpose and aim

- 3.7 This inspection aimed to measure the performance of four different visa sections that assess visa applications made in each part of Africa: South Africa (Pretoria), West Africa (Abuja), East Africa (Nairobi) and North Africa (the UK Visa Section - responsible for considering applications made in Algiers). The inspection examined quality, consistency and fairness of decision making by assessing whether decision making was:

1. Criteria of the Independent Chief Inspector of the UK Border Agency can be found at <http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Inspection-Criteria.pdf>

2. Although the formal title of the Independent Monitor refers to cases without the right of appeal, all requests for entry clearance in fact carry appeal rights on the basis of humanitarian and race relations grounds.

3. The UK Border Agency customer commitments can be found at: <http://www.ukvisas.gov.uk/en/customerservices/servicestyle/>

- efficient, effective and fair; and
- in line with relevant Immigration Rules and Agency policy and guidance.

3.8 The inspection also intended to measure the performance of all four visa sections, both individually and as a group, against the strategic goals and performance targets set by the Agency's International Group; to identify best practice as well as opportunities for improvement.

Background

3.9 The information in this section was provided by the Agency and sets out general background information about International Group and the work of the Visa Sections in Nairobi, Abuja, Pretoria, and the UK Visa Section.

3.10 International Group is a Directorate of the Agency formed in 2008 from UK Visas and other international policy strands. The Group delivers the wider overseas remit of the Agency, including the visa issuing service and is fundamental to achieving the Agency's core objectives listed below:

- To secure the border;
- To control migration; and
- To reduce costs and improve customer service.

3.11 The International Group 2011/12 Business Plan identifies ten strategic objectives. The objectives most relevant to this inspection are as follows:

- Meet or exceed published customer service standards in all our services, expand our range of new and premium services and build customer and partner confidence;
- Embed "*right first time every time*" decision quality in all we do, extend 'verification plus' across at least 20 visa sections, introduce i-search and data sharing with 5 countries; and
- Provide high calibre leadership and management for all our staff, ensuring they have the skills they need to do their jobs and opportunities to develop and are recognised for excellence in performance. Measure progress through staff survey results on engagement.

3.12 International Group has approximately 2,300 staff in 136 countries around the world, working to deliver the Government's objective of facilitating trade and travel that benefits the UK and preventing travel which does not. To manage its work overseas, International Group has structured its visa work into six regional locations:

- Africa;
- Americas;
- Asia Pacific;
- Gulf, Iran and Pakistan;
- EuroMed; and
- South Asia.

3.13 The visa sections within Africa are split between two International Group regions: Africa and EuroMed. The visa sections in Pretoria, Abuja and Nairobi form part of the Africa region and the visa section in Algiers/the UK Visa Section forms part of the EuroMed region.

- 3.14 The work of entry clearance staff is crucial in helping the Agency address its purpose of securing the border and controlling migration for the benefit of the country.
- 3.15 Figure 1 shows the number of applications assessed at the UK visa section and the visa sections in Pretoria, Abuja and Nairobi in the financial year 2010/11.

Figure 1: Number of applications assessed in the financial year 2010/11

Category	Abuja	Nairobi	Pretoria	UK Visa Section (Applications from Algiers)
EEA Family Permits	99	162	1029	88
Family Visit	28,884	8,338	36,828	4,486
Other Non Settlement	636	647	2,615	338
Other Visitor	51,175	18,641	75,501	5,794
PBS Tier 1	3,108	166	884	25
PBS Tier 2	403	137	1144	23
PBS Tier 4	15,572	2,264	2,215	443
PBS Tier 5	371	288	629	2
Settlement	498	2470	4,674	469
Student	128	26	49	29
Transit	334	472	2,946	31
Work permit	1	104	172	1
Working Holiday Maker	0	0	3	0
Grand Total	101,209	33,715	128,689	11,729

Hub and Spoke

- 3.16 The redesign of the Agency's global network of visa sections began in January 2007 as part of a wider programme of change, supported by the introduction of biometrics and commercial partners. This redesign allowed the Agency to think about how and where it considered applications, giving it an opportunity to make better use of its resources overseas. The redesign of the network into a Hub and Spoke business model aimed to deliver three main benefits:
- *improved quality and consistency of decision making;*
 - *improved efficiency and productivity; and*
 - *greater resilience and flexibility.*
- 3.17 This business model has seen decision making move from small visa sections to larger regional hubs, or processing centres. In early 2007, there were over 150 visa sections around the world working largely independently and handling all aspects of visa processing including the receipt of applications and decision making. By late 2010, the number of locations in which an application could be registered (spokes) had increased to 315, serviced by 70 processing centres (hubs).

- 3.18 The UK Visa Section is a hub, and was established in October 2008. It started considering visa applications made in Algiers in November of the same year. At the time of our inspection it also considered applications from Germany, the Netherlands and Gibraltar although this element of work was out of scope for this inspection.
- 3.19 Abuja, Nairobi and Pretoria are hubs, responsible for assessing applications made at the hub and in a number of different spokes. Figure 2 sets out the locations of these spokes.

Figure 2: Decision making hub and spoke locations – Pretoria, Abuja and Nairobi

Decision making hub	Spokes
Nairobi	<ul style="list-style-type: none"> • Addis Ababa • Kampala • Kigali • Kinshasa • Dar es Salaam
Abuja	<ul style="list-style-type: none"> • Takes in significant volumes of applications from Lagos
Pretoria	<ul style="list-style-type: none"> • Luanda • Lusaka • Lilongwe • Harare • Gaborone • Windhoek • Maputo • Johannesburg • Durban • Port Elizabeth • Cape Town

The Abuja visa section

- 3.20 The visa section in Abuja is one of three major visa sections in West Africa (the others are Accra and Lagos). Abuja is a standalone hub however, a significant volume of applications from Lagos are considered in Abuja. Abuja was selected for inspection because:
- in 2010 Abuja handled 90,325 visa applications – higher than Lagos (78,000) and Accra (33,000);
 - visa work continued to transfer from Lagos to Abuja in 2011; and
 - at the time of inspection Abuja had the highest number of staff in Africa.
- 3.21 Inspecting the visa section in Abuja also enabled us to follow up on recommendations made during our previous inspection of the visa section in Abuja in July 2009. This inspection identified a number of issues which have also been identified during a number of overseas inspections including:
- poor decision making quality;
 - a need to improve guidance; and
 - the need for more effective quality assurance around decision making.

3.22 Figure 3 provides a breakdown of staffing numbers in the Abuja Visa section at the time of our inspection.

Figure 3 : Staffing numbers at the visa section in Abuja	
Visa Section Staff	
Operations Manager (based in Abuja)	1
Entry Clearance Manager	6
Entry Clearance Officer	32
Office Manager	2
Entry Clearance Assistants	57
Visa Writers	3
RALON Staff	
Immigration Liaison Manager (based in Abuja)	1
Immigration Liaison Officer	2
Immigration Liaison Assistant	4
Returns Liaison Assistant	0
TOTAL	108

The Nairobi visa section

3.23 The visa section in Nairobi is a hub responsible for assessing applications from five spokes. Nairobi was selected for inspection because it is the only decision making visa section in East Africa.

3.24 At the time of our inspection, the visa section was comprised of 44 staff. Figure 4 provides a breakdown of staffing numbers in the Nairobi Visa section at the time of our inspection.

Figure 4: Staffing numbers at the Nairobi visa section	
Visa Section Staff	
Regional Manager (based in Nairobi)	1
Entry Clearance Manager	3
Entry Clearance Officer	9
Office Manager	1
Entry Clearance Assistants	20
Visa Writers	1
RALON Staff	
Immigration Liaison Manager (based in Nairobi)	1
Returns Liaison Officer	1
Immigration Liaison Officer	3
Immigration Liaison Assistant	3
Returns Liaison Assistant	1
TOTAL	44

The Pretoria visa section

- 3.25 The visa section in Pretoria acts as a hub, and assesses applications from 11 spokes in southern Africa. Pretoria was selected for inspection because it is the only decision making visa section in southern Africa. Pretoria is also the biggest hub in Africa by volume of applications, and has the second highest number of staff compared to all the visa sections in Africa.
- 3.26 It was also important for us to inspect the visa section in Pretoria because at the time of our inspection, the senior management team for the Africa region were located in Pretoria.
- 3.27 Figure 5 provides a breakdown of staffing numbers in the Pretoria Visa section at the time of our inspection.

Figure 5: Staffing numbers in the visa section in Pretoria

Visa Section Staff	
Regional Director (based in Pretoria)	1
Operations/Regional Manager (based in Pretoria)	1
Entry Clearance Manager	5
Entry Clearance Officer	18
Office Manager	2
Entry Clearance Assistants	30
Visa Writers	2
RALON Staff	
Regional Manager (based in Pretoria)	1
Immigration Liaison Manager (based in Pretoria)	2
Immigration Liaison Officer	2
Immigration Liaison Assistant	2
TOTAL	66

The UK visa section

- 3.28 All entry clearance applications made in Algiers are sent to the UK Visa Section for consideration. The UK Visa Section was established in October 2008 and was initially based at the Foreign and Commonwealth Office in London. In June 2009, it transferred to an Agency office in Croydon.
- 3.29 The UK visa section was selected as the North Africa location for inspection because:
- political tensions in other locations in North Africa (Cairo, Tripoli and Tunis) ruled these locations out;
 - there were fewer staff in the remaining location in North Africa (Rabat)⁴; and
 - this provided an opportunity for us to re-inspect this visa section, which was severely criticised as part of our earlier Abu Dhabi and Islamabad inspections in April 2010.
- 3.30 The inspection focussed on decision making and processes in the UK Visa Section however, it also involved an examination of processes in the visa section in Algiers.

4. At the time of our inspection there were ten staff in Rabat compared with 29 staff in the UK Visa Section.

3.31 Figure 6 provides a breakdown of staffing numbers in the UK Visa section and the visa section in Algiers at the time of our inspection.

Figure 6: Staffing numbers at the UK visa section and the visa section in Algiers	
Visa Section Staff	
Regional Manager	1
Operations Manager	1
Entry Clearance Manager	3
Entry Clearance Officer	10
Entry Clearance Officer in Algiers	0.8
Office Manager	1
Entry Clearance Assistants	14.1
Entry Clearance Assistants in Algiers	4
Administrative Assistant	1
RALON Staff	
Immigration Liaison Manager	1
Immigration Liaison Officer	1
Immigration Liaison Assistant	1
TOTAL	37.9

Scope

3.32 The inspection focussed on various aspects of the visa operation in each of the four visa sections selected, including the quality and timeliness of visa decisions in three visa application categories:

- Family visitor;
- Other visitor; and
- Settlement.

3.33 Family visitor visas were selected for examination because they were the second largest visa application category in each of the visa sections in the financial year 2010/11. The family visitor visa application category is especially important due to the impact poor decisions can have on maintaining family relationships.

3.34 Other visitor visa applications were selected for examination because they formed the majority of visa applications in all four visa sections in the financial year 2010/11. Assessing the quality and consistency of decision making in this category was therefore important in assessing the overall performance and effectiveness of each visa section. Examination of these cases also took into account the role of the Chief Inspector as the Independent Monitor for Entry Clearance Refusals without the Right of Appeal.

3.35 Settlement visa applications were selected for examination because our earlier inspection of the UK Visa Section identified real concerns with the quality and consistency of decision making in the settlement visa category. We therefore felt it was important to further investigate the Agency's performance in this area. Settlement decisions are probably the most important decisions that Entry Clearance Officers make, as applications for settlement in the UK, when granted, allow individuals to stay and work in the UK for two years. Towards the end of this period, individuals can apply to stay permanently in the UK, if they continue to meet the requirements of the Immigration Rules

- 3.36 Because successful settlement applications lead to permanent settlement in the UK, it is particularly important that the Agency puts in place effective administration procedures to ensure its decisions:
- are fair;
 - are in accordance with the Immigration Rules;
 - align with its policy and guidance; and
 - support the achievement of its stated business objectives.
- 3.37 The inspection also examined:
- progress made in relation to the recommendations made by the Inspectorate, up to and including the Amman and Istanbul inspections; and
 - the use of risk profiles in the decision making process.
- 3.38 From 1 April 2010, the Agency measured its performance against the following customer service standards:
- to complete 90% of visa applications (except settlement categories), in not more than three weeks, 98% in six weeks and 100% in 12 weeks; and
 - to complete 95% of applications for settlement visas in not more than 12 weeks and 100% in not more 24 weeks.
- 3.39 We therefore assessed the Agency's performance in line with these customer service standards.

Methodology

- 3.40 The onsite phase of the inspection of the UK Visa Section took place between 6 and 17 June 2011. The onsite phase of the inspection of the Nairobi, Abuja and Pretoria visa sections took place between 11 and 22 July 2011.
- 3.41 As part of the inspection we compared performance between each location, three of which fell into the Africa region, with the remaining location falling into the EuroMed Region.
- 3.42 A range of methods were used during the inspection, including:
- file sampling (840 cases across all four visa sections);
 - staff and stakeholder interviews;
 - staff focus groups; and
 - staff observation.
- 3.43 On the final day of the onsite phase of the inspection of each visa section, the inspection team provided feedback on high level emerging findings to the Agency.
- 3.44 The inspection identified 12 recommendations for improvement to operational service delivery in Africa. A full summary of recommendations is provided on page 8 of this report.

4. Inspection findings – Operational Delivery

Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration

Decision making

- 4.1 This section provides highlights of the results and analysis of the files we examined prior to the on-site phase of our inspection and the additional files we looked at on site for each of the four visa sections we inspected. More detailed analysis for each post follows in Appendices 1-4.
- 4.2 We requested 160 files from each post, split between settlement and other visitor applications and chosen randomly from decisions made at the post between 1 November and 28 February 2011. We were pleased to find very little evidence of problems in regard to file storage and retrieval at Nairobi, Abuja or Pretoria as we received all of the files we requested with only very few exceptions. However, 16 of the files requested from UK Visa Section could not be located.
- 4.3 We were told this was because the off-site storage facility did not record case reference numbers, which meant retrieval of files was not as straightforward as it should have been. We were subsequently told this process had been changed to ensure that files could be tracked and retrieved when necessary. We have highlighted numerous problems with file retrieval across the Agency in previous inspections.
- 4.4 We also sampled 50 family visitor applications on site at each post, chosen randomly from decisions made at post between 30 May and 24 June 2011 for Nairobi, Abuja and Pretoria, and between 25 April and 20 May 2011 for the UK Visa Section. We were pleased to find no issues regarding file retrieval as we received all files requested.
- 4.5 Details of the exact number of files sampled in each category including numbers of issues, refusals and any cases out of scope are provided for each post in Appendix 1-4.
- 4.6 In the sampled cases we considered both the timeliness of the decisions taken and the quality of the decisions made. Details of our findings, split according to visa category, follow.

Timeliness

- 4.7 At the time of our inspection, the UK Border Agency measured its performance against the following customer service standards:
 - *To complete 90% of non-settlement visa applications in not more than 15 working days, 98% in 30 working days, and 100% in 60 working days; and*

- *To complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days.*

Nairobi

- 4.8 The results of our sampling showed that Nairobi:
- met or exceeded all of the customer service targets for family and other visit issues and refusals;
 - met the 120 day target for both settlement issue and refusal cases;
 - missed the 60 day target for both settlement categories; and
 - missed its targets in 8 out of the 175 cases (5%) we looked at overall.
- 4.9 Where the targets were missed, these were generally not missed by many days. Overall we found this was a generally good performance.
- 4.10 However, the Agency informed us that there had been long delays in getting the results in cases where DNA testing was required. A system had been put in place to track these cases. In order to meet the 12 week customer service target managers in the Nairobi Visa Section had decided to refuse these cases on the IT caseworking system but not send out the decisions until the results came back. Managers told us they had done this because they felt that the reason for the delays was not something within their control. They had worked on streamlining the system and told us the referral process for DNA cases was now much quicker than previously.
- 4.11 We were disappointed to find that the Nairobi Visa Section had manipulated its performance in relation to the Agency's customer service standards. This would have had an adverse impact on applicants, who were being misinformed about the level of the Agency's performance in meeting its 60-day target. The Nairobi Visa Section advised us that this practice had ceased after three months and on reflection accepted it was wrong. We commented on a similar practice we found in Abuja when we first inspected that post in 2009. We believe that any such practice is completely unacceptable and that the Agency must ensure it reports performance accurately against its stated performance targets.

Pretoria

- 4.12 The results of our sampling showed that Pretoria:
- met or exceeded all of the customer service targets for family and other visit issues and refusals;
 - achieved all its targets for both settlement issue and refusal cases; and
 - missed its targets in 2 out of the 185 cases (1%) we looked at.
- 4.13 Overall we found this was a generally good performance.

Abuja

- 4.14 The results of our sampling showed that Abuja:
- met all of its targets for family visit issue cases, and for other visit issues it exceeded the 15 day target, met the 30 day target and missed the 60 day target;
 - met or exceeded all of its targets for both family and other visit refusals;
 - met both the 60 and 120 day targets for settlement refusal cases but missed both targets for settlement issue cases; and

- missed its targets in 3 out of the 193 cases (2%) we looked at.

4.15 Overall, we found this was a generally good performance.

UK Visa Section

4.16 The results of our sampling showed that UK Visa Section:

- missed its 15 and 30 day targets for family visit issue cases but met its 60 day target. For other visit issues it met the 60 day target, exceeded the 30 day target but missed its 15 day target;
- missed its 15 day target for both family and other visit refusals. Met its 60 day target but missed its 30 day target for family refusals while meeting the 60 day target and exceeding the 30 day target for other visit refusals;
- missed both the 60 and 120 day targets for both settlement issue and refusal cases; and
- missed its targets in 71 out of the 175 cases (41%) we looked at.

4.17 In comparing the performance of the four visa sections, it is clear that the performance of UK Visa Section in processing applications from Algiers was poor, and the worst in the region. For example, we noted that no family visit issue cases and only 20% of family visit refusal cases were decided in 15 days. The Agency informed us that a contributory factor to this poor performance was the significant IT problems caused in March 2011 when Algiers applications went online and the section started processing applications from Dusseldorf. We noted when we were on site in June that these problems were still ongoing and yet to be fully resolved.

4.18 We were concerned to receive feedback from British Embassy staff in Algiers that the poor visa processing performance had caused reputational damage to the UK with complaints being made and the issues being raised by the Embassy at senior levels within the Agency.

Staff Targets

4.19 We found that in order to attain customer service standards, benchmark targets had been set which Entry Clearance Officers (ECOs) and Entry Clearance Assistants (ECAs) were expected to meet on a daily basis. These had been set at each of the four visa sections and on the whole had been developed with some involvement or consultation with staff, although this was said to be limited at UK Visa Section. Staff generally understood their targets and how these had been determined.

4.20 Managers acknowledged that the complexity of cases could impact on the achievement of benchmarks but believed that generally they were achievable. This view was largely echoed by staff although some voiced concerns that achieving the numerical targets could have a negative impact on the quality of the decisions they made. These concerns appear to have been borne out by the results of our file sampling which highlighted poor quality decision making.

4.21 We found the benchmarks for the various different categories of cases were different across the four visa sections and although some of the benchmarks were in the same region, others were significantly different with no obvious reason for this. While we recognise local factors at each post played an important role in determining appropriate targets it was not clear why there should be such significant differences. This is illustrated by Figure 7 below:

Figure 7: Examples of benchmarks in different visa sections

Visa post	Settlement application	Low risk application
Nairobi	15	50
Pretoria	20-30	90-130
Abuja	12	Not defined
UK Visa Section	15	35

Decision Quality

4.22 In Nairobi and Pretoria we found that overall the quality of decision making was good with generally good quality writing in refusal notices. We had greater concern however regarding the quality of decision making in Abuja and the UK Visa Section.

Abuja

4.23 We found there was significant room for improvement in decision quality in Abuja and were disappointed to note no measurable improvement since our previous inspection in July 2009.

4.24 Failure to retain key evidence on case files contravened the Agency's guidance to staff and meant there was a lack of transparency with regard to decision making. As a result we were unable to conclude whether decisions had been made in line with evidence submitted in a significant number of cases we sampled. We were therefore unable to establish the basis on which these decisions had been made or if they were reasonable. Managers in Abuja acknowledged their awareness of this problem and accepted improvements in this regard were required.

4.25 We were concerned to note significant problems regarding the quality of settlement decision making. The main problem we found related to indefinite leave to enter being incorrectly granted to applicants in 14 of the 135 (10%) settlement cases we initially requested from which to select our sample of 50 cases. This was a serious error which the Agency acknowledged, confirming that it was aware of problems in this area. The Agency agreed that significant improvements needed to be made in this area in Abuja, and committed to providing further training for all ECOs and ECMs.

4.26 Despite a previous recommendation in our inspection report of the UK Visa Section in July 2010, we found a significant number of cases in Abuja where verification checks had not been carried out to support decisions, particularly decisions to grant settlement in the UK.

4.27 We found a number of cases where decisions had been made despite evidence being either disregarded or misinterpreted. We also found a significant number of cases in Abuja where applicants were refused a visa on the basis that they had not submitted information they would not have known to submit at the time of application. We were concerned further that these applicants were not afforded the opportunity subsequently to provide such additional information during the decision making process. We also found this problem in Nairobi, Pretoria and the UK Visa Section.

UK Visa Section

4.28 Our previous inspection of UK Visa Section reviewed its handling of settlement cases from Pakistan. These are no longer decided by UK Visa Section. This inspection considered its handling of settlement cases from Algeria. While we noted an improvement in the number of verification checks undertaken, we found the decision making was still not of a high quality.

- 4.29 Problems we identified included staff often misinterpreting or disregarding evidence when assessing applications. In addition, these errors were not identified during the quality assurance process where ECMs reviewed decisions.
- 4.30 As in Abuja, we also identified cases where applicants were refused a visa on the basis that they had not submitted information they would not have known to submit at the time of application. As we set out above we consider this practice was unfair. We were therefore pleased that this practice was stopped immediately once we brought it to the attention of local management.
- 4.31 We were disappointed in the quality of refusal notices as in many cases the wording was not in line with the evidence submitted and therefore not always relevant to the applicant's circumstances. We noted some cases where implicit value judgements appeared to have been made as indicated by the use of inappropriate phrases.
- 4.32 In addition in each of the four visa sections we had some concerns over certain aspects of decision quality, the highlights of which are reported on below under the various visa category headings we examined. Detailed findings for each post can be found in Appendices 1-4.

Results of the sample of Family and Other Visitor refusals of entry clearance

- 4.33 Refused Family and Other Visitor entry clearance cases were examined using various quality indicators, including:
- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the correct information on appeal rights provided to the applicant?
 - Was the administration of the case sound?⁵
- 4.34 Figure 8 sets out our overall findings in relation to these visa categories across all four Visa Sections. We provide more detailed information under the various decision quality headings that follow the table.

Figure 8: Decision quality file sampling results for Family and Other Visitor refusals of entry clearance

Post	Cases examined	Number examined	Cases failed one or more decision quality indicator	%
Nairobi	Family Visitor	25	17	68
Pretoria	Family Visitor	24	7	29
Abuja	Family Visitor	25	16	64
UK Visa Section	Family Visitor	25	17	68
Other Visitor				
Nairobi	Other Visitor	38	15	39
Pretoria	Other Visitor	30	10	33
Abuja	Other Visitor	35	19	54
UK Visa Section	Other Visitor	38	30	79

5. Unsound administration would refer to an administrative failing so serious as to adversely affect the decision outcome, for example where delays in processing mean the reason for the application had passed, such as attendance at a particular event, although the application was made in good time.

Immigration Rules

- 4.35 We were pleased to find that the decision to refuse entry clearance was assessed against the correct Immigration Rules in all cases we examined in both the other visitor and family visitor visa categories in Nairobi, Pretoria and Abuja. In addition, every case we examined in UK Visa Section was also assessed against the correct Immigration Rules with the exception of one family visitor case where the incorrect paragraph was quoted in the refusal notice.

Correct information given on appeal rights

- 4.36 The correct information was given on appeal rights for:
- Nairobi - all other visitor cases and all but two family visitor cases
 - Pretoria - all family and other visitor cases sampled;
 - Abuja – all other visitor cases and all but one family visitor case; and
 - UK Visa Section – all family visitor cases and all but four other visitor cases.
- 4.37 The problems in Nairobi and UK Visa Section involved a full right of appeal given when the applicant was only entitled to a limited right of appeal. The Abuja case involved a failure to grant a full right of appeal when the applicant was entitled to one. The Agency agreed to issue a written apology and send out a revised refusal notice granting a full right of appeal.

Decision in line with evidence

Nairobi

- 4.38 We found for Family Visit refusal cases, 17 of the 25 cases sampled failed one or more of the decision making quality indicators. In all 17 cases the decision had not been made in line with all available evidence. We questioned whether the correct overall outcome had been reached in three cases. We were pleased to find that sufficient evidence was retained on file to enable us to examine the decisions in all 25 cases.
- 4.39 For Other Visit refusal cases we found 14 of the 38 cases sampled failed one or more decision quality indicator, and in 12 of these cases the decision had not been made in line with all available evidence. We questioned if the overall outcome had been reached in one case, and were unable to fully assess the decision in two cases due to a lack of evidence being retained on file.
- 4.40 The main reasons we found decisions had not been made in line with all available evidence involved the Agency refusing applications on the basis that the applicant had failed to submit information they would not have known to submit at the time of application. We found 17 Family and eight Other Visit cases where applications were refused on this basis and the applicant was not given an opportunity to provide this further information. Examples of reasons given for refusal on this basis included:
- failing to demonstrate how applicants have met and know friends they wish to visit;
 - when applying to join the British Army, failure to demonstrate any previous interest in the applicant's national army; and
 - failing to evidence the family relationship between the applicant and the sponsor.
- 4.41 We also found nine Family and eight Other Visit cases where the ECO had disregarded or misinterpreted evidence to the detriment of the applicant, for example relating to maintenance or funding for the visit. Examples included:

- disregarding invitation letters from sponsors;
- misreading bank statements; and
- disregarding pay slips and employment letters submitted by the sponsor.

4.42 We were pleased to note that when we discussed cases with the Agency where we had particular concerns, the Agency agreed with our findings relating to 13 cases where additional information requirements had been made, and immediately revised refusal wording templates so that refusal notices in family visit cases no longer commented on a failure to provide evidence of a family relationship where that relationship has been stated. Details and outcomes of further cases we discussed with the Agency, together with case studies follow in Appendices 1-4.

Pretoria

4.43 We found for Family Visit refusal cases, 7 of the 24 cases sampled failed one or more of the decision making quality indicators because the decision had not been made in line with all available evidence. In addition we were unable to fully assess the decision in two cases due to a lack of evidence being retained on file.

4.44 For Other Visit refusal cases we found 7 of the 30 cases sampled failed one or more decision quality indicator as the decision had not been made in line with all available evidence. We were unable to fully assess the decision in two cases due to a lack of evidence being retained on file. We questioned whether the correct overall outcome had been reached in one case.

4.45 The main reasons we found decisions had not been made in line with all evidence were similar to those found in Nairobi:

- requiring additional information from applicants that they would not have known to submit at the time of applying, for example requesting proof of the relationship between the applicant and sponsor;
- failing to notice inconsistencies within the application and/or within supporting documentation, for example discrepancies between claimed salary and bank account deposits; and
- Disregarding positive evidence, for example where a sponsor letter confirming the applicant will be accommodated during the visit has not been taken account of in assessing the application.

4.46 As in Nairobi we were pleased to note that the Agency accepted our concerns regarding inappropriate wordings used in refusal notices regarding the need to evidence relationships between applicants and sponsors, and took immediate steps to ensure staff stopped using them.

Abuja

4.47 We found for Family Visit refusal cases 9 of the 16 cases sampled failed one or more of the decision making quality indicators because the decision had not been made in line with all available evidence. We were however satisfied that all of these decisions had been made correctly. In addition we were unable to fully assess the decision in seven cases due to a lack of evidence being retained on file.

4.48 For Other Visit refusal cases we found eight of the 19 cases sampled failed one or more decision quality indicator as the decision had not been made in line with all available evidence. We found that three decisions to refuse had been made incorrectly. We were unable to fully assess the decision in eleven of the 19 cases due to a lack of evidence being retained on file.

- 4.49 We found similar problems in Abuja as in Nairobi and Pretoria. For example, we found 12 Family and five Other Visit cases where additional information requirements had been made of applicants who would not have known this information was required when applying. Examples of additional information requirements included refusing on the grounds of failing to evidence:
- relationships to sponsors;
 - grades and attendance records in relation to university studies; and
 - origin of funds.
- 4.50 We also found five Family and four Other Visit cases where ECOs had disregarded positive evidence or misinterpreted evidence. Examples of this included misreading bank statements and confusing total income with total salary of applicants.
- 4.51 We discussed a number of cases with the Agency and full details of the results of these discussions together with case studies follow in Appendices 1-4. However it is worth noting here that although we were concerned to find the same problem here in relation to refusal wordings regarding the need to evidence family relationships, we were pleased that the Agency responded positively, with managers quickly telling ECOs to stop using inappropriate template refusal wordings, and arranging to review the wordings to be used in future.

UK Visa Section

- 4.52 We found for Family Visit refusal cases 17 of the 25 cases sampled failed one or more of the decision making quality indicators because the decision had not been made in line with all available evidence. We questioned whether three of these decisions had been made correctly but we were pleased to find that sufficient evidence was retained on file to enable us to examine the decisions in all 25 cases.
- 4.53 For Other Visit refusal cases we found 29 of the 38 cases sampled failed one or more decision quality indicator as the decision had not been made in line with all available evidence. We questioned whether 10 of the decisions to refuse had been made correctly. We were unable to fully assess the decision in one of the cases due to a lack of evidence being retained on file.
- 4.54 As in the other visa sections inspected we found the reasons decisions were not made in line with all evidence mainly related to applying additional information requirements which applicants would not have known at the time of applying, and to misinterpreting or disregarding evidence. We found 15 Family and 21 Other Visit cases where refusals had been made on the basis of failure to provide evidence such as origin of funds or evidence of family relationships. We also found 15 Family and 23 Other Visit cases where ECOs had failed to assess evidence correctly including misreading bank statements and disregarding sponsor letters and employment letters.
- 4.55 We discussed a number of cases with the Agency and were pleased with their positive response.

Results of the sample of Family and Other Visitor grants of entry clearance

- 4.56 Granted Family and Other Visitor entry clearance cases were examined using various quality indicators, including:
- Was the decision to grant entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the visa issued with the correct endorsement and for the correct period of validity?

4.57 Figure 9 sets out our overall findings in relation to these visa categories across all four visa sections. We provide more detailed information under the various decision quality headings that follow the table.

Figure 9: Decision quality file sampling results for Family and Other Visitor grants of entry clearance

Post	Cases examined	Number examined	Cases failed one or more decision quality indicator	%
Nairobi	Family Visitor	25	5	20
Pretoria	Family Visitor	25	20	80
Abuja	Family Visitor	25	20	80
UK Visa Section	Family Visitor	18	9	50
Other Visitor				
Nairobi	Other Visitor	33	3	9
Pretoria	Other Visitor	39	19	49
Abuja	Other Visitor	34	13	38
UK Visa Section	Other Visitor	38	12	32

Immigration Rules

4.58 The decision to grant entry clearance was assessed against the correct Immigration Rules in all cases we examined in both the family and other visitor visa categories in Nairobi, Pretoria and UK Visa Section. This was also the case for all family visitor cases in Abuja. However, we found that the decision to grant entry clearance was not assessed against the correct Immigration Rules in five (15%) other visitor cases in Abuja.

Decision in line with evidence

Nairobi

4.59 For Family Visit cases we found five cases failed one or more decision quality indicators. The reason for this in two cases was due to the decision not having been made in line with all evidence, in another we questioned if the decision was correct, and in three cases there was insufficient evidence on file to allow us to fully assess the decision.

4.60 For Other Visit cases we found one case where the decision had not been made in line with all evidence and two cases where there was insufficient evidence on file to enable us to fully assess the decision.

4.61 Problems were mainly due to inconsistencies not being identified or clarified, and we found that notes on the Agency's caseworking IT system could have been better in some cases. For more details of cases discussed with the Agency, please refer to Appendices 1-4.

Pretoria

4.62 For Family Visit cases we found 20 out of 25 cases sampled failed one or more decision quality indicators. 18 of these failed solely because the supporting evidence provided by the applicant was not retained on file or on the IT caseworking system. We were therefore unable to review the decision to assess whether it was correct. Two other cases failed due to either inconsistent evidence or no evidence provided by applicants.

- 4.63 For Other Visit cases we found 19 out of the 39 cases sampled all failed the decision quality indicator relating to decisions not being made in line with all available evidence as there was a complete lack of supporting evidence retained either on file or on the IT caseworking system.
- 4.64 As we have previously mentioned, in not retaining relevant documentation, or at least referring to it on the IT caseworking system, the Agency leaves itself open to criticism in relation to the lack of a clear audit trail to substantiate why decisions were made to grant visas. We found the Agency was not adhering to its own guidance with regard to retention of relevant documents, however we were pleased to note that when we raised this issue, steps were taken to reissue guidance to staff and ensure consistency of approach in this regard.

Abuja

- 4.65 We found that 20 out of 25 Family Visit cases and 13 out of 34 Other Visit cases sampled failed one or more decision quality indicator. Each of the 33 cases identified failed because the Agency had not retained sufficient evidence on file or on the IT caseworking system to enable us to determine whether or not the decision had been made correctly. As we have already mentioned regarding cases like this in Pretoria, this lack of transparency means we are unable to provide assurance on the veracity of the decisions made.

UK Visa Section

- 4.66 For Family Visit cases we found nine of the 18 cases sampled failed one or more decision quality indicators as the decision had not been made in line with all available evidence. While we were pleased to find sufficient evidence had been retained on file to enable us to fully review the decision, we questioned if the correct decision had been made in six cases.
- 4.67 For Other Visit cases we found six cases where the decision had not been made in line with all available evidence, four cases where we questioned if the correct decision had been made, and four cases where insufficient evidence had been retained on file.
- 4.68 The main problems identified relating to decisions not being made in line with all available evidence involved a failure to collect sufficient evidence of applicants' and / or sponsors' circumstances to justify granting entry clearance. Examples included details of applicants and sponsors' employment, salary or funding, and invitation letters from sponsors. We also found a number of cases where the notes on the IT caseworking system were insufficiently detailed. Full details of all cases discussed with the Agency are contained in Appendices 1-4.

Visa issued with correct endorsement and with correct period of validity

- 4.69 We found the quality of visas issued as follows:

Nairobi:

- Family Visit cases all had the correct visa endorsement but we found two cases where data entry errors meant the date of issue was incorrect; and
- Other Visit cases all had the correct validity period but four cases had wrong endorsements.

Pretoria:

- All Family Visit and Other Visit cases had the correct endorsement and period of validity.

Abuja:

- All Family Visit and Other Visitor cases had the correct endorsement and period of validity with the exception of one other visitor case with the wrong endorsement.

UK Visa Section:

- All Family Visit cases had the correct endorsement and period of validity; and
- Two other visitor cases had errors in either endorsement or period of validity.

Results of the sample of Settlement Visa refusals

4.70 Refused Settlement visa entry clearance cases were examined using various quality indicators, including:

- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the correct information on appeal rights provided to the applicant?
- Was the administration of the case sound?

4.71 Figure 10 sets out our overall findings in relation to these Settlement visa refusals across all four visa sections. We provide more detailed information under the various decision quality headings that follow the table.

Figure 10: Decision quality file sampling results for Settlement visa refusals

Post	Cases examined	Number examined	Cases failed one or more decision quality indicator	%
Nairobi	Settlement visa refusal	35	9	26
Pretoria	Settlement visa refusal	39	10	26
Abuja	Settlement visa refusal	37	22	59
UK Visa Section	Settlement visa refusal	37	27	73

Immigration Rules

4.72 We noted that all cases in our sample from Nairobi were assessed against the correct Immigration Rules. This was also true for all but one case in Pretoria and UK Visa Section, and for all but two cases sampled in Abuja.

Correct information given on appeal rights

4.73 We were pleased to note that the correct information on appeal rights was given for all cases in our sample at each of the four visa sections inspected.

Decision in line with evidence

Nairobi

- 4.74 Of the nine settlement visa refusal cases sampled which failed one or more decision quality indicators, two failed due to the decision not being made in line with all available evidence. Seven cases failed due to sufficient relevant evidence not being retained on file to enable us to fully assess if the correct decision had been made. We were however satisfied the correct decision had been made in all remaining cases sampled.
- 4.75 We found decisions had not been made in line with all available evidence due to imposing additional information requirements, for example, refusing an application on the basis an applicant had not provided evidence of their immigration status dating back to 2004, or disregarding positive evidence such as tenancy agreements.

Pretoria

- 4.76 We found 10 of the 39 cases sampled failed one or more decision quality indicators in that the decision was not made in line with all available evidence. In addition, we found four cases where there was insufficient supporting evidence retained on file to enable us to fully assess the decision made. We agreed the remaining cases however had been decided correctly.

Abuja

- 4.77 We found 22 of the 37 cases sampled failed one or more decision making quality indicators. 14 of these cases failed due to decisions not being made in line with all available evidence, and in two of them we also found the decision to refuse was incorrect. We agreed with the decision in 11 of these cases although aspects of the refusal notices were not in line with the evidence. Nine cases in the sample did not have sufficient relevant documentation retained on file to enable us to fully assess the decision made.

UK Visa Section

- 4.78 We found 27 of the 37 cases sampled failed one or more decision quality indicators. Each of the 27 cases failed due to the decision not being made in line with all available evidence, for example disregarding emails and telephone records as evidence of contact, or misinterpreting the English language certificates now required for applicants' spouses. Further examples are reported in Appendices 1-4.
- 4.79 We questioned whether the overall outcome decision had been made correctly in 10 cases. However, we were pleased to note no cases in our sample where applicants' supporting evidence was not retained on file.

Results of the sample of Settlement Visa grants of entry clearance

- 4.80 Grants of Settlement visa entry clearance cases were examined using various quality indicators, including:
- Was the decision to grant entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the administration of the case sound?
 - Was the visa issued with the correct endorsement and for the correct period of validity?

4.81 Figure 11 sets out our overall findings in relation to these Settlement visa refusals across all four visa sections. We provide more detailed information under the various decision quality headings that follow the table.

Figure 11: Decision quality file sampling results for Settlement visa grants of entry clearance

Post	Cases examined	Number examined	Cases failed one or more decision quality indicator	%
Nairobi	Settlement visa grant	16	3	19
Pretoria	Settlement visa grant	28	14	50
Abuja	Settlement visa grant	37	37	100
UK Visa Section	Settlement visa grant	19	9	47

Immigration Rules

4.82 We noted that all cases in our sample from Nairobi, Pretoria and Abuja were assessed against the correct Immigration Rules. This was also true for all but one case in the UK Visa Section where the case should have been assessed as a fiancée application but was assessed as a spouse case in error.

Decision in line with evidence

Nairobi

4.83 We found three out of 16 settlement grants failed one or more decision quality indicator as evidence submitted by applicants in support of their application had not been retained on file. We were unable therefore to examine this and assess if the decision to grant entry clearance was correct. We were however satisfied that the remaining cases sampled were all decided in accordance with the evidence submitted.

Pretoria

4.84 Of the 28 settlement grant cases sampled we found 14 were decided in line with the evidence submitted. However we were unable to fully assess 14 of the cases due to the lack of supporting documentation retained on file or documented on the caseworking IT system.

Abuja

4.85 We sampled 37 settlement grant cases and were concerned to find that all of them failed one or more decision quality indicator. We found that nine cases had not been decided in line with all available evidence, and we did not find the decision to grant seven of these cases were reasonable. One further case had a correct overall outcome although there were deficiencies in the decision making process.

4.86 We were unable to fully assess if the correct decision had been made in 29 cases as insufficient supporting evidence submitted by applicants had been retained on file or documented on the IT caseworking system.

4.87 In addition we found that verification checks that were required in accordance with Agency guidance had not been carried out in 36 out of the 37 cases sampled.

UK Visa Section

4.88 We found 9 settlement grant cases out of 19 sampled had failed one or more decision quality indicators as the decisions had not been made in accordance with all available evidence. We also questioned if the correct decision had been made in these nine cases. The main issues we found related to a failure to collect sufficient evidence of relationships between sponsors and applicants, and lack of consistency in considering what constituted a subsisting relationship. We did however note that the Agency was following its guidance in relation to retention of relevant documents as we found no cases where there was insufficient evidence on file to enable us to fully assess the decision made.

Visas issued with correct endorsement and with correct period of validity

4.89 We found the quality of settlement visas issued as follows:

- Nairobi - all cases had the correct validity period and endorsements;
- Pretoria - all cases had the correct endorsement and all but one case had the correct period of validity;
- Abuja - all cases had the correct period of validity and all but five cases had the correct endorsement; and
- UK Visa Section - all but one case had the correct endorsement and period of validity.

4.90 We were concerned to find that five settlement cases in Abuja had resulted in visas being issued with applicants being granted indefinite leave to remain in error rather than limiting the leave granted to a period of 27 months. These decisions had serious consequences which are discussed in more detail in Appendix 3. The Agency accepted the decisions were wrong and that it was imperative not to make such errors in future. Going forward the Agency must also ensure that its quality review systems identify such basic errors at the time they are made rather than being picked up through external review by the Inspectorate

General findings for the overall file sample

4.91 We were pleased to find no issues with regard to case administration as all cases reviewed had been administered soundly at each of the four visa sections inspected.

4.92 Overall we were pleased with the quality of visa vignettes. For example in Nairobi, out of 101 cases sampled across all the three categories of visa examined, we found 96 (95%) of vignettes were correct in terms of endorsements and period of validity.

4.93 Similarly in Abuja, other than the problem already reported in relation to those cases where indefinite leave to remain was granted in error, we found good quality visa vignettes in all but one case where the endorsement was incorrect. In Pretoria, every case we reviewed had the correct endorsement and period of validity with the exception of one settlement case which had been issued with an incorrect validity period. In the UK Visa Section we found the quality of visa vignettes was also good where all cases reviewed were correct other than three cases where we found errors in endorsements and / or validity periods.

4.94 We noted conflicting evidence in terms of the quality of refusal notices with generally good quality found in Nairobi and Pretoria, and not so good quality found in Abuja and the UK Visa Section.

4.95 We saw some good examples of refusal notices being personalised to the applicant rather than relying too heavily on the use of standard paragraphs and many of the notices seen were well written and easy to understand. Other notices contained poor grammar and punctuation and used statements which conveyed a somewhat unprofessional tone and made implicit value judgements.

- 4.96 In summary, we had three main concerns with our findings from file sampling. The first of these was the significant number of examples of applicants being asked to provide information, the need for which they would not have been aware of at the time of making their application. Examples of this included applicants being asked to prove their relationship to their sponsor in family visit cases. This is not a new finding but is something we have previously raised in other inspection reports and needs to be urgently addressed by the Agency. By refusing applicants visas on the basis they have not supplied information, the need for which they would not have known at the time of application, and then failing to allow them the opportunity to subsequently provide this, the Agency is not being fair to applicants.
- 4.97 Our second concern related to the lack of an audit trail for decision making caused by an inconsistent approach to retaining supporting documents relevant to the decision. We also found that a lack of comprehensive notes entered onto the Agency's IT caseworking system made it very difficult for us to ascertain why certain decisions had been reached. This practice contravenes the Agency's own guidance and has been reported in previous inspections. It is of particular concern in respect of settlement cases where the potential benefits to applicants granted visas are greatest, and where the Agency's reasoning should be clear.
- 4.98 Our third main concern related to the number of cases where we found evidence had been misinterpreted or positive evidence had been disregarded causing staff to refuse applications either incorrectly, or to write inaccurate refusal notices which were not in line with all available evidence.

Detailed checks

- 4.99 As part of our file sampling exercises we considered whether verification checks had been carried out to assess the validity of supporting documents or other information in relation to sponsors and applicants. Although we found a high number of cases where relevant checks had been undertaken, we still found a number of cases where checks had not been done when we considered they should have been. Figure 12 refers.

Figure 12: Cases without appropriate verification checks

Post	Cases examined	Number examined	Cases without appropriate checks	%
Nairobi	Family Visit and Other Visit	124	3	2
Pretoria	Family Visit and Other Visit	108	1	1
Abuja	Family Visit and Other Visit	119	4	3
UK Visa Section	Family Visit and Other Visit	126	6	5
Settlement cases				
Nairobi	Settlement	51	8	16
Pretoria	Settlement	67	3	4
Abuja	Settlement	74	42	57
UK Visa Section	Settlement	56	9	16

- 4.100 We were particularly concerned with regard to settlement cases due to the high numbers of cases without adequate checks being performed. Following a recommendation we made in our report on our previous inspection of UK Visa Section, the Agency issued guidance on 6 April 2010 to staff to the effect that additional checks on sponsors should be routinely made in settlement applications. While there had been an improvement in the numbers of checks made by UK Visa Section since our last inspection, the Agency accepted it still needed to do more.

4.101 We were particularly concerned at the lack of checks in Abuja where the Agency accepted that it had not been following Agency guidance in this regard. We noted however that following managers identifying this problem following their own review of our file sample, they had provided settlement training for staff, including the need to perform additional checks.

Quality Checking

4.102 We found mixed evidence regarding the effectiveness of quality checking mechanisms in operation at the four visa sections we inspected. Agency guidance sets out that ECMs are expected to carry out checks of:

- 10% of visa issue decisions;
- 25% of settlement refusal decisions;
- 25% of limited appeal right refusal decisions;
- 100% of Paragraph 320 refusal decisions; and
- 100% of cases where grounds for appeal are submitted.

4.103 In Nairobi we found the quality checking mechanism was working well with ECMs confirming they felt they had sufficient time to do all their required checks and more. They had also recently commenced a pilot to look at cases in more depth to help further improve the quality and consistency of refusal notices. The Operations manager monitored the checks made by ECMs in terms of both numbers and quality of checks made. Our file sampling indicated ECM reviews were undertaken well.

4.104 In Pretoria we found clear guidance was in place, in line with that set out by the Agency, regarding the expected level of quality checks to be made by ECMs. ECMs confirmed they carried out the requisite number of checks, although they told us that checking 10% of all issue cases could be somewhat challenging during busy times. We were told that feedback was given to ECOs following quality checking and this was confirmed by ECOs. Our file sampling showed that the percentage of cases which had been reviewed by ECMs complied with Agency guidance in all visa categories reviewed.

4.105 In Abuja we found that quality checking mechanisms were not being operated in line with Agency guidance. Prior to our onsite visit we had been led to believe that ECM checks of the requisite levels were made. However, during the inspection ECMs told us they did not always have time to carry out the expected numbers of checks. The Operations Manager confirmed that the ECMs were not currently carrying out the full range of reviews required due to pressure of work. This is consistent with the problems on decision quality we found in our file sampling. This was of particular concern to us given that following our first inspection of Abuja we recommended that the Agency *“uses Entry Clearance Manager Review Guidance Tools to quality assure issues and refusals of entry clearance”*. Staff also raised concerns regarding insufficient and inconsistent feedback on the quality of their work from ECMs which limited opportunities for learning.

4.106 In UK Visa Section we similarly found that the quality checking mechanism was not operating effectively in accordance with Agency guidance. We identified real problems with decision quality in a significant number of the cases we sampled and found that while many of these cases had been subject to an ECM review, these had not picked up the issues we identified. In our sample across all visa categories, we found 36 cases had been reviewed by an ECM and of these, 13 cases (36%) had failed a decision quality indicator.

4.107 ECMs told us that due to the number of checks they had to do they could only spend a short time on each, often only a few minutes per case and this was not enough time to properly assess the level of decision quality to the required standard. We also found cases in our sample where Paragraph

320 had been applied without being authorised by an ECM. ECMs confirmed that not all ECOs referred these cases to them as they should. ECOs also commented that they received insufficient and inconsistent feedback regarding the quality of their work.

- 4.108 Disappointingly, we found different practices and different levels of quality assurance in operation at the four visa sections inspected. There are definite links between the effectiveness of the quality assurance mechanism and the quality of decision making at respective visa sections which clearly point to a need for considerable improvement in this area in Abuja and the UK Visa Section. We discuss this further later in the report in Chapter 6 where we make a recommendation for improvement.

Staff training, development and morale

- 4.109 We found that ECOs and ECMs at each of the four visa sections inspected had received core training provided in the UK. Each of the visa sections also provided some form of local induction training, as well as a “*buddying*” or mentoring system, where new ECOs shadowed a more experienced member of staff for a period of time. Several of the visa sections also mentioned they had produced written guidance in the form of “*desk-notes*” to aid staff in their roles.
- 4.110 ECMs at the UK Visa Section commented that they had not received any induction training and felt they had not been trained or supported sufficiently to equip them to work effectively in what was their first ECM post. ECMs in Abuja confirmed they had received little in the way of induction or post-specific training on arrival in post or further development.
- 4.111 Entry Clearance Assistants (ECAs) told us they had no formal training package and essentially learned on the job by shadowing other staff. Concerns were raised by staff that this could lead to inconsistencies and the passing on of bad habits.
- 4.112 We found different levels of satisfaction among staff regarding more general training at each of the visa sections. Some felt that local training initiatives were good, for example recent forgery training in Nairobi and training on verification and child trafficking at the UK Visa Section.
- 4.113 Abuja had developed a six week ECO training programme to supplement the core ECO training delivered in the UK and staff told us this was a considerable improvement on previous training for the ECO role. Abuja had also set up a training team of six ECOs who were responsible for delivering training outwith the post’s busy summer period. They had recently delivered settlement training prior to our visit after discovering problems with decision quality in our file sample.
- 4.114 We found mixed views on the availability of development opportunities with pressures of work often cited as a barrier. We also received some feedback that selection processes for development opportunities were not always transparent.
- 4.115 We noted however that “*lunch and learn*” sessions had been implemented in several visa sections and development sessions held had been well received, for example on equality and diversity and child protection.
- 4.116 We found mixed views on morale with considerable variation in the views held by staff, both within, and between the different visa sections inspected. In Nairobi we found that staff generally felt valued and respected, telling us that they found their managers listened to them and were supportive. Staff told us things were much better than they had been previously in this regard. Some locally engaged staff did however criticise the lack of development opportunities offered to them, and felt that UK staff were able to work more flexible working hours than they were.
- 4.117 In Pretoria we found mixed views on morale with the main area of concern relating to staff feeling uncertain about their future when their current posting came to an end. A number of line managers

expressed concern about the lack of time they had to concentrate on line management duties, with some giving us an example of how they had not had sufficient time to complete the required E-learning line manager training module. E-mail was used to communicate changes, for example, the introduction of new OPIs. Many staff mentioned to us that there used to be weekly round-up meetings with ECMs and ECOs where changes such as these would have been discussed, notes taken and minutes distributed to ensure all staff were made aware of changes. These meetings had not been held for a number of weeks but many staff felt it would be of real benefit to reinstate them.

- 4.118 Staff at all levels in the UK Visa Section described morale there as being very low. They perceived a “*them and us*” divide between staff and managers with staff criticising managers’ style of leadership and lack of knowledge. Managers confirmed they felt they were not respected if they did not have previous entry clearance experience. This had resulted in a lack of trust and an absence of team spirit. Staff did however confirm regular team meetings were held where they could raise issues but some staff said they did not feel they were listened to and these meetings could get quite heated. The Algiers team confirmed that communication had improved with regular weekly telephone conference calls helping them feel more a part of the UK Visa Section team.
- 4.119 We found the level of staff morale in Abuja was low, particularly amongst ECAs. Staff at all levels expressed concerns regarding perceived disparity of treatment of staff and inappropriate behaviour exhibited by some managers, which was said to have caused a breakdown of trust and respect. Staff surveys in 2009 and 2010 had identified previous issues with allegations of bullying and harassment and the Agency had produced Better Management Action Plans to address these issues. While we noted various promising actions had been identified it was not clear how much progress had actually been made in this regard at the time we were on site. Staff indicated there was still much to do in terms of improving communication, consistency of approach of ECMs, feedback to staff, and prioritising training and development.
- 4.120 We observed ECAs having to work in unsuitable conditions, crawling on the floor each morning to count case files. We raised this with the Operations Manager who confirmed this was a priority for him to resolve but it was not clear when a solution would be found to this problem.

We recommend that the UK Border Agency:

- provides applicants with clear information and guidance in advance of their application, about the requirements they need to meet when submitting their application.
- ensures that when applicants have followed published guidance, but Entry Clearance Officers require further information to make a decision, applicants are given an opportunity to provide this.
- ensures it records a clear rationale for entry clearance decisions and adequate case notes generally, on its IT case working system, and adopts a consistent approach to the retention of supporting documents on file, in order to maintain a clear audit trail.

Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted

Paragraph 320 of the Immigration Rules

- 4.121 The results of our file sampling demonstrated that staff in Nairobi, Pretoria, Abuja and UK Visa Section were using Paragraphs 320 (7A), (7B) and (11) in their assessment of visa applications.

Figure 13 below provides an explanation of Paragraph 320 and its sub paragraphs.

Figure 13: Paragraph 320 of the Immigration Rules

- Paragraph 320(7a) is one of the general grounds for refusal and is used when a false document has been submitted or false representations made on the application or material facts not disclosed - in these cases refusal of entry clearance will follow.
- 320(7b) is used when there has been a previous breach of immigration law or the use of deception in an entry clearance application, and depending on the circumstances will result in the refusal of any future entry clearance applications for a specified time, up to a maximum of ten years.
- 320(11) is a discretionary power to refuse an application for frustrating the intentions of the Immigration Rules. This applies where the applicant has been in breach of UK immigration or other law and / or received services or support to which they were not entitled. For this paragraph to apply there must have been aggravating circumstances. Examples of aggravating circumstances include absconding, engaging in a sham marriage, or using an assumed identity to illegally obtain state benefits.

- 4.122 We were pleased to find cases where paragraph 320 (7A), (7B) and (11) was considered were of a generally satisfactory standard. During our file sampling of cases from Nairobi and Pretoria we found no evidence of any inappropriate use of paragraph 320 and no cases where paragraph 320 should have been applied but had not been. This was a good performance and better than we have seen in a number of other visa sections previously.
- 4.123 However, in our sampling of Abuja cases we found three settlement cases where paragraph 320 had been applied incorrectly, and one settlement case where it had not been applied but in our view should have been. In the UK Visa Section we found four settlement cases with inappropriate uses of paragraph 320. This demonstrates the Agency has further work to do to ensure paragraph 320 is used consistently across all of its visa sections, particularly as the penalties it confers are significant from an individual's point of view.
- 4.124 In Nairobi, Pretoria and Abuja, staff and managers confirmed that all potential paragraph 320 refusal cases were referred to an ECM to review the case in accordance with Agency guidance. However, during our sampling of UK Visa Section cases we found a number of cases where paragraph 320 had been applied but the case had not been referred to an ECM. During the on-site phase of our inspection ECMs in the UK Visa Section confirmed to us that ECOs had been reminded they should refer these cases to ECMs, but some staff were still not following the correct procedure. This is unacceptable and the Agency needs to ensure staff follow instructions.
- 4.125 We found that staff in Nairobi, Pretoria and Abuja had completed the e-learning training on the use of paragraph 320. However some staff in UK Visa Section told us that they had not all completed this training and may account for the ongoing problems there. There are clear links here with the issue we found in Abuja where staff had not been properly trained on settlement applications resulting in the incorrect granting of indefinite leave to enter. The Agency needs to ensure that training for staff is delivered at the appropriate time to ensure decisions made are 'right first time'.

RALON

- 4.126 RALON (Risk and Liaison Overseas Network) is a multi-functional operation delivering objectives across the fields of Air, Risk, Criminality and Intelligence. Each of the four visa sections inspected had a RALON team and we received positive feedback at each post regarding the good working relationships in evidence between staff in the visa sections and RALON staff.

Nairobi

- 4.127 As well as having an excellent relationship with staff in the visa section, we noted the RALON team in Nairobi had a strong relationship with SOCA (Serious Organised Crime Agency) which had resulted in joint operations to address facilitation and corruption at Nairobi airport.
- 4.128 We found the RALON team had worked closely with ECOs holding discussions and carrying out compliance exercises to develop risk-based streaming processes and risk profiles to assist ECOs with making decisions. We found ECOs in Nairobi were engaged with the RALON team and felt involved in their work, making good use of the risk profiles when assessing applications. Staff also felt their local knowledge was used and felt valued because of this.
- 4.129 RALON delivered training to ECOs and ECAs supplemented by regular communications by way of newflashes or bulletins providing updates on current trends and developments.. One of the training sessions delivered was a credibility workshop which appeared to be well received by staff. RALON aimed to deliver training sessions on a monthly basis to ECOs for example recent sessions have covered topics such as child protection, impostor and transit training. Due to the Restricted nature of some of the information conveyed in these sessions, ECAs who do not have appropriate levels of security clearance, were unable to attend them but RALON have a monthly meeting with ECAs where they share all relevant information they can.
- 4.130 Nairobi had set up a verification unit (VU) which was made up of both ECOs and ECAs with good links to RALON. This team carried out verification checks on documents to ensure that as many forged documents as possible were detected. Cases requiring checks were streamed using risk-based streaming matrices. We found staff were encouraged to refer cases to the VU or RALON. RALON operated an open door policy with no formal referral mechanism so that any ECO was welcome to refer a case to them.
- 4.131 We found there had been a significant improvement in RALON since 2009 when there was no VU, a low level of checks and a lack of structure. Since 2010, RALON had worked closely with the Visa Section to establish the VU at the end of 2010 using a ring-fenced resource. The first streaming matrix was introduced in November 2010 along with ILORD, a database which enabled RALON to log all adverse cases, for example asylum claims, people refused entry at ports, and the results of compliance exercises, to assist with developing accurate post-specific risk profiles and matrices. In addition a considerable amount of training was delivered to staff. We were told that the impact of these combined initiatives had resulted in a 432% increase in the identification of forgeries since 2010.
- 4.132 The introduction of ILORD has meant that RALON has been able to develop a 1-page post risk matrix with links to more detailed 1-page risk matrices by nationality. These have been very well received by staff and managers in the Visa Section.
- 4.133 RALON aims to deal with the majority of referred cases within two days. More complex checks such as NHS checks do however take time. In such cases, RALON asks ECOs whether they wish to proceed with a decision or allow RALON to keep the case and pursue the check. This is a marked difference to some other visa sections such as Abuja where ECOs had little idea what was happening with cases that went to RALON.
- 4.134 RALON analyses data received on a weekly basis regarding cases where applicants who were issued visas by the Nairobi Visa Section are subsequently refused entry on arrival at a UK port or claimed asylum in the UK. If any problems were identified with the initial decision to issue the visa these were fed back to ECMs to pursue any training needs.

4.135 We found there was a very effective relationship between the visa section and RALON in Nairobi which was delivering real benefits to the business.

Abuja

4.136 We received mixed evidence regarding the relationship between the visa section and the RALON team in Abuja. This was no reflection on the staff themselves but rather due to limitations on resource within the RALON team and their resultant capacity to assist the visa section. Managers within the visa section told us they believed the relationship was still a “*work in progress*” and that RALON was under-resourced.

4.137 This view was reinforced by ECOs who told us that RALON staff were “*snowed under*” and commented that it was not unusual not to receive feedback on cases from RALON who had been known to retain files for several months without advising/updating staff of the present position.

4.138 RALON staff expressed concern about their capacity due to a lack of resources confirming they struggled to cope with the volume of work they received. This had been exacerbated when significant volumes of applications transferred to Abuja from Lagos in January 2011 with no additional RALON resources to cope with the increased workload. A further issue identified related to the 12 month delay experienced in waiting for an ECA in the team to be granted appropriate security clearance. While they remain uncleared they were unable to have access to restricted material so this impacted on the amount and type of work they could do. Staff in RALON told us they felt as if they are “*just fire fighting*”.

4.139 Staff told us that before referring a case to RALON for a check to be carried out they must first obtain approval from an ECM. This could be problematic as different ECMs had different approaches. Another issue brought to our attention was that due to the volume of work in the visa section, results of checks and feedback from RALON did not necessarily go back to the referring ECO so the opportunity to learn was limited.

4.140 We have already reported on the finding from our file sampling where staff had failed to carry out appropriate verification checks on settlement cases. Managers told us these checks were now being carried out but we did not have an opportunity to verify this through further file sampling.

4.141 RALON introduced the ILORD database to Abuja in March 2010 and have been populating it with 2010 and 2011 data and using it to feed into risk profiles. Staff confirmed they believe ILORD had great potential for them but told us it was really only in its infancy and had a long way to go before it could be used as they would like.

4.142 RALON developed a risk matrix indicating low, medium and high risk profiles by case category. This was based on profiling and verification exercises conducted in 2009 and 2010. However, we received mixed evidence regarding how well the risk profiles were working as they were felt to be too general and not detailed enough. Staff did however say they thought the new risk matrix was more useful. RALON have tried to reduce the number of newswatches and general communications issued to staff, using the risk matrix as the main reference tool for ECOs.

4.143 We noted that RALON carried out analysis of referrals to the verification unit over the period January-June 2011 and cross-referenced findings with the ILORD database. This confirmed that there was a significant threat posed by forged and counterfeit documents submitted with visa applications in Abuja.

4.144 RALON carried out a further exercise in June 2011 to make an assessment of the threat posed by the misuse of Nigerian e-passports and made a number of recommendations. Examples of these included providing biometric chip readers to the visa section and Visa Application Centres (VACs) in Nigeria, providing magnification aids to ECOs and refresher training in detecting forged passports and

documents. This training was deferred because of the summer peak period, a decision questioned by visa section staff bearing in mind it had been identified as a significant risk. They felt forgeries could be missed by waiting for the training to be delivered when the visa section was less busy.

- 4.145 Staff also expressed concern that although forgery was so prevalent in Nigeria, no one had been allocated to document forgery officer (DFO) duties for the last two weeks because of the volume of applications. Instead staff who would have carried out DFO duties had to work as ECOs processing visa applications, as well as trying to do DFO work, while hitting ECO benchmarks. RALON also confirmed this was not ideal given how critical the DFO role is in Nigeria.

Pretoria

- 4.146 Entry clearance staff told us that they found the RALON team very approachable and regularly referred cases to them for further checks. All cases needing further checks were referred through the ECMs. Our file sampling showed that regular verification checks in settlement cases were being carried out
- 4.147 We found that RALON issued a monthly newsletter to all staff drawing attention to interesting cases and areas to be aware of, as well as highlighting successful referrals. An example of this was in the June 2011 edition where a case was referred to RALON where it was suspected that a Zimbabwean sponsor had fraudulently obtained an Irish passport. RALON completed a number of checks including document verification checks and confirmed that the passport had been fraudulently obtained, resulting in the application being refused. Details of this were disseminated to the UK and, as a direct result, the passport was revoked and Interpol notified. Following the highlighting of this issue, further cases of Zimbabweans obtaining Irish passports by deception have since been identified.
- 4.148 RALON provided entry clearance staff with risk profiles which should be used to aid them make quality decisions on visa applications. Most staff told us that they found the risk profiles a useful tool.
- 4.149 The ILORD database was introduced into Pretoria at the end of May 2011 so was only at a very early stage in its use in Pretoria at the time of our inspection. Data was being entered onto ILORD on a daily basis to populate it as soon as possible. RALON staff told us that they could really see the benefit of using ILORD, particularly in having all the information they needed located in one place. RALON's longer term plans were to collate and analyse the information from ILORD on a regional then global basis but current focus was on a local level. Presentations on ILORD had been made to some of the visa section staff and initial thoughts were positive.
- 4.150 RALON in Pretoria were proactive and we found good evidence of compliance exercises being used to assess risk. Recent RALON compliance exercises included Angolan visitors, South African visitors and Zimbabwean family visitors. We were told that the highest risk applicants were Zimbabweans and as a result ECOs had been instructed to refer all Zimbabwean cases and cases involving third country nationals to an ECM for review.

UK Visa Section

- 4.151 We found the working relationship between RALON and staff in the visa section had been recently enhanced by introducing an ILO (Immigration Liaison officer) post within the Visa Section to work alongside entry clearance staff.
- 4.152 We found risk profiles and a risk matrix issued by RALON were in use in the Visa section. These had been formulated by RALON through collating data from a variety of sources including compliance exercises, local case referrals and biometric matches. We noted however that no compliance exercises had been carried out recently at the time of our inspection. The Agency confirmed that the risk profiles and matrix currently available were somewhat basic but work was ongoing to develop these

and to make them more evidence based. For example, the ILORD database had already been introduced in Dusseldorf and Amsterdam and was due to be introduced in Algeria so that local data could be entered onto the system.

- 4.153 We received mixed evidence from staff and managers regarding how useful they found the risk profiles and matrix. Some staff used them regularly while others had them on their desks but told us they did not refer to them.
- 4.154 Staff in Algiers told us that their local knowledge helped them to make an assessment regarding whether or not applicants were genuine. They also confirmed that they were aware of how they could provide feedback, for example on local knowledge to RALON to help inform risk profiles.
- 4.155 In the UK Visa Section, staff had access to the Decision Support Tool (DST) which was used by staff in Algiers to help them make decisions. The Decision Support Tool was a web based tool used to record visa application details and assist with the identification of risk. During the inspection we observed staff using the DST while making decisions on visa applications and we noted that the DST was not always fully completed. Staff told us that the tab relating to documents submitted by the applicant was never completed. We also noted that the tab relating to the assessment of risk for the applications was not always completed fully.
- 4.156 In our previous inspection of Islamabad and Abu Dhabi in 2010 we reported our concerns that the DST system was not being completed properly stating that we *“believe the UK Border Agency needs to consider much more carefully the impact across all three locations of not completing certain parts of the Decision Support Tool in Islamabad. This is particularly true in light of the absence of risk profiles that are regularly reviewed and updated.”* We were therefore concerned to find similar problems in UK Visa Section and would reiterate the need for the Agency to take action to remedy the situation.
- 4.157 We found that RALON held a verification workshop in January 2011 with ECOs and ECAs to help them to identify the types of checks they should be making. The workshop also provided guidance for staff on how they should be writing document verification reports.
- 4.158 We received mixed evidence from staff regarding their varying levels of knowledge regarding verification. We were told that many staff had not completed the mandatory e-learning course on document fraud training. For example, only two out of seven ECAs at UKVS had done this training. Staff also told us that there was a lack of clear guidance on what verification checks should be done although we noted that this had been included in the presentation at the verification workshop. We confirmed however that ECAs new to the UK Visa Section had not yet been trained on verification and had not attended the verification workshop.
- 4.159 We noted however from both our file sampling and our observation of staff deciding applications that decisions were subject to scrutiny through risk profiling and regular verification checks. Managers confirmed to us that staff were encouraged to make enquiries.

We recommend that the UK Border Agency:

- provides all staff with adequate training on paragraph 320 of the Immigration Rules and ensures all staff are also trained in verification techniques including how to identify forged documents
- ensures RALON teams are sufficiently resourced taking into account various local factors, for example in Abuja local factors would include the extent of fraud in Nigeria and the transfer of work from Lagos

Complaints procedures should be in accordance with the recognised principles of complaint handling

Abuja

- 4.160 We found that complaints were identified by the customer care unit in Abuja who forwarded them to the office manager. They in turn logged the complaint in the register before referring it to an ECM. We found staff involved in complaints handling were clear about what the Agency defined as a complaint. We noted that the majority of complaints related to missing documents.
- 4.161 We found that data entry in the complaints register could be improved as there were a number of issues regarding incomplete entries. Examples included a failure to record dates, whether the complaint was upheld and outcomes and actions taken. It was also difficult in some cases to check that complaints registered at the Visa Application Centre (VAC) were also logged on the Agency's complaints registers. This was largely due to different reporting formats and the way complaints were forwarded from the VAC to the visa section.
- 4.162 We consider it is important to maintain a clear audit trail in dealing with complaints and we were pleased the Agency accepted there was a need for improvement in this area.
- 4.163 Although complaints about the Visa Section were referred to ECMs we found there was limited evidence of managerial oversight of the VAC's complaints handling process. This could be improved to provide appropriate levels of assurance to the Agency.

Nairobi

- 4.164 We found some inconsistencies in the identification of complaints with some being dealt with as complaints while others were simply handled as general correspondence. One of the managers we spoke to confirmed they were not confident that all complaints were being recorded correctly. This linked with our findings of inconsistencies between the spreadsheet used to log correspondence and the complaints log. For example for June 2011 the correspondence spreadsheet listed 29 entries for complaints but the complaints log only recorded eight complaints, only three of which matched the correspondence spreadsheet.
- 4.165 We confirmed that any pieces of correspondence identified as complaints were processed within 24 hours, including the issue of an acknowledgment letter if further investigation was needed. All incoming correspondence was reviewed by a Team Leader to identify complaints or anything urgent.
- 4.166 We found some responses to complaints were inadequate, for example, they did not address the specific issues raised and standard letters were used inappropriately.
- 4.167 We found a few examples where complaints were recorded incorrectly, for example where they were complaints in our view but had been processed as general correspondence. The outcome of investigating complaints was also found to be incorrect in a number of cases. Overall, although we found a system in place to handle complaints and correspondence, we found room for improvement in handling correspondence consistently and in identifying complaints appropriately.

Pretoria

- 4.168 We were pleased to find that the Pretoria visa Section had an effective complaints process in place. An ECA was specifically tasked with dealing with complaints and correspondence. They used a

comprehensive set of desknotes which clearly defined required tasks, including how to identify complaints.

- 4.169 Complaints were logged on a register, acknowledgments sent to applicants, and then referred to the ECM on complaints duty who responded appropriately, taking action where necessary. The register was then updated with outcomes. We found that 87% of complaints had been dealt with within the Agency's target of 20 working days.
- 4.170 Most of the correspondence received related to requests for progress updates on applications. These were responded to using templates and notes were made on the Agency's IT caseworking system. During the on-site phase of the inspection we looked at some of the correspondence and found it was generally of a reasonable quality.
- 4.171 We found evidence of good communication with the VACs regarding complaint management, as well as evidence of complaints being used as a driver for improvement. For example, in July the VAC had received complaints about refunds so an ECM arranged for extra resources to handle the refunds.

UK Visa Section

- 4.172 At the time of inspection the UK Visa Section had four email inboxes:
- Appeals;
 - Algiers;
 - Visa enquiry and
 - WIS (a Worldbridge system whereby complaints and enquiries are forwarded to UKVS for action).
- 4.173 We were unable to form a clear picture of how many emails were awaiting responses as we were given various different figures by different people. We concluded that backlogs in the system meant that correspondence was not being processed in a timely manner.
- 4.174 We found a general lack of knowledge around the complaints process and how it should operate effectively. ECAs confirmed they handled complaints from Worldbridge. They had received no training however and were unaware of how the classification system of complaints and correspondence should operate effectively and were unaware of a complaints log. There was also a lack of guidance on how correspondence should be handled. Correspondence classified as a complaint was passed to an ECM to resolve.
- 4.175 ECMs handled complaints on a weekly rota basis but we found there was a general lack of management oversight of the complaints process. Managers were not aware of issues being raised by applicants and the complaints process was not being managed in line with the Agency's own complaints process. This was particularly disappointing bearing in mind our findings when we last inspected the UK Visa Section in relation to complaints and the subsequent recommendation we made for improvement. We remain concerned that there is still significant room for improvement to be made in this regard.

We recommend that the UK Border Agency:

- Manages complaints and correspondence effectively and in line with its complaint handling process, ensuring greater accuracy in identifying, classifying and recording complaints.

5. Inspection Findings – Safeguarding Individuals

All people should be treated with respect and without discrimination except where the law permits difference of treatment.

Decision making

- 5.1 Our file sampling provided no evidence at any of the four visa sections inspected that applicants of different nationalities were being singled out and treated differently by staff when deciding visa applications. This was generally reinforced by our findings from the various focus groups and interviews we carried out where staff confirmed that the decisions they made were based on the Immigration Rules and no other factors.
- 5.2 Risk profiles and matrices were provided at each post by RALON but these were clearly intended and used as a guide for staff who should and did continue to make decisions based on the facts of each case.
- 5.3 Staff confirmed they were aware of the Ministerial authorisation relating to different nationalities. They did not consider this would have any impact on their work.
- 5.4 Generally staff accepted that some applicants perceived to be of greater risk would be subject to greater scrutiny but still believed they were treated fairly and without discrimination. Some locally engaged staff in Abuja expressed some concern however regarding ECOs being given discretion to decide whether documents were forged and whether verification checks were necessary to confirm this. They queried whether ECOs had sufficient local knowledge to make these decisions accurately. Other staff raised an issue regarding well known applicants receiving a better service with requests being made to expedite applications when it was not always clear why this should be the case.

Visa Sections

- 5.5 We found that staff and managers at all four visa sections inspected had a general awareness of equality and diversity issues and had all completed the Agency's mandatory e-learning training on equality and diversity.
- 5.6 We found mixed evidence around treatment of staff with varying degrees of concern expressed by staff at the different visa sections. For example, in Nairobi, Pretoria and Abuja there was a perception of disparity of treatment of locally engaged and UK based staff. Details for individual visa sections are reported separately below.

Nairobi

- 5.7 We found there was some perception among staff of a “*them and us*” divide between locally engaged and UK based staff, but no significant concerns around this were reported to us. One issue causing concern while we were on site related to the perceived inequality of treatment around the use of mobile phones while in the office. The perception was that UK based staff could use personal mobiles but locally engaged staff could not. When we mentioned this to the Regional Manager they confirmed they were looking into the issue and before the end of the inspection they reported they had resolved the issue by reissuing clear guidance stipulating fair treatment for all staff in this regard where no staff could use personal mobiles while in work.
- 5.8 We found evidence of an open and inclusive communication and management style in Nairobi. All staff we spoke to told us they felt valued and treated with respect and spoke highly of their managers.
- 5.9 We noted a Better Management Plan had been produced in response to the staff survey carried out in 2010 to address issues. We also found a “*bright ideas*” scheme had been introduced to encourage staff to make suggestions for improvement.

Abuja

- 5.10 We found there was a significant perception held by staff across different grades that locally engaged ECAs were not treated as well as they should be by other staff and managers. Comments were also made regarding the unsatisfactory working conditions staff had to endure. This included ECAs having to crawl on the floor counting files, a general lack of space and a noisy working environment. We observed several other health and safety concerns such as staff carrying heavy loads of files due to a lack of trolleys. Staff told us they had not received any manual handling training.
- 5.11 Staff did however provide generally positive feedback about recent changes when the visa process was re-engineered, ECMs were allocated specific responsibilities and flexible working was introduced for some staff. Staff had also welcomed a recent regrading of some locally engaged visa sections.
- 5.12 We received consistent evidence from a number of staff and managers relating to inappropriate behaviour exhibited regularly by some managers. The perception from staff was that this had not been addressed and as a result had led to a lack of trust and respect. We raised this with senior managers who confirmed this matter would be dealt with.
- 5.13 We received mixed feedback regarding staff feeling valued. The ECMs and ECAs we spoke to confirmed they did not feel they were treated fairly or respected. ECOs held mixed views on this. Issues included a perception that the knowledge of local staff was not used enough, and a perception of a lack of thanks and recognition for staff efforts. Staff also told us that there were inconsistencies in managers’ approaches to decision making and a general lack of feedback on performance. Managers we spoke to acknowledged this may need to be improved but also said they felt staff had some responsibility to seek feedback and one to one meetings.
- 5.14 A Better Management plan was produced in 2009 and 2010 in response to issues raised in the staff surveys in both of these years. While it would be too soon to assess the success of the 2010 plan it was of some concern that similar issues raised in 2009 were still being raised with us when we were on site in 2011.

Pretoria

- 5.15 A number of staff at various levels confirmed there was a perceived divide between locally engaged staff and UK based staff which meant that all staff were not treated equally. These views were echoed in the 2010 staff survey results. Due to differing levels of security clearance locally engaged and UK based staff tended to be split into separate parts of the office and this was perceived to contribute to causing a divide.
- 5.16 The staff survey also highlighted concerns around staff feeling there was a problem regarding bullying and harassment in Pretoria. As a result of this mandatory “zero tolerance” bullying and harassment workshops were held for all staff. A number of events were also implemented to encourage team building. Examples of this included a football match between staff and fundraising events for an awayday. An “Appreciating Colleagues Board” was also set up to provide staff with opportunities to openly thank other members of staff.
- 5.17 In addition, the Operations Manager contacted all staff following the publication of the staff survey results to encourage them to feedback any suggestions for improvement. Risks from the staff survey were also added to the Better Management Action Plan, with specific accountability and actions being allocated to managers. These were updated on a quarterly basis and monitored.
- 5.18 As a result of these various initiatives a number of staff confirmed there had been noticeable improvements in the relations between locally engaged and UK based staff.
- 5.19 Staff did provide us with positive feedback regarding senior management in Pretoria and welcomed the clear accountability set out for the various different roles within post. Other feedback we received confirmed managers and staff felt there was insufficient time to complete training or to carry out line management responsibilities.

UK Visa Section

- 5.20 While the issue of perceived disparity between staff did not feature as much in our inspection of the UK Visa Section, a number of staff confirmed there was a lack of team spirit and this contributed to poor staff morale. Other factors affecting this included a perception of staff feeling they were segregated by grade and the current rotation of staff was perceived as a barrier to effective working.
- 5.21 Other problems identified included problems caused by a lack of clear accountability, relative inexperience of managers, and a need for improvement in team communication.

We recommend that the UK Border Agency:

- Addresses the concerns raised through the Home Office staff survey and this inspection regarding the perceived disparity in treatment of staff.

Functions should be carried out having regard to the need to safeguard and promote the welfare of children.

- 5.22 We found clear evidence to demonstrate that staff at all four visa sections inspected were clear about their obligations to consider the need to safeguard and promote the welfare of children seriously and as a primary objective in line with Section 55 of the Borders, Citizenship and Immigration Act.

- 5.23 We found there was generally a good awareness among all staff of their need to take the welfare of children seriously and protect them. We also found that most staff had attended the Agency's mandatory e-learning training on keeping children safe. Some ECA staff in Nairobi and Pretoria however told us they had not done this training but would find it beneficial. We also found not all staff in Algiers had completed this training.
- 5.24 We noted RALON delivered briefings on child protection issues at each of the visa sections. In Nairobi we noted a child compliance exercise was undertaken in June 2010. In addition we found an exercise had been carried out to review child asylum cases in order to contribute to the Agency's target to reduce child asylum intake. In Abuja staff confirmed there were plans to implement a children's team as one had operated successfully previously in Lagos.
- 5.25 We found that all staff were aware of the need to carry out extra checks on cases of unaccompanied children and were confident in referring cases to RALON where they were not completely satisfied. We observed cases where ECOs were not happy with certain aspects of cases involving children being referred to RALON at several visa sections inspected.
- 5.26 Agency guidance issued in September 2010 required that for child applicants, all visa sections must ensure that details of sponsors, guardians and accommodation are recorded on the Agency's caseworking IT system. Staff at Nairobi, Abuja and Pretoria confirmed appropriate checks were being done and entered onto the system. However, while staff in UK Visa Section were carrying out the required checks, they confirmed details were not being recorded on the system.

We recommend that the UK Border Agency:

- Ensures all staff undertake the mandatory training on keeping children safe and ensures all required details of cases involving children are captured on the Agency's IT caseworking system.
- Personal data should be treated and stored securely in accordance with the relevant legislation and regulations.

- 5.27 In carrying out file sampling for each of the four visa sections we found little evidence of any issues regarding file storage and retrieval at Nairobi, Abuja and Pretoria. However, the UK Visa Section could not locate 16 out of 160 files we requested due to problems around tracking files stored at an external storage facility.

UK Visa Section

- 5.28 We found no evidence of a clear process for filing, storing and retrieving case files in the UK Visa Section and this was acknowledged by staff of all levels. Staff were undertaking filing duties on a two weekly rotation. We could find no evidence of management oversight and accountability for data security.
- 5.29 An example of a breach in data security within UK Visa Section which took place a few months before our inspection involved 114 passports being returned to applicants without the vignettes being inserted. We were told this error occurred when both issued cases which already have the vignette inserted and others awaiting a decision were all placed on the same shelf in the filing room. This incident resulted in disciplinary action being taken against those staff involved. Staff subsequently suggested that issued cases should be retained in the vignette room so now all envelopes are left open when a vignette is inserted into the passport so that each visa writer can check another's work. Although there is a perception that this process is slower, staff agreed data security had improved as a result.

- 5.30 We were told that documents were sometimes misplaced within UK Visa Section but were usually found. Staff identified communication as a real problem within the office, for example when passports have gone missing staff were not always informed when they had been found, resulting in them wasting time and effort in continuing to look for them.

Nairobi

- 5.31 We found all staff appeared to be very aware of their responsibilities regarding treatment of personal data. We found robust data protection policies and procedures in place including the “*Local Data Protection Act (DPA) breach policy*” This clearly defined what constituted a breach, categorised these into low level and high level breaches and clarified steps that should be taken when breaches occurred.
- 5.32 Managers confirmed staff had undertaken the mandatory e-learning on information handling, with the exception of ECAs, who had not been trained in this area. We were told that a decision had been taken only to train operational staff in this area, although the thinking behind this decision was not made clear to us. The lack of training in this area may explain at least partly why we found ECAS were somewhat apprehensive about security breaches and what would happen to them if they breached the policy.
- 5.33 Nairobi did not appear to have as much of a problem in regard to documents going missing as some other visa sections. However, we noted that a number of complaints were still made regarding documents not being returned to applicants.

Abuja

- 5.34 We found mixed evidence around the handling of personal data in Abuja. Some staff confirmed they had done e-learning training in information management, but others had not received this training. Similarly some staff confirmed they had signed Standard Operating Procedures regarding their obligations in handling personal data, but others had not. While there was generally a clear desk policy in place and files were locked away at the end of each day, there were no formal mechanisms in place to enforce these measures, and no robust local policy in place regarding breaches under the DPA.
- 5.35 We found there was no clear policy in place for staff regarding document retention on case files. We observed ECOs operating differently in this regard and did not find a consistent practice in operation. Local managers confirmed they routinely see documents left on ECO’s desks and that documents went missing regularly. This was not helped by the somewhat confined space and cramped working conditions in Abuja. Managers also told us problems were caused because ECOs were not attaching documents to case files and ECAs sent documents back to applicants when they should be retained.
- 5.36 A major cause of complaints in Abuja was documents going missing. Managers confirmed that there was a significant problem in Abuja in relation to missing documents and they believed this could unfortunately be an integrity issue involving staff. Managers had suspicions as to where in the application process these documents could be going missing and this was being investigated by RALON and the Agency’s Security and Anti-corruption unit while we were on-site. The Regional Director had also been made aware of the problem. This emphasizes the importance of having clear document handling processes in place, in conjunction with appropriate training, to ensure staff are aware of their responsibilities in this regard. Such procedures help to reduce instances of documents going missing, while at the same time delivering better accountability and audit trails to identify where in the process problems are occurring.

Pretoria

- 5.37 We found Pretoria had a robust data protection policy in place which was enforced by regular spot checks. This included operating a strict clear desk policy with all drawers and cupboards being locked each day, and an ECO checking the office at the end of each day. Staff took their responsibilities under the policy very seriously and were notified of any breaches they had made.
- 5.38 Staff told us they were very conscious of data handling procedures when handling documents and had all completed the e-learning training on information management. Data protection principles were also reinforced as part of staff induction training. We were told that when passports and documents go missing they are usually located and have just been misfiled.
- 5.39 Following a number of breaches of the Data Protection Act (which included passports and refusal notices being returned to the wrong applicants) a graded disciplinary structure was introduced to deal with poor performance in relation to this matter. The disciplinary action taken ranges from an initial reminder of obligations to protect data and a verbal warning for a first minor breach to a final written warning for a fourth breach.

We recommend that the UK Border Agency:

- Standardises its practices on data protection and document retention across all visa sections, ensuring the incidence of documents going missing is kept to an absolute minimum.

6. Inspection Findings - Continuous Improvement

The implementation of policies should be continuously monitored and evaluated to assess the impact on service users and associated costs.

- 6.1 At each of the four visa sections inspected we found some evidence of actions taken to effect continuous improvement and implement recommendations made in our previous inspection reports. However, this varied considerably between visa sections.

Abuja

- 6.2 We found limited evidence in Abuja of implementing recommendations from previous inspection reports. In our last inspection of Abuja in July 2009 we recommended that the agency *“uses the Entry Clearance Manager Review Guidance Tools to carry out quality assurance on issues and refusals of entry clearance”* We also recommended that the agency *“...provides more feedback to Entry Clearance Officers to improve consistency of decision making.”* The Agency accepted our recommendations and confirmed these had been implemented.
- 6.3 However, in practice we found progress towards implementing these recommendations was at best limited. We found there was a lack of a robust ECM review mechanism and ECMs were not carrying out the full range of checks expected of them. There were also problems with inconsistent approaches being adopted by different ECMs leading to confusion for ECOs with a resultant impact on decision quality.
- 6.4 As a result we found that poor quality decisions had frequently been made, with ECOs either refusing applicants for not submitting information they would not have known to submit at the time of application, or alternatively granting Indefinite Leave to Enter the UK rather than limited leave for a period of 27 months. It was therefore evident that there continued to be significant room for improvement in decision quality in Abuja, aligned to the need to ensure that ECM reviews were conducted properly, with a clear focus on quality and feedback mechanisms to ECOs.
- 6.5 Managers had consulted with staff in order to set benchmarks and this had been welcomed. In addition, senior managers’ recent efforts to re-engineer the workflow and processing of visa applications to improve efficiency and effectiveness had generally been welcomed by staff and customer service had improved. However, staff and managers felt this could be further improved to alleviate problems such as cramped and unsatisfactory working conditions, particularly in some parts of the office.
- 6.6 Abuja had implemented a Better Management Plan which highlighted actions to be taken to effect improvements and address issues highlighted by the staff survey, for example perceptions of bullying and harassment. At the time of our inspection however managers acknowledged progress on some of these actions had been limited and more work was required to be done.

- 6.7 Following our 2010 inspection of Abu Dhabi and Islamabad visa sections we recommended that the Agency “implements a formal review to determine the main reasons for allowed appeals and uses this analysis to drive improvements in decision making quality.” We found some evidence of action taken by one of the ECMs to review allowed appeals in order to learn lessons from them. Findings were documented and circulated to the other ECMs but did not appear to have been disseminated further to individual ECOs. It was also unclear how often these reviews were carried out. We only saw evidence of one exercise.
- 6.8 ECMs in Abuja acknowledged that competing pressures for their time meant they did not always have sufficient time to review appeals in enough depth to enable them to prepare sufficiently detailed explanatory statements.
- 6.9 In Abuja, staff were also concerned that although they were just about managing to meet their target to deal with appeals within the requisite timeframe this was becoming increasingly difficult with the volumes of cases and the numbers of staff allocated to dealing with them. We noted the process was very resource intensive with two staff having to physically count each case where an explanatory statement had been prepared and was awaiting ECM review before it could be sent to the UK for the appeal to be heard. This physical count took two staff half a day to carry out and did not appear to be a good use of time when resources were stretched.
- 6.10 We also found there was no action taken to review cases where an ECM had overturned a decision generally, or on receipt of a notice of appeal, before allowing the case to proceed to appeal. This is something we have referred to in previous inspection reports and consider to be good practice to identify trends and patterns to improve decision quality. In not doing this we consider Abuja was missing opportunities to learn lessons to improve.
- 6.11 We were told that one ECM had initiated an ECM “*overturns register*” to try to capture reasons for cases being overturned. However this initiative was discontinued as we were told it was not supported by some other managers.
- 6.12 A significant number of ECOs told us they would welcome more feedback on their performance from managers for example why their cases were overturned or lost at appeal.

Nairobi

- 6.13 We found the East Africa visa services action plan 2010/11 highlighted a range of planned and ongoing activities designed to improve performance under headings including: productivity; decision quality; process rationalisation and commercial strategy. The plan contained a comprehensive suite of actions which combined with those outlined in the Better Management Action Plan demonstrated a real commitment to improve. This was supported by the opinions staff and managers expressed during our interviews and focus groups.
- 6.14 A consistent theme of this inspection was that the introduction of a new management team in Nairobi had improved staff morale and overall performance. We were told that a considerable amount of work had been done to improve processes, for example improving the quality of data entry by providing formal training for staff. There was a recognition that standards should not be allowed to slip and that further initiatives may be necessary to prevent this.
- 6.15 Managers held productivity and decision quality workshops with staff in order to agree if any improvements could be made to the decision making process in order to streamline it and as a result, increase staff benchmarks. Staff consultation was welcomed in this regard. Overall we found there was a reasonable balance in Nairobi between productivity and decision quality with regular activities undertaken to review and improve in both areas. We found there was a real sense of staff feeling able to make suggestions for improvement, for example through the Bright Ideas scheme, and evidence these were often implemented.

- 6.16 We confirmed that ECMs were carrying out the number of reviews as laid out in the agency's guidance. ECMs told us they were happy they had sufficient time to carry out an appropriate number of reviews. They enjoyed taking a sampling approach to ECOs work and a pilot was ongoing when we were on site to formalise this. There was an expectation that each month ECOs would spend one day carrying out checks on 100% of individual ECOs work. Feedback regarding this type of approach was positive from both ECMs and ECOs who said they were content with the amount and quality of feedback they received from their managers. We considered this approach certainly had the potential to effectively raise quality standards and should be adopted as best practice across International Group.
- 6.17 In addition we found the Regional Manager reviewed the ECMs work and this was largely done by way of checking the number of reviews they had carried out. However, occasionally cases that appeared more complex, for example where the ECM had overturned the original decision, would be reviewed in more depth by the Regional Manager to ensure quality and consistency of approach. This helped confirm the commitment to improve decision quality.
- 6.18 We have already reported on the cases where delays in waiting for the results of DNA tests had caused Nairobi to *technically* refuse cases in order to meet its 12 week customer service target, but wait for the results before actually sending the decisions out. After three months the Visa Section realised operating in this way was wrong so ceased doing so and concentrated instead on streamlining the process for obtaining DNA test results and improving waiting times. We consider that the original decision was flawed and detracted from what was otherwise a relatively good performance in Nairobi.
- 6.19 We noted some evidence of work undertaken to analyse reasons why appeals were allowed. Prior to the introduction of the new management team in Nairobi we were told that no analysis of appeals was undertaken. This had improved and analysis was carried out on blocks of appeal cases, but managers accepted this could be improved in order to implement a systematic analysis of appeals to improve decision quality. An ECM had recently completed a piece of work analysing 199 appeal cases. Findings from this analysis were that a number of factors outwith the control of the Agency could have impacted the result of the appeal. Managers in Nairobi acknowledged that there was a lot to be learned from appeals and complaints and that it needed to do more to exploit these opportunities.
- 6.20 We found an awareness of the need to analyse cases overturned by ECMs, both generally and on receipt of a notice of appeal, but unfortunately only very limited work had been done in this area. For example, initial enquiries had been made as to possible reasons for a sharp increase in cases being overturned in June, but more in-depth analysis was required to understand the reasons behind the increase.
- 6.21 We also had some concerns regarding the accuracy of recording complaints and correspondence which meant that analysis by type of complaint or correspondence was not possible. This limited further the opportunities for learning in order to support continuous improvement.
- 6.22 Overall we found there were missed opportunities to learn lessons from analysing appeals, ECM overturns and complaints, but were somewhat reassured by the commitment to improve in this area.
- 6.23 We found a good example of managers taking staff views seriously when ECOs expressed concern that ECMs had inconsistent approaches to decision making. The regional manager asked staff to produce a paper highlighting the problems and give her examples of issues when they arose. An exercise was also conducted where different ECOs assessed the same case to establish any inconsistencies in approach at that level.
- 6.24 We found that RALON were proactive in informing managers of any training needs or gaps in knowledge they had picked up from cases referred to them by ECOs.

6.25 We received positive feedback from a number of stakeholders, for example Ambassadorial staff in the region regarding improvements they had noticed in the service provided by the visa section. A Business Select Scheme had been introduced to improve customer service to companies, and a Stakeholder User Group had recently been convened, although it was considered too early to be able to assess how effective this would be.

Pretoria

- 6.26 We found there was a high level of awareness among staff and managers of the need to provide good customer service in Pretoria, and all staff we spoke to felt they offered a high level of service. The visa section maintained a log of positive feedback from customers. In addition all staff had a note at the end of their email signatures requesting feedback from customers about the service provided. This linked through to a customer survey which was collated in the UK. However staff felt it was a shame they did not have access to any of the feedback that was received.
- 6.27 We found staff had been consulted in order to effect improvements, for example in forming a benchmark working group to consider if any improvements to benchmarks could be made.
- 6.28 We found the way the workflow and the decision making process was controlled in Pretoria was efficient and effective. A board in the office highlighted the number and types of applications received that day and the number of applications in the working queue. The emphasis was very much on clearing the applications and avoiding long working queues. Resources were managed well with managers rotating ECOs to work to deal with different types of application as required.
- 6.29 ECMs were also rotated to carry out specific duties and this appeared to work well. All of the ECMs had a set of desknotes which clearly defined their roles and responsibilities. Managers confirmed the ECMs carried out the number of ECM reviews as set out in the Agency's guidance. Generally we found that ECMs could cope with the numbers of cases they were expected to review, but in busy periods we were told they could struggle to complete them all. Senior managers were happy that the quality of the reviews was good and we found the Operations Manager also carried out some ECM review work and monitored the performance of the ECM reviews on an ad-hoc basis. As with Nairobi, we consider this approach helped to reinforce the commitment to deliver good quality decision making in Pretoria. However, we noted there was no structure to formally record any findings but there were regional plans to formalise this and introduce a sampling framework to effect greater improvements. As in Nairobi this helped confirm the commitment to improve decision quality.
- 6.30 We found some evidence of progress having been made with regard to analysing appeals to drive improvements in decision quality. Managers confirmed this was an area in which they needed to do more as they were not meeting their appeals targets and found Zimbabwean appeals were a particular problem area. They had therefore done a lot of work analysing appeals and making recommendations for improvement. When we were on site the visa section was partway through an exercise analysing dismissed appeals and compliance work on Zimbabwean appeals and were looking to make further improvements.
- 6.31 Limited progress had been made with regard to analysing reasons behind ECMs overturning decisions prior to allowing them to proceed to appeal. However, we were told that the visa section had implemented a spreadsheet to record and analyse overturns by ECMs over the last two months and were monitoring appeals decisions at the weekly ECM meetings.
- 6.32 Staff and managers confirmed they had the opportunity to feed back their views and suggestions for improvement on Operational Policy Instructions. New instructions were circulated to staff for comment and then collated and sent back to the UK. However, on occasions staff were frustrated by not having enough time to respond with their feedback.

UK Visa Section

- 6.33 We found the UK Visa section had been through a period of significant change and was still something of a work in progress, for example, several management positions had been vacant for some time and some staff had not long taken up post at the time of our inspection.
- 6.34 Various change initiatives had been implemented with varying degrees of success. This included losing the settlement applications work from Pakistan while receiving applications from Dusseldorf, and Algiers applications going online. We were told that there were significant issues around IT in dealing with the online applications but these had improved somewhat by the time of our inspection. Other improvements included improving turnaround times for customers and improving communications with staff in Algiers by having regular teleconferences.
- 6.35 RALON had also developed risk based approaches and attempts had been made to embed risk more into the decision making process. Introducing RALON staff resource into UK Visa Section several days each week had helped with this initiative.
- 6.36 We found that although ECMs were carrying out ECM reviews when they could, they did not have sufficient time available to do as many of these as they needed to, and as effectively as they should be done. The ECMs rotated on a weekly basis between working on Algiers cases, appeals and correspondence and confirmed they found this was a barrier to working more effectively.
- 6.37 We found no evidence of any analysis of ECM reviews and staff told us they received no feedback from ECMs on any reviews carried out on their cases. We believe there were therefore missed opportunities for learning and driving a continuous cycle of improvement.
- 6.38 We found improvements had been made with regard to the process to notify applicants of allowed appeals or cases overturned by an ECM prior to it going to appeal. Previously there was a problem in UK Visa Section meeting deadlines in these cases but a new process agreed with Algiers had made significant improvements and deadlines were now being met.
- 6.39 However, we found no evidence of any analysis being carried out on either allowed appeals or cases where ECMs had overturned decisions before allowing cases to proceed to appeal. As a result there was another missed opportunity to learn from the results of this work to drive improvement in decision quality.

We recommend that the UK Border Agency:

- Adopts a consistent approach across all visa sections to the process of carrying out ECM reviews, ensuring these are carried out effectively and in sufficient number to drive improvements in decision quality, and that feedback is provided to staff.
- Maximises the opportunities for learning and improving decision quality by adopting a consistent approach across all visa sections to analysing appeal determinations, decisions overturned by ECMs, and complaints to identify trends and patterns.

Risks to the efficiency and effectiveness of the UK Border Agency should be identified, monitored and mitigated.

- 6.40 We found mixed evidence in relation to staff and managers' knowledge of and involvement in the risk register at the four visa sections inspected. Generally managers at each of the four visa sections were aware of the risk register while more junior staff, particularly ECAs, but including some ECOs, had either never heard of it or had only very limited understanding of what it entailed. Reassuringly however at each of the four visa sections inspected staff told us they would feel able to raise an issue they perceived to be a risk to their line manager. An example of this in Nairobi involved staff raising the risk posed by musical greetings cards being sent into the post as the mechanism inside these cards could be used to conceal an explosive device. Steps were taken to prevent any such cards reaching the Visa Section.
- 6.41 We were provided with copies of the local risk register for Abuja, Pretoria and the UK Visa Section but were told that there was no longer a local risk register in Nairobi as a decision had been taken to move to a regional risk register. Senior managers in Nairobi were concerned that some of the local risks may get lost if there was no longer a local register as the risks captured on the regional register would by their very nature be more strategic. They were therefore considering running both a local and regional risk register. This is something each of the regional visa sections should possibly consider. In any event we would expect a consistent approach to be adopted across the region regardless of the approach.
- 6.42 We noted there were several areas of common concern across the region, for example IT was of huge concern given the forthcoming introduction of a new ICW IT Case working system. Nairobi had been piloting this new system and were concerned that their IT platform was unreliable and that the new system would introduce steps which would adversely affect productivity. The UK Visa Section were also very concerned about IT, particularly given problems experienced with online applications from Algiers. Abuja also featured IT and Integrity issues as clear risks but there were only limited details regarding planned mitigation actions and accountabilities.
- 6.43 The quality of the risk registers varied between visa sections with some containing more detail than others. It was also not clear how often these were actually rigorously reviewed and updated. We would expect a consistent standard of quality across all four visa sections inspected.

We recommend that the UK Border Agency:

Raises staff awareness of the risk register, including how they can contribute to it, so that managers can be assured they are alerted as soon as possible to potential, emerging or changing risks. A consistent standard of quality, including a mechanism for reviewing and updating the register, should be adopted across all visa sections.

Appendix 1

Nairobi Visa Section

Inspection findings – Operational Delivery

Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration

Decision making

- 1.1 This section provides detailed results and analysis of the files we examined prior to and during the on-site phase of our inspection in Nairobi. In total, 210 files were requested, 160 were chosen randomly from decisions made in Nairobi between 1 November 2010 and 28 February 2011, while 50 (family visitor cases) were chosen randomly from decisions made in Nairobi between 30 May and 24 June 2011. We were pleased that the visa section was able to provide us with all files requested.
- 1.2 Figure 14 sets out the visa categories examined together with numbers of cases sampled in each category. We actually sampled 175 out of the original 210 files as 33 files proved to be out of scope. This was due to a large number of settlement issue cases being part of the UNHCR Gateway programme which we considered to be outside our remit.

Figure 14: Numbers of files sampled in each visa category

Category	Requested	Sampled	Out of scope
Family Visitor - issue	25	25	0
Family Visitor - refusal	25	25	0
Other Visitor - issue	40	36	3
Other Visitor - refusal	40	38	2
Settlement - issue	40	16	24
Settlement - refusal	40	35	4
Total	210	175	33

- 1.3 In the sampled cases we considered both the timeliness of the actions taken and the quality of the decisions made. Details of our findings, split according to visa category, follow.

Timeliness

- 1.4 At the time of our inspection, the UK Border Agency measured its performance against the following customer service standards:

- to complete 90% of non-settlement visa applications in not more than 15 working days, 98% in 30 working days, and 100% in 60 working days; and
- to complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days.

1.5 Figure 15 shows that the Nairobi visa section met or exceeded all of the customer service targets for family and other visit issues.

Figure 15: Application processing times of Family and Other Visit issue cases in UK Visa Section

Targets: to complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days

	Family Visit Issues			Other Visit Issues		
Total cases sampled	25			36		
Timescale	15 working days or under	30 working days or under	60 working days or under	15 working days or under	30 working days or under	60 working days or under
Percentage of cases processed by timescale	100%	100%	100%	97%	100%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	+2	0	0	+3	+1	0

1.6 Figure 16 shows that the Nairobi visa section met or exceeded all of the customer service targets for family and other visit refusals.

Figure 16: Application processing times of Family and Other Visit refusal cases in UK Visa Section

Targets: to complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days

	Family Visit Refusals			Other Visit Refusals		
Total cases sampled	25			38		
Timescale	15 working days or under	30 working days or under	60 working days or under	15 working days or under	30 working days or under	60 working days or under
Percentage of cases processed by timescale	100%	100%	100%	97%	100%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	+2	0	0	+3	+1	0

1.7 Figure 17 shows that although the Agency met the 120 day targets for both settlement issue cases and settlement refusal cases it missed the 60 day target in both categories.

Figure 17: Application processing times of Settlement cases issued and refused in UK Visa Section

Targets: to complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days

	Settlement issues		Settlement refusals	
Total cases sampled	16		35	
Timescale	60 working days or under	120 working days or under	60 working days or under	120 working days or under
Percentage of cases processed by timescale	69%	100%	83%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	-4	0	-4	0

- 1.8 In summary, the results of our file sampling showed that the Nairobi visa section missed its targets in eight out of the 175 cases (5%) we looked at.
- 1.9 The Agency informed us that there had been long delays in cases where DNA testing was required in getting the tests done. A system had been put in place to track these cases. The agency decided to refuse these cases just before the 12 week customer service target but not send out the decisions until the results came back. Managers told us they had done this because they felt that the reason for the delays was not something within their control. They had worked on streamlining the system and told us the referral process for DNA cases was now much quicker than previously.
- 1.10 We were disappointed to find that the Nairobi Visa Section had manipulated its performance in relation to the Agency’s customer service standards. This would have had an adverse impact on applicants, who were being misinformed about the level of the Agency’s performance in meeting its 60-day target. The Nairobi Visa Section advised us that this practice had ceased after three months and on reflection accepted it was wrong. We commented on a similar practice we found in Abuja when we first inspected that post in 2009. We believe that any such practice was completely unacceptable and believe the Agency must ensure that staff report performance accurately against its stated performance targets.
- 1.11 We also considered the average time taken for the Nairobi visa section to notify applicants of the outcome of their visa application. We found no evidence of any undue delay as average times were 2 days for Family Visitor and Other Visitor refusals and 3 days for Settlement refusals.

Staff Targets

- 1.12 In order to attain the customer service standards, Nairobi had set benchmark targets that Entry Clearance Officers (ECOs) were expected to achieve. The current targets had been introduced as the result of a working group of ECOs in 2009. A further productivity workshop was held in October 2010 with the ECOs and revised benchmarks were agreed subject to the recommendations of the workshop being implemented. Managers told us that there was one final recommendation to implement and once that was done they would remind staff that they expected them to meet the revised targets. Targets were linked to staff performance appraisals and were adjusted for new staff and those that were part time.

- 1.13 Nairobi stated in the evidence provided before the inspection that there were four levels of benchmarks as follows (the figures in brackets are the revised figures being brought in):
- a benchmark of 50 (60) low risk visit cases a day
 - a benchmark of 30 (35) for higher risk visit cases a day
 - a benchmark of 20 (25) Points Based System cases a day
 - a benchmark of 15 settlement applications a day.
- 1.14 Similar targets had been implemented for Entry Clearance Assistants (ECAs) with a benchmark of data checking 15 cases an hour or 12 cases an hour where the photograph needed to be scanned on to the IT case working system.
- 1.15 We found that staff were clear about how the targets were determined but there was some confusion over what the current targets were. Managers told us they thought targets were on the whole realistic and achievable although acknowledged they would not be met every day depending on the complexity of the cases. ECOs told us they felt they were achievable but had some concerns that quality would suffer and that they might miss things in assessing a case. ECAs told us their targets were difficult to achieve in an office environment where phones were ringing and there were other things going on, and some felt that the pressure to meet the targets impacted negatively on the quality of work.

Decision Quality

- 1.16 We found overall the quality of decision making was good with generally good quality writing in refusal notices. This was much better than we found in two of the other Africa visa sections we inspected - Abuja and the UK Visa Section. However, we did have some concerns over certain aspects of decision quality which are reported on below under the various visa category headings we examined.

Results of the sample of Family and Other Visitor refusals of entry clearance

- 1.17 Refused Family and Other Visitor entry clearance cases were examined using various quality indicators, including:
- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the correct information on appeal rights provided to the applicant?
 - Was the administration of the case sound?⁶
- 1.18 Of the 25 Family Visitor cases examined, we found 17 cases (68%) failed one or more decision making quality indicators. Of the 38 Other Visitor cases examined, we found 15 cases (39%) failed one or more decision making quality indicators. This is illustrated in Figure 18 and Figure 19.

6. Unsound administration would refer to an administrative failing so serious as to adversely affect the decision outcome, for example where delays in processing mean the reason for the application had passed, such as attendance at a particular event, although the application was made in good time.

Figure 18: Family Visitor refusals

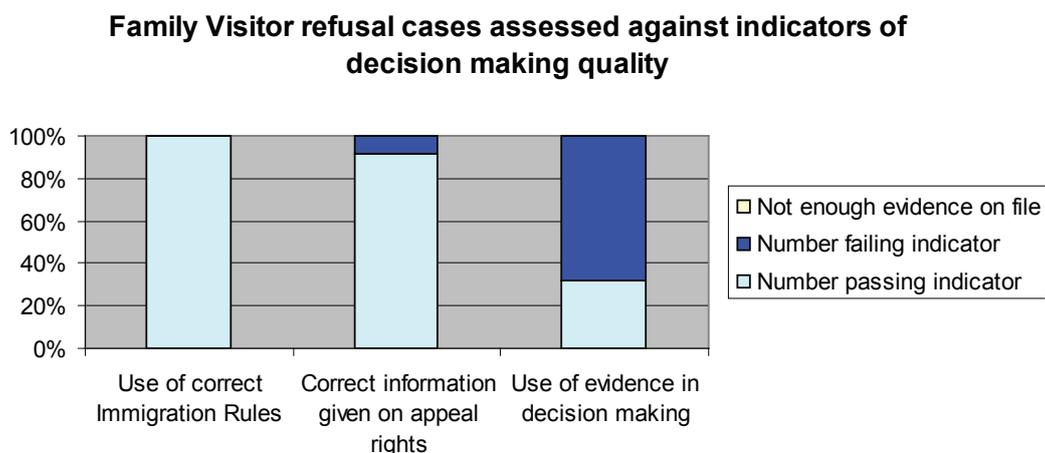
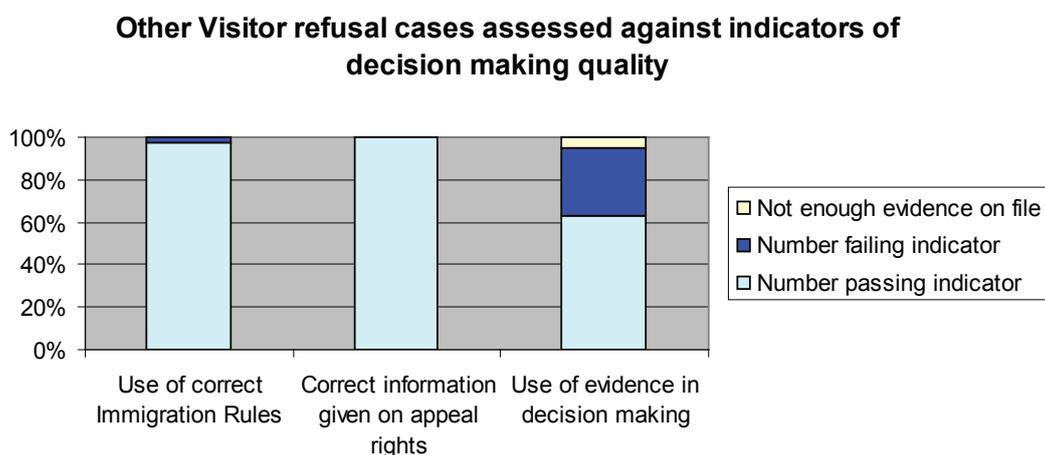


Figure 19: Other Visitor refusals



Immigration Rules

1.19 We were pleased to find that that the decision to refuse entry clearance was assessed against the correct Immigration Rules in all cases we examined in both the Other Visitor and Family Visitor visa categories.

Correct information given on appeal rights

1.20 For Other Visit refusal cases the correct information on appeal rights was given in all of the cases sampled. For the Family Visitor category incorrect appeal rights were given in two cases. In both of these cases applicants were given a full right of appeal when they had not specified the relationship between them and the sponsors or provided supporting evidence, and therefore should have been given a limited right of appeal. The Agency advised us that they had seen evidence showing the relationship in one of these cases but the evidence had not been copied to file.

Decision in line with evidence

1.21 For Family Visit refusal cases 17 of the 25 cases (68% of the sample) failed one or more of the decision making quality indicators. In all 17 of these cases we found that the decision had not

been made in line with all the available evidence. In three of the 25 cases we questioned whether the overall outcome had been made correctly. We were pleased to see that in all 25 cases there was sufficient evidence kept on file for us to examine the decisions.

- 1.22 Similarly for Other Visit refusal cases 14 of the 38 cases (39% of the sample) failed one or more of the decision making quality indicators. In 12 of these cases we found the decision had not been made in line with all the available evidence. In one of the 38 cases we questioned whether the overall outcome was correct. Two cases did not contain on file all of the supporting evidence submitted by the applicant so we could not review this, or assess if the decision had been made in line with evidence.
- 1.23 The main reasons we found decisions had not been made in line with all evidence available were as follows:
- we found 17 Family and eight Other Visit cases where the Entry Clearance Officer required additional information from the applicant which they would not have known about at the time of application, for example refusing entry clearance:
 - for failing to demonstrate how applicants have met and know friends they are visiting;
 - when applying to join the British Army for failure to demonstrate any previous interest in the applicant’s national army; and
 - because of a failure to evidence the family relationship between the applicant and the sponsor.
 - we found nine Family and eight Other Visit cases where the Entry Clearance Officer disregarded or misinterpreted evidence, for example with regards to maintenance or funding for the visit to the applicant’s detriment. Examples included:
 - disregarding invitation letters from sponsors;
 - misreading bank statements; and
 - disregarding pay slips and employment letters submitted by the sponsor.
- 1.24 We discussed six Other Visit and 15 Family Visit cases which we considered to be the most significant and representative of the wider cohort of 31 cases with the Agency while we were on-site. The objectives of our discussion were to:
- highlight our concerns;
 - seek clarification over policy or procedure; and
 - request further rationale behind the making of a decision.
- 1.25 Although the Agency stated they did not accept our findings on 13 cases relating to additional information requirements we were pleased to see that the Agency immediately revised refusal wording templates so that refusal notices in family visit cases no longer commented on not providing evidence of the relationship with a family member where the relationship has been stated. Our findings in relation to the remaining eight cases were as follows:
- in one case discussed, relevant documentation had not been retained and the Agency accepted that the refusal wording was subjective;
 - in another case the Agency accepted the decision was wrong and offered the applicant a gratis application;
 - in a further case the Agency agreed to revise the refusal notice;
 - in one case the Agency accepted that the refusal wording could have been better;

- in a case where a full right of appeal had incorrectly been granted and the applicant had now appealed, the Agency agreed to review the case and write to the Immigration Judge if the decision was upheld at the review.
- we were satisfied with the explanation provided by the Agency on one case where it provided us with further information;
- in another case, the Agency agreed to review the case fully following our discussion; and
- a further case highlighted the inconsistency in guidance published online by the Agency and by its commercial partner but we were advised this was no longer the case since the commercial partner website had now been updated.

1.26 Some of the issues raised are best illustrated by way of example as set out in the case studies below:

Figure 20: Case study – Other Visit application

The applicant:

- Was Ugandan and had applied for a general visit visa on 7 February 2011.
- Wanted to attend the selection process to join the British Army
- Had a sibling in the UK they planned to stay with during the trip.
- Was refused a visa on 9 February 2011

Chief Inspector's comments:

- The applicant provided details and pay slips from their current job including a letter giving permission for a six month break. They also provided letters from their sibling (a soldier serving in the British Army) detailing how they would be accommodated and letters from the Army to the sponsor giving them permission for the applicant to stay with the sponsor.
- The refusal notice stated the applicant had failed to satisfactorily demonstrate their reasons for joining the British Army and that they had not shown any evidence of trying to join the Ugandan Army or any evidence of ongoing contact with the sponsor including any evidence of enjoying family life with them in Uganda during their childhood.
- There is no requirement to show details of family life with a sibling to apply for a visit visa or to give the reasons for joining the British army. These are additional information requirements.
- The refusal notice also stated that the sponsor had failed to provide bank statements and evidence of funds but a bank statement and pay slips for the sponsor were submitted.
- Positive evidence was disregarded.

UK Border Agency response:

- The Agency accepted additional information requirements had been made
- The Agency accepted the refusal wording was inappropriate
- The Agency said this case was not indicative of wider decision making and undertook to reconsider what action it would take.

Figure 21: Case study – Family Visit application

The applicant:

- Applied for a family visit visa on 10 June 2011.
- Wanted to visit their uncle in the UK and was travelling with their child.
- Was refused a visa on 16 June 2011

Chief Inspector's comments:

- The applicant had stated their relationship on their application form and had a letter of invitation from their relative.
- The applicant also had a letter of employment stating their employment details, their leave and that they would return to work after their leave.
- The applicant also submitted bank statements clearly showing their salary being paid by their employer.
- The refusal notice stated that the applicant had provided no evidence of any relationship to the sponsor and no evidence of continuing contact. The applicant was not required to provide this information and we therefore considered this was an additional information requirement
- The refusal notice also stated that the applicant provided no evidence of a contract of employment or that their salary included the cash incentive they had claimed. We considered that positive evidence had been disregarded.

UK Border Agency response:

- The Agency said they did not accept they were placing additional information requirements on the applicant but did accept that the refusal wording was inappropriate without specific evidence that the applicant was not related as claimed and stopped using such refusal wording on 11 July 2011.
- The Agency accepted that positive evidence had been overlooked and the decision to refuse was wrong.
- The Agency undertook to offer a gratis visa application to the applicant.

Results of the sample of Family and Other Visitor grants of entry clearance

- 1.27 Granted Family and Other Visitor entry clearance cases were examined using various quality indicators, including:
- Was the decision to grant entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the visa issued with the correct endorsement and for the correct period of validity?
- 1.28 Of the 25 Family Visitor cases examined, we found five cases (20%) failed one or more decision making quality indicators. Of the 33 Other Visitor cases examined, we found three cases (9%) failed one or more decision making quality indicators. This is illustrated in Figure 22 and Figure 23 below.

Figure 22: Family Visitor Grants

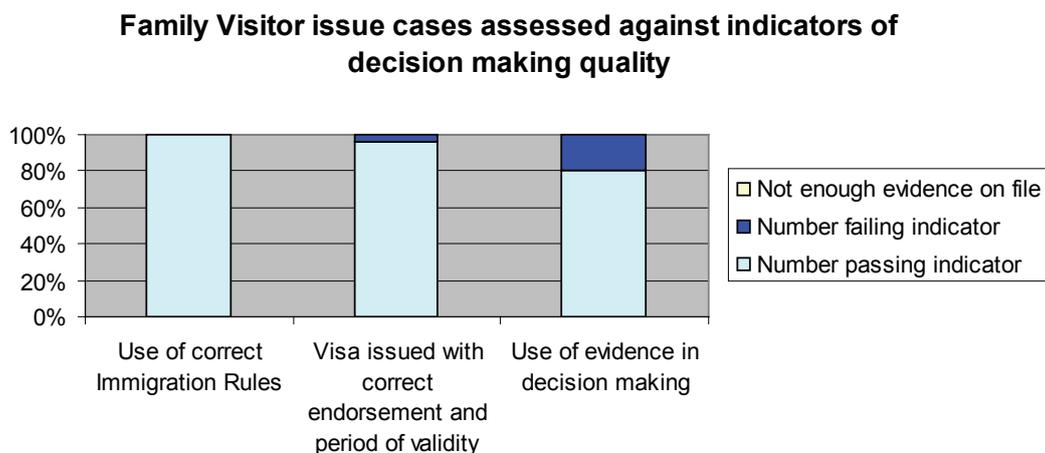
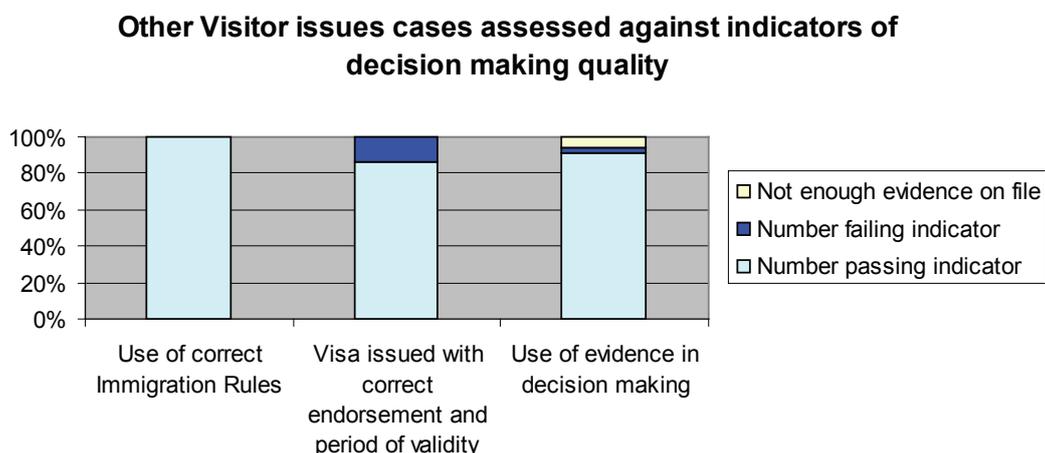


Figure 23: Other Visitor Grants



Immigration Rules

- 1.29 The decision to grant entry clearance was assessed against the correct Immigration Rules in all cases we examined in both the Family Visit and Other Visitor categories.

Decision in line with evidence

- 1.30 For Family Visit grant cases the reason that two of the five cases failed one or more of the decision making quality indicators was because we did not find that the decision had been made in line with all the available evidence. In one case we questioned whether the overall outcome decision had been made correctly. In three of the cases reviewed there was insufficient evidence retained on file for us to be able to fully assess the decision.
- 1.31 Similarly for Other Visit grant cases the reason one of the three cases failed one or more of the decision making quality indicators was because we did not find the decision had been made in line with all available evidence. There were no cases where we questioned whether the overall outcome decision had been made correctly. Two of the three cases did not contain on file all of the supporting evidence submitted by the applicant so we could not review this or assess if the decisions were made in line with evidence submitted.
- 1.32 The issues we found in the Family and Other Visit cases where decisions had not been made in

line with all evidence available were a failure to notice inconsistencies in one case, no evidence of a sponsor in a family case and large deposits into a bank account that were inconsistent with the applicant's circumstances in another case.

- 1.33 We discussed six Other Visit and seven Family Visit cases which we considered to be the most significant and representative with the Agency while we were on site. The objectives of our discussion were to:
- highlight our concerns;
 - seek clarification over policy or procedure;
 - request further rationale behind the making of a decision.
- 1.34 In two cases notes on the case working system had a different date of issue to that shown on the visa itself. The agency confirmed these were data entry errors.
- 1.35 In three cases evidence had not been retained on file. The Agency confirmed that the evidence should have been retained and reminded the officers involved.
- 1.36 In another case there was a complaint on file but it did not relate to that case. We wanted to confirm it had been responded to. The Agency confirmed that it had been dealt with and had been attached to the file in error.
- 1.37 In a further case an applicant was granted a visit visa having submitted evidence of funds which appeared to show two large deposits. We queried whether some verification checks should have been carried out. The Agency told us that the officer assessing the case was a member of their verification team and would have reviewed the case ensuring the bank documentation was genuine. The Agency also said that although a check would have added additional confirmation the officer determined it was not necessary in this case and was satisfied to issue.
- 1.38 In two cases the applicants were children in school groups and it was not clear from the notes that the ECO had made sufficient safeguarding checks. The Agency provided a satisfactory explanation confirming that checks had taken place but accepted that the notes on the IT case working system could have been better in this regard.
- 1.39 In one further Family Visit case the applicant did not provide details of their sponsor or their relationship and submitted no invitation from the sponsor. The Agency said this was considered a low risk case and the applicant had been issued a family visit visa previously, and while this was not detailed in the notes, the officer would have had access to records regarding the previous application.
- 1.40 Having had the benefit of further clarification from the Agency, we agreed to revise our view in one Other Visit case.
- 1.41 Of the Other Visit cases discussed two related to incorrect endorsements and are discussed below.

Visa issued with correct endorsement and with correct period of validity

- 1.42 We were pleased to see that in our sample all Family Visit cases had the correct visa endorsement. In two cases the date of issue was incorrect due to data entry errors. In the Other Visit category every case we sampled had the correct period of validity. In four cases the endorsement was wrong. In a business visit application the endorsement was only "*Visit*" and the remaining three cases were child visitors, where two cases were endorsed as "*Visit*" while in the remaining case the applicant was an unaccompanied child but the visa had the endorsement "*only valid if accompanied by*".

1.43 These issues are best illustrated by way of an example in the case study at Figure 24.

Figure 24: Case study – Other Visit grant application

The applicant:

- Was 17 years old and applied for a visit visa on 14 February 2011.
- Was part of a school group and was accompanied by their teachers on a school exchange trip
- Was issued a visa on 18 February 2011

Chief Inspector's comments:

- The applicant should have been considered as a child visitor.
- There was insufficient evidence as to where the child would be staying in the UK and the requirement under the Immigration Rules that there should be proper reception and care arrangements in place was not satisfied.
- There was no record of any special checks or enquiries being made.
- The visa was not endorsed "*child visitor*" and did not state whether the applicant was accompanied or not.
-

UK Border Agency response:

- The Agency stated that checks had been made both with the school in Kenya and the school in the UK the group would be visiting. Although no evidence was sought as to where each child would specifically stay the Agency was satisfied that the children were not at risk.
- The Agency said that details of these checks had been recorded on the application of the group leader but accepted the notes were not visible in the notes for other members of the group and was considering the best way to record such details for groups.
- The Agency accepted that the visa endorsement was wrong.

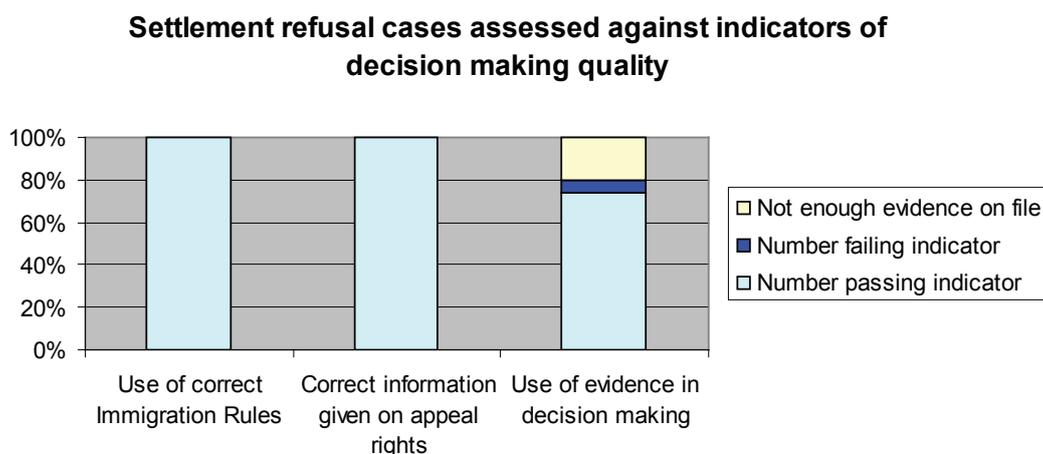
Results of the sample of Settlement Visa refusals

1.44 Refused Settlement visa entry clearance cases were examined using various quality indicators, including:

- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the correct information on appeal rights provided to the applicant?
- Was the administration of the case sound?

1.45 Of the 35 Settlement Visa refusal cases examined we found nine cases (26%) failed one or more decision making quality indicators. This is illustrated in Figure 25 below.

Figure 25: Settlement Visa Refusals



Immigration Rules

1.46 We were pleased to find that all cases in our sample were assessed against the correct immigration Rules.

Correct information given on appeal rights

1.47 We were also pleased to find that the correct information on appeal rights was given in all cases we sampled.

Decision in line with evidence

1.48 In our sample of settlement visa refusal cases the reason two of the nine cases failed one or more of the decision making quality indicators was because we did not find that the decision had been made in line with all the available evidence. However, we were pleased to find no cases where we questioned whether the overall outcome decision had been made correctly.

1.49 Seven of the nine cases did not contain on file all of the supporting evidence submitted by the applicant so we could not review this, or assess if the decision had been made in line with evidence.

1.50 The reasons we found decisions had not been made in line with all the available evidence were positive evidence being disregarded and additional information requirements being made which the applicant would not have been aware of at the time of applying.

1.51 In one case one of the grounds for refusal was that the sponsor had not provided evidence of their immigration status from 2004. This was considered an additional information requirement that the applicant was not made aware of in the Agency's published guidance.

1.52 In two cases positive evidence was disregarded. In one case the refusal notice referred to no evidence of rental agreements being submitted when there was a tenancy agreement submitted. In another case evidence of the sponsor's immigration status was rejected because it was a copy when it would have been easy to confirm the status against Agency records.

1.53 We discussed five cases which we considered to be the most significant and representative with the Agency while we were on site. The objectives of our discussion were to:

- highlight our concerns;

- seek clarification over policy or procedure;
- request further rationale behind the making of a decision.

- 1.54 We raised four cases with the Agency to clarify a detail of an individual case or of Agency policy. We were satisfied with the responses provided by the Agency. In the other case discussed the Agency accepted that positive evidence had been disregarded. However, we considered overall that the correct decision had been made.
- 1.55 The quality of decision making was good and can be illustrated by way of example in the case study in Figure 26.

Figure 26: Case study – Settlement refused application

The applicant:

- Was a child that applied for entry clearance on 5 November 2010 for indefinite leave to enter to join their sibling who had previously settled in the UK.
- had to demonstrate there were serious and compelling circumstances to qualify for entry
- was refused a visa on 8 November 2011 on the grounds that there was no evidence of serious and compelling family or other considerations that would make exclusion of the child undesirable, and that their sponsor was unable to maintain and accommodate them without recourse to public funds.

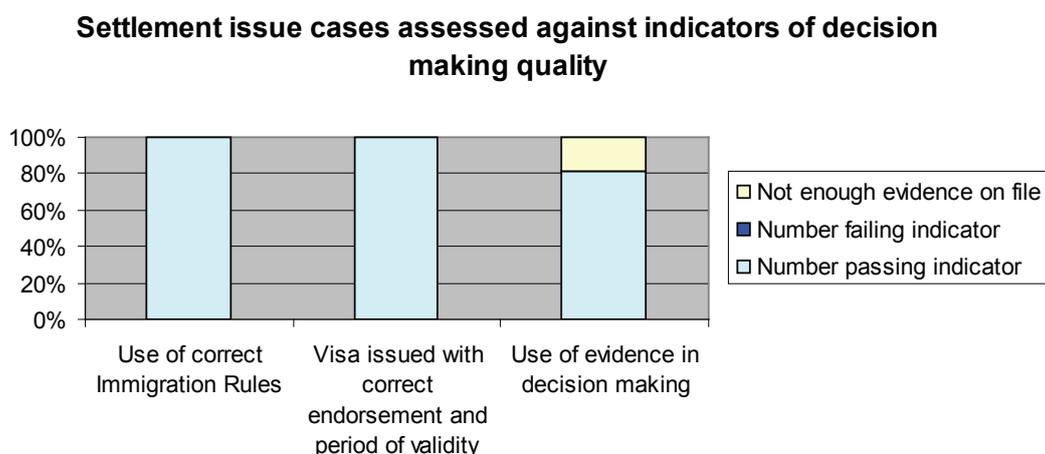
Chief Inspector's comments:

- The refusal notice was well presented and clearly set out the reasons for refusal.
- The officer had assessed all aspects of the case and had looked at DWP guidelines on maintenance to assess the level of income needed to maintain the applicant.
- The officer had carefully assessed the applicant's circumstances in Kenya and the evidence provided.
- The case was a good example of effective entry clearance work.

Results of the sample of Settlement Visa grants of entry clearance

- 1.56 Grants of Settlement visa entry clearance cases were examined using various quality indicators, including:
- Was the decision to grant entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the administration of the case sound?
 - Was the visa issued with the correct endorsement and for the correct period of validity?
- 1.57 Of the 16 Settlement visa grant cases examined, we found three cases (19%) failed one or more decision making quality indicators. This is shown in Figure 27 below.

Figure 27: Settlement Visa Issues



Immigration Rules

1.58 We found that all of the cases sampled were assessed under the correct Immigration Rules.

Decision in line with evidence

1.59 In our sample of settlement visa grant cases the reason three of the 16 cases failed one or more of the decision making quality indicators was because evidence submitted by the applicants was missing from the file and so was not available for us to examine. We could not therefore assess if the decision had been made in line with the evidence.

1.60 We were pleased to find that all the remaining 16 cases were decided in line with the evidence submitted.

1.61 We discussed five Settlement Grant cases with the Agency while we were on site. The objectives of our discussion were to:

- highlight our concerns;
- seek clarification over policy or procedure;
- request further rationale behind the making of a decision.

1.62 In all five cases, we wanted to clarify details of individual cases and confirm the checks that were undertaken. We were satisfied with the responses given for all five cases.

Visas issued with correct endorsement and with correct period of validity

1.63 In all of the cases we sampled we found that visas were issued with the correct endorsement and the correct period of validity.

General findings for the overall file sample

1.64 We found the quality of visa vignettes was good. Out of 101 cases sampled across all three visa categories, we found 96 (95%) of vignettes were correct in both category and period of validity.

1.65 Overall we found the quality of refusal notices was good. They were generally well written, easy to understand and tended to be personalised and avoided the use of standard paragraphs. Our findings in relation to refusal notices are detailed below:

- three Other Visit cases did not communicate refusal grounds clearly;
- two Family Visit, one Other Visit and one Settlement cases did not state the correct period and purpose of the visa;
- two Family Visit cases did not contain the correct information on appeal rights; and
- two Family Visit, three Other Visit and one Settlement cases were presented poorly as they contained for example, spelling, grammar or punctuation errors.

1.66 We were pleased to find no issues with regard to case administration as all cases reviewed had been administered soundly.

Detailed checks

1.67 In our sampling we considered whether verification checks had been carried out to assess the validity of supporting documents in relation to applicants and sponsors. Out of 124 Family and Other Visit cases sampled, we found three cases (2%) where we considered checks should have been carried out but had not been. However, Settlement visa cases gave us more cause for concern as we found checks should have been carried out in four out of 16 Grant cases (25%) and four out of 35 Refusal cases (11%).

1.68 Settlement cases should have had additional checks carried out on the sponsors as per the Agency's guidance to staff issued on 6 April 2010. This stipulates that Settlement applications should routinely have additional checks performed. The Agency introduced this guidance as a direct result of our report and recommendations following our inspection of the UK Visa Section. However the Agency explained to us that Nairobi had been one of the visa sections involved in a verification exercise and the results of this exercise demonstrated that few checks at this post influenced the final entry clearance decision. As a result we were told that a decision had been made to allow officers in Nairobi the discretion as to whether to request checks on sponsors in settlement cases. We consider that even if officers exercised appropriate discretion, this should have been clearly recorded on the IT caseworking system to provide an audit trail and justification as to why checks had not been made.

Quality Checking

1.69 We found that the Nairobi Visa section was operating quality checking mechanisms in accordance with UK Border Agency guidance. ECMs were expected to carry out checks of:

- 10% of visa issue decisions;
- 25% of settlement refusal decisions;
- 25% of limited appeal right refusal decisions;
- 100% of Paragraph 320 refusal decisions; and
- 100% of cases where grounds for appeal are submitted.

1.70 Each of the ECMs confirmed how seriously they took this part of their role. All ECMs considered they did more checks than were required although they said they did not measure whether they were meeting the targets. They felt they had sufficient time to do their checks and felt that both the quality and consistency of refusal notices had improved over the last year – a fact borne out by our sampling of refusal notices. The operations manager monitored the checks made by ECMs both in terms of

numbers and quality and told us that sufficient management reviews were being carried out. The results of our file sampling indicated that generally, ECM reviews were undertaken well.

- 1.71 ECMs had also recently introduced a pilot to sample decisions in more depth and record the outcome on a spreadsheet. They told us this file sampling was based on a business assurance tool, which was itself modelled on the file sampling methodology used by the Inspectorate. They considered this tool gave them much more confidence in decision making, because it proactively identified improvement opportunities rather than waiting for problems/issues to occur.

Staff training, development and morale

- 1.72 We found that staff at Entry Clearance Officer and Entry Clearance Manager level had received core training which had been provided in the UK. Staff felt that this training was adequate but felt there was insufficient ongoing training and development once they were at the visa section. Local induction training involved being mentored but there was no written guidance giving regional socio-economic and cultural information and it was felt there was a lot of local knowledge that was not being used effectively. All new ECOs visited the Visa Application Centre as part of their induction.
- 1.73 Entry Clearance Assistants had no formal training package. There were no core training programmes so their training was provided by shadowing other ECAs on the job. Staff feared this led to an inconsistency of approach. Managers recognised this and had arranged a one day course on data entry which had resulted in improved accuracy. It was recognised this needed to be an ongoing programme.
- 1.74 Other specific training was received positively. Staff felt that the local training on forgery detection had been good as was the training on assessing credibility of applications. Further training was planned but there had not been time to roll it out.
- 1.75 There were regular team meetings and staff said that they had been made more formal recently. There were plans to circulate bullet points from these meetings for staff that were on leave but this had not yet happened.
- 1.76 There were mixed views on the amount of development opportunities offered. ECAs in particular felt that there were limited opportunities to develop and progress and many staff felt the pressure of work and the drive to meet targets left no time for any personal development. ECOs felt they did not have time to do anything other than assess applications.
- 1.77 There were mixed views on morale. Staff felt valued and respected, and felt that managers listened to them and were supportive. They also commented that things were much better than they had been before. However, locally engaged staff criticised the development opportunities offered to them and felt that UK staff were able to work more flexibly in their working hours.

Appendix 2

Pretoria Visa Section

Inspection findings – Operational Delivery

Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration

Decision making

- 2.1 This section provides detailed results and analysis of the files we examined prior to and during the on-site phase of our inspection in Pretoria. In total, we requested 210 case files which were chosen randomly from decisions made in Pretoria. Settlement and Other Visitor cases dated between 01/04/10 and 28/02/11 and Family Visitor cases dated between 30/05/11 and 24/06/11. We were pleased to find very little evidence of problems in regard to file storage and retrieval as we received 208 of the requested 210 files. Two files could not be located at the post and so the next available files were submitted for sampling. We were given no explanation for the agency's inability to locate the files. The type of visa categories we examined are set out in Figure 28, together with details of the case files produced by the Agency. We actually sampled 185 out of the original 210 files as 25 cases proved to be out of scope, mainly due to incorrect categorisation.

Figure 28: Numbers of files sampled in each visa category

Category	Requested	Sampled	Out of scope
Settlement - issue	40	28	12
Settlement - refusal	40	39	1
Other Visitor - issue	40	39	1
Other Visitor - refusal	40	30	10
Family Visitor - issue	25	25	0
Family Visitor - refusal	25	24	1
Total	210	185	25

- 2.2 In the cases we examined we considered both the timeliness of the actions taken and the quality of the decisions made. Details of our findings, split according to visa category, follow.

Timeliness

- 2.3 At the time of our inspection, the UK Border Agency measured its performance against the following customer service standards:
- to complete 90% of non-settlement visa applications in not more than 15 working days, 98% in 30 working days, and 100% in 60 working days: and

- to complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days.

2.4 We found that the Agency achieved all its targets for both Family Visit issue cases and for Other Visit issue cases, as illustrated in Figure 29.

Figure 29: Application processing times of Family and Other Visit issue cases in Pretoria
Targets: to complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days

	Family Visit Issues			Other Visit Issues		
Total cases sampled	25			39		
Timescale	15 working days or under	30 working days or under	60 working days or under	15 working days or under	30 working days or under	60 working days or under
Percentage of cases processed by timescale	100%	100%	100%	100%	100%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	0	0	0	0	0	0

2.5 We also found that the Agency had achieved all its targets for Other Visit refusals and all its targets for Family Visit refusals with the exception of one case where it missed the 15 day target, as illustrated in Figure 30.

Figure 30: Application processing times of Family and Other Visit refusal cases in Pretoria
Targets: to complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days

	Family Visit Refusals			Other Visit Refusals		
Total cases sampled	24			30		
Timescale	15 working days or under	30 working days or under	60 working days or under	15 working days or under	30 working days or under	60 working days or under
Percentage of cases processed by timescale	96%	100%	100%	100%	100%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	-1	0	0	0	0	0

2.6 We were pleased to see that the agency had achieved its targets for both Settlement issue and Settlement refusal cases with the exception of one case where the 60 day target was missed., as illustrated in Figure 31.

Figure 31: Application processing times of Settlement cases issued and refused in Pretoria

Targets: to complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days

	Settlement issues		Settlement refusals	
Total cases sampled	28		39	
Timescale	60 working days or under	120 working days or under	60 working days or under	120 working days or under
Percentage of cases processed by timescale	100%	100%	97%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	0	0	-1	0

2.7 In summary, the results of our file sampling show that the Pretoria Visa section only missed the target date on 2 out of 185 cases (4%) we looked at. These findings are in line with management information recorded by the Agency which shows that the Pretoria Visa section performs well against its service standards and was meeting its customer service targets.

2.8 We also considered the average time taken by the Pretoria Visa section to notify applicants of the outcome of their visa application. We found no evidence of any undue delay as average times were as follows:

- one day for Settlement and Other Visit refusals; and
- two days for Family Visit refusals.

Staff Targets

2.9 In order to attain the customer service standards, Pretoria Visa section ran a series of workshops, consulting with Entry Clearance Officers and Entry Clearance Assistants, to develop benchmark targets. The Entry Clearance Managers monitored performance against benchmarks. We were pleased to find that staff in Pretoria had been and continued to be involved in target setting. At the time of the inspection the benchmarks were set as follows:

ECOs Assessment and benchmark per day

- Low risk visits 90 – 130
- Higher risk visits 30 – 50
- UK ancestry, Right of Appeal, non PBS work 30 – 50
- Settlement / Family reunions 20 – 30
- PBS 20 – 30
- Appeals 15 – 20
- Appeals reviews 15 – 20

ECAs Data checking and benchmark per hour

- Visit 20

- Long term applications 15

- 2.10 We found that staff were aware of and understood the benchmarks and how these had been determined. We were told that the benchmarks were not rigidly fixed and that the levels were set to be able to cope at times of high demand.
- 2.11 The benchmarks were reviewed in April 2011 in line with Agency guidance which recommended that benchmarks were reviewed regularly and at least every six months.
- 2.12 Staff and managers highlighted that “*working queues*” were created during peak periods and that these were monitored closely to ensure that resources could be reallocated. “*Working queues*” were applications which had not been fully assessed but were still within the timeline given in the customer service standards. Staff were requested to work overtime or accrue Time Off In Lieu, as and when necessary, to ensure that backlogs did not occur.
- 2.13 Pretoria Visa Section employed a “*streamlining process*” to categorise applications when they arrived. These were colour coded either at the Visa Application Centre or in the Post room into the “*working queue*” categories already mentioned in 4.13. Applications were allocated to the ECOs on a daily basis by an ECM. This process enabled certain applications to be sent to the Verification Unit for checks prior to them reaching the ECOs. The emphasis was put on the team keeping “*working queues*” to a minimum rather than on individual targets.

Decision quality

- 2.14 We found that overall the quality of the decision making in Pretoria was good. We did however have some concerns over certain aspects of the decision making process which are reported under the various visa category headings we examined.

Results of the sample of Family and Other Visitor refusals of entry clearance

- 2.15 Refused Family and Other Visit entry clearance cases were examined using various quality indicators, including:
- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the correct information on appeal rights provided to the applicant?
 - Was the administration of the case sound?
- 2.16 Of the 24 Family Visit refusal cases examined, we found seven cases (29%) failed one or more decision making quality indicators. Of the 30 Other Visit refusal cases examined, we found 10 cases (33%) failed one or more decision making quality indicators. This is illustrated in Figures 32 and 33.

Figure 32: Family Visitor refusal cases

Figure 32: Family Visitor refusal cases assessed against indicators of decision making quality

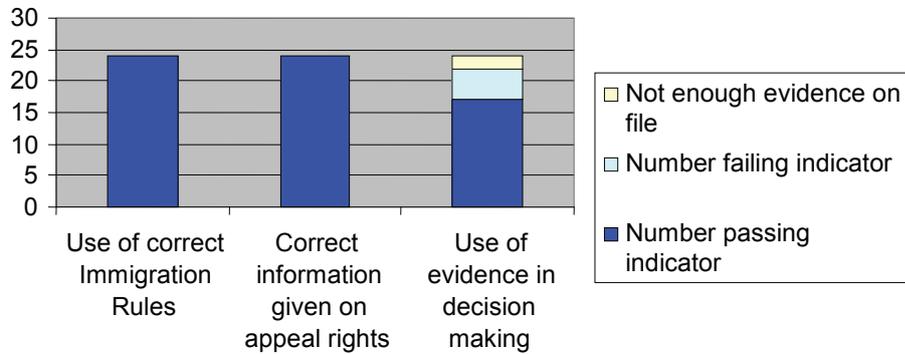
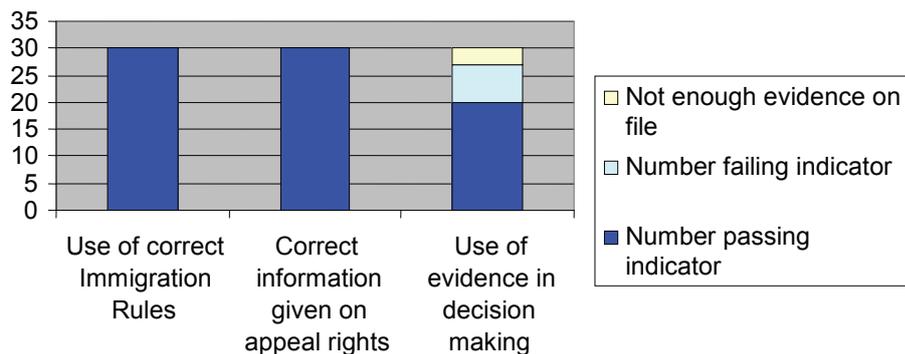


Figure 33: Other Visitor refusal cases

Figure 33: Other Visitor refusal cases assessed against indicators of decision making quality



Immigration Rules

- 2.17 The decision to refuse entry clearance was assessed against the correct Immigration Rules in all cases we examined in both the Family and Other Visit visa categories.

Correct Information given on appeal rights

- 2.18 In all cases we examined in both the Family and Other Visit visa categories the applicant was given the correct information on their rights to appeal.

Decision in line with evidence

- 2.19 For Family Visit refusal cases the reason seven of the 24 cases sampled failed one or more decision making quality indicators was because we did not find that the decision had been made in line with all the available evidence. Of these, two cases failed because the supporting evidence provided by the applicant was neither on file nor on the IT caseworking system.

- 2.20 The reasons we found that decisions had not been made in line with all the evidence were as follows:
- additional information requirements were made above those that were set out in Agency guidance - for example, requesting proof of relationship between the applicant and sponsor which was not a standard requirement for a family visit application, and was not something the applicant would have known at the time of application
 - inconsistencies within the application and / or within supplied supporting documents were not picked up – for example, where the salary claimed and deposits into bank accounts did not match up and amounts appeared unaccounted for; and
 - positive evidence was disregarded – for example where a sponsor letter had been sent confirming the accommodation of the applicant and yet this did not appear to be taken into account during the assessment of the application.
- 2.21 In 22 cases we agreed that the overall decision to refuse was the correct outcome. However, in two cases we were unable to assess if the decision had been made in line with evidence as supporting documents provided by the applicant were missing.
- 2.22 For Other Visit refusal cases the reason seven of the 30 cases sampled failed on one or more decision quality indicators was because we did not find that the decision had been made in line with all the evidence available. Of these, two cases failed because the supporting evidence provided by the applicant was neither on file nor on the IT caseworking system.
- 2.23 In 27 cases we agreed that the overall decision to refuse was the correct outcome. However, in two cases we were unable to assess if the decision had been made in line with evidence as supporting documents provided by the applicant were missing. In one case we disagreed that the decision to refuse was correct. Details of this case are presented in Figure 34.

Figure 34: Case study – Other Visit refusal application

The applicant:

- was applying for a 7 day holiday
- the trip was to be funded by applicant and sister and a letter from the sister confirmed this
- a letter was provided by the applicant's bank confirming available funds
- was refused two weeks prior to this application and the applicant provided a letter to address those concerns
- provided payslips and bank statements showing regular salary payments into their account
- was refused as neither flight nor accommodation had been booked and because the applicant would only have £496 in their bank account until they got paid

Chief Inspector's comments:

- sought clarification on how much was deemed to be an acceptable amount of money for a one week stay in the UK
- as the application was reviewed by the Agency as part of a file sampling exercise, following the call of the file by ICI, we requested an update on its findings

UK Border Agency response:

- was satisfied that the original decision to refuse was correct
- there is no explicit minimum figure for what represents sufficient maintenance – this is determined by the assessing ECO and will be dependant on the applicant's individual circumstances, the sponsor's circumstances, the proposed length of visit and the assessing officer's own individual assessment, taking into account all the information provided on the VAF
- on review it was considered that the evidence was evenly balanced both for and against the applicant
- the applicant and their sister were subsequently contacted by telephone to clarify some points that the assessing ECO was not satisfied with
- the ECO was satisfied, on balance, that the reason for refusal had been addressed and that applicant would qualify as a visitor
- applicant was contacted and invited to submit a gratis application

2.24 In the case study presented in Figure 34, the Agency responded to all the issues raised. We were pleased to note the proactive approach taken by the Agency following the highlighting of this case and that the applicant was subsequently offered an opportunity to reapply at no additional cost.

Figure 35: Case study – Family Visit refusal application

The applicant:

- applied to visit the UK to attend son's wedding
- submitted a letter of invitation from their son
- supplied evidence of their sponsor's immigration status in the UK, their wedding details, a bank statement and a utility bill, although the documents had not been retained on file
- was refused on the grounds that they provided no evidence of their personal circumstances or income and that no evidence was supplied to show that the sponsor was their child
- was also refused as no evidence of the sponsor's financial position or ability to accommodate

Chief Inspector's comments:

- agreed the overall decision to refuse was correct due to the lack of evidence of personal circumstances of the applicant
- noted the application had been deferred for checks but it was unclear what these checks were
- noted there was no requirement for the applicant to prove their relationship to their child
- found that positive evidence was disregarded as the sponsor had sent a letter stating they would accommodate their parent.

UK Border Agency response:

- was satisfied that the decision to refuse was correct
- the documents submitted in Luanda were stored electronically and the assessing ECO deferred the application to see the additional documents
- agreed that the ECO should have accepted the stated relationship and that the refusal wording was inappropriate and should be reviewed
- was possibly an oversight of the assessing ECO regarding the sponsor letter.

- 2.25 In the case study at Figure 35, the Agency responded to all the issues raised and satisfied us regarding the reasons for the deferral of the application. We comment further on our concerns regarding the need to evidence the relationship between applicant and sponsor later in the report.
- 2.26 Whilst on site we discussed six Family Visit and three Other Visit refusal cases with the Agency. The objectives of our discussion were to:
- Highlight our concerns;
 - Seek clarification over policy and procedure; and
 - Request further rationale behind the making of a decision.
- 2.27 The Agency gave comprehensive replies to all six Family Visit cases and all three Other Visit refusal cases. The Agency was satisfied that in all nine cases the ECOs had made the correct decision to refuse the applications.
- 2.28 Our main concern was in Family Visit refusal cases, and related to refusals where the assessing ECO stated that the applicant failed to evidence their relationship to their sponsor. We noted that the Agency's own guidance stated that ECOs should accept the relationship stated on the application form and / or supporting letters unless one of four scenarios applied. None of the cases we examined fell into these categories.

2.29 The Agency responded by saying that:

“The guidance we work to is public and includes definitions of a qualifying family member; the burden of proof is on the applicant, and an ECO should accept the stated relationship unless no evidence has been submitted with the application which demonstrates that a family visit is intended.

We accept that without specific evidence that the applicant is not related as claimed the refusal wording is inappropriate and that we need to immediately review this wording.”

2.30 Staff in Pretoria were instructed to stop using this refusal wording and it was discussed at their ECO meeting to ensure that all ECOs were fully aware of this and applying it consistently and correctly.

Not enough evidence on file

2.31 Of the 24 Family Visit cases examined, we found we were unable to assess two cases (8%) due to the lack of evidence held on file and / or on the IT caseworking system. Of the 30 Other Visit cases examined, we found we were unable to assess two cases (7%) for the same reasons. Without physical or electronic copies of supporting evidence submitted by the applicant, not only were we unable to review and assess the case, but there was no clear audit trail for the Agency to substantiate the decision made, should they need to review the application at any point.

2.32 The Agency told us that: *“Applications lodged in South Africa should have all supporting documentation submitted by the applicant recorded on a “documents submitted checklist” at the Visa Application Centre. A hard copy of this should be attached to the application form.”* During our file sampling we found that this checklist was not attached to many of the files we examined.

2.33 During the on-site phase of the inspection we raised this issue with the Agency who agreed that the checklist had not been completed in all circumstances. The Agency told us that they had contacted their commercial partner, VFS, to ensure that a checklist was completed for all applications to ensure a clear audit trail for supporting documentation was available for all applications made.

Results of the sample of Family and Other Visitor grants of entry clearance

2.34 Granted Family and Other Visitor entry clearance cases were examined using various quality indicators, including:

- Was the decision to grant entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the visa issued with the correct endorsement and for the correct period of validity?
- Was there enough evidence on file to assess the application?

2.35 Of the 25 Family Visit cases examined, we found 20 cases (80%) failed one or more decision quality indicators. Of the 39 Other Visit cases examined, we found 19 cases (49%) failed one or more decision quality indicators. This is illustrated in figures 36 and 37:

Figure 36: Family Visit issue cases

Figure 36: Family Visit issue cases assessed against indicators of decision making quality

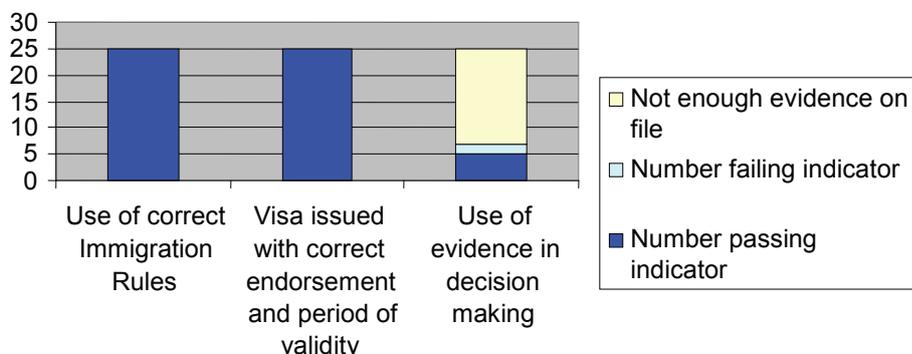
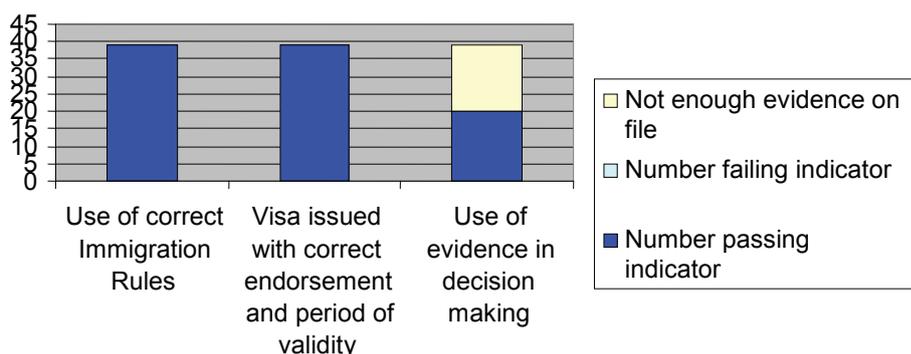


Figure 37: Other Visit issue cases

Figure 37: Other Visit issue cases assessed against indicators of decision making quality



Immigration Rules

2.36 We were pleased to note that the decision to grant entry clearance was assessed against the correct Immigration Rules in all cases we examined in both the Family and Other Visit visa categories.

Decision in line with evidence

2.37 For Family Visit cases the reason 20 of the 25 cases sampled failed one or more decision quality indicators was because we did not find that the decision had been made in line with all the available evidence. Of these the only reason 18 cases (72%) failed was because the supporting evidence provided by the applicant was neither on file nor on the IT caseworking system. Without physical or electronic copies of supporting evidence submitted by the applicant, not only were we unable to review and assess the case, but there was no clear audit trail for the Agency to substantiate the decision made, should they need to review the application at any point.

- 2.38 In five cases we agreed that the overall decision to grant the visa was in line with the evidence. In two cases the reasons we found that decisions had not been made in line with evidence were as follows:
- the Agency failed to notice inconsistencies – a year’s difference between the date employment commenced given by the applicant and by the employer; and
 - other – no supporting documents were provided by the applicant.
- 2.39 For Other Visit cases the reason 19 of the 39 cases sampled failed one or more decision quality indicator was because supporting evidence provided by the applicants had not been retained on the file or on the IT caseworking system. Without physical or electronic copies of supporting evidence submitted by the applicant not only were we unable to review and assess the case, but there was no clear audit trail for the Agency to substantiate the decision made should they need to review the application at any point.
- 2.40 Whilst onsite, we discussed 19 Family visit cases and seven Other Visit grant cases. The Agency was satisfied that in all 26 cases the ECOs had made the correct decision to grant the visas. Figure 38 provides details of a case where we disagreed with the decision made.

Figure 38: Case study – Family Visit grant application

The applicant:

- was applying to visit cousin in UK for three weeks (and was travelling with cousin)
- provided no letter of invitation
- spouse was not travelling but was to fund the trip (20,000 Rand available but no evidence of this was seen)
- had no previous UK travel identified but had made three previous trips to Saudi Arabia

Chief Inspector’s comments:

- no supporting documentation was on file
- IT caseworking system stated that “no supporting documents were provided with this application”
- Requested the Agency to explain how the decision to issue a visa was made when no evidence was seen to support the application

UK Border Agency response:

- was satisfied that the decision to issue was correct
- the applicant was travelling with sister-in-law who was also issued at the same time. This was an “on balance” decision i.e. the ECO had to make a judgement, on the balance of probabilities, as to whether the applicant was more or less likely to comply with the Immigration Rules. Given the applicant’s age, previous travel history and information given on the visa application form, it was satisfied that the ECO made the correct judgement

- 2.41 In the case study at Figure 38, we maintained our scoring and still disagree with the decision. Without any supporting documents there was no way of assessing the application. For example, it would not be possible to make an informed judgement of the personal circumstances of the applicant or their likelihood of complying.
- 2.42 The Agency has since contacted the applicant confirming that they had travelled and returned to South Africa, complying with the conditions of the visa. The applicant told the Agency that they

were supported by their spouse who was a company owner and stated their income. Whilst we were pleased to see that these compliance checks had been carried out we still do not agree that an application can be properly assessed when no supporting evidence has been provided by the applicant.

- 2.43 Figure 39 details a case study where we do not consider the decision was made in line with all of the evidence available.

Figure 39: Case study – Family Visit grant application

The applicant:

- was applying to visit their brother in UK
- provided an invitation letter from their sponsor
- had a flight ticket and had also supplied an employment letter

Chief Inspector's comments:

- we found generic notes were used on the IT caseworking system to justify decision making
- we scored down this case as inconsistencies in the supporting documents provided by the applicant were not picked up by the ECO, i.e. the applicant stated they commenced employment on 15 January 2003 but their employment letter stated that they commenced employment in January 2004. Whilst this could be an innocent mistake a check could have been carried out to confirm the correct details
- The employment letter did not include salary details as suggested in the supporting documents guidance and there was no additional evidence on file to confirm the applicant's salary
- Overall we were not able to assess the application as not all the evidence has been retained

UK Border Agency response:

- was satisfied that the decision to issue was correct
- agreed that the ECO made no mention of the inconsistencies highlighted and that a telephone interview may have been prudent in this case

- 2.44 In the case study in Figure 39, we maintain that the decision is not in line with the evidence available.

- 2.45 Subsequently, the Agency contacted the applicant by telephone. The applicant was yet to travel but explained the discrepancy within the application fully and confirmed personal finances and previous UK travel details. The Agency agreed to send a reminder to ECO's confirming when they should conduct an interview. Whilst we were pleased to see that these checks were carried out we consider they should have been conducted prior to issuing the visa.

- 2.46 Our main concerns in both Family and Other Visit cases relate to the retention of supporting documentary evidence either retained on file or detailed in notes on the IT caseworking system. These mainly fell into three areas:

- Generic / standardised paragraphs were used on the system which stated: *"Application assessed in the light of the applicant's circumstances (as evidenced by the information on the Visa Application Form and any supporting documents submitted). In view of the applicant's previous travel history and the absence of any adverse information I am satisfied that the applicant's circumstances and intentions are as detailed on the VAF. I am satisfied that there are no relevant documents to be retained."*

- Notes on the IT caseworking system referred to specific evidence that was assessed but no documents were retained on file.
- Insufficient notes were made on the IT caseworking system and no documents were retained on file.

2.47 We asked the Agency to justify its decisions to grant these visas and explain what audit trail there was in these cases. The Agency responded saying that:

- *“standard issue notes of the type on this application are used only for Pretoria’s lowest risk visit applications. These will have been made online and the visa applicant will have recent previous travel as a visitor to the UK, Australia, USA, Canada or New Zealand. There will be no adverse biometric results and no additional information will be held to suggest a higher risk to the border.*
- *“in line with current guidance, we only retain documents in Pretoria that the ECO/ECM has decided as being directly relevant to the decision. For the majority of our lower and medium risk visit applications the supporting documents considered will be clearly referenced in the issue notes / refusal notices but may not necessarily be retained.*
- *“Both cases relate to our lowest risk application group in Pretoria where our standardised issue notes could have been used. I have no further details as why they were not. Supporting documentation for such cases is neither retained nor noted by the ECO, as the time needed to reference the documentation would be disproportionate to the very low risk.”*

2.48 It was clear from the response provided by the Pretoria Visa Section that it was not following the guidance issued by the Agency pertaining to the retention of supporting documents.

Following our discussions with the Agency we were pleased to note that they:

- reissued guidance to staff on Standardised issue notes
- reissued guidance to staff on retention of documents
- organised an ECO workshop to discuss issue notes / retention of documents to ensure consistency.

2.49 The Agency also contacted a number of the applicants to ascertain whether they had complied with their visas. They told us that: *“Following local checks, there is no evidence available to suggest that the applicants have not complied with the conditions of the visa.”*

2.50 Whilst we were pleased to see the remedial steps taken by the Agency we still have concerns that the Agency was not following its own guidance on the retention of documents. The Pretoria Visa Section did not agree fully with our views on the retention of documents. However, we believe that without copies of relevant supporting documents on both refusal and granted cases there is no clear audit trail or way of justifying how a decision was made. This leaves the Agency vulnerable to criticism.

Visa issued with correct endorsement and with correct period of validity

2.51 We were pleased to note that in all cases we examined in both the Family and Other Visit visa categories the visa was issued with the correct endorsement and with the correct period of validity.

Not enough evidence on file

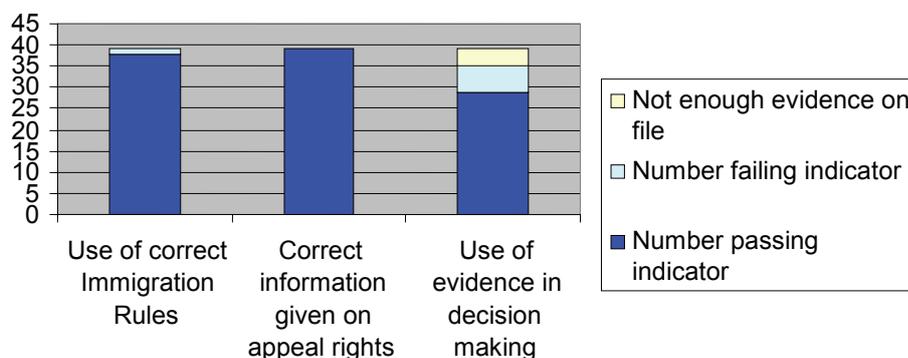
2.52 Of the 25 Family Visit and 39 Other Visit cases that we examined, we found we were unable to assess 18 (72%) and 19 cases (49%) respectively due to the lack of evidence held on file and / or on the IT caseworking system.

Results of the sample of Settlement Visa refusals

- 2.53 Refused Settlement entry clearance cases were examined using various quality indicators, including:
- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the correct information on appeal rights provided to the applicant?
 - Was the administration of the case sound?
- 2.54 Of the 39 Settlement refusal cases examined, we found 10 cases (26%) had failed one or more decision quality indicators, as illustrated in Figure 40.

Figure 40: Settlement refusal cases

Figure 40: Settlement refusal cases assessed against indicators of decision making quality



Immigration Rules

- 2.55 The decision to refuse entry clearance was assessed against the correct Immigration Rules in all but one of the Settlement refusal cases we examined. This related to one refusal notice that referred to paragraph 297 of the Immigration Rules instead of paragraph 295, although the linked case was correct. This may have been an error in copying the refusal notice.

Correct Information given on appeal rights

- 2.56 In all the Settlement refusal cases we examined the applicant was given the correct information on their rights to appeal.

Decision in line with evidence

- 2.57 For Settlement refusal cases the reason 10 of the 39 cases sampled failed one or more decision quality indicator was because we did not find that the decision had been made in line with all the available evidence. Of these, four cases failed because the supporting evidence provided by the applicant was neither on file nor on the IT caseworking system.
- 2.58 In 33 cases we agreed that the overall decision to refuse was the correct outcome. There were two cases where we considered that the overall outcome was incorrect. One of these is highlighted in Figure 41.

Figure 41: Case study – Settlement refusal application

The applicant:

- was seeking to join their father in the UK who had been granted asylum
- stated they had no papers due to the lack of an issuing authority in Somalia and therefore requested DNA testing to establish relationship
- was refused because they had no travel documents or birth certificate and had not submitted evidence that they were related as claimed
- was also refused as no evidence was submitted demonstrating they were part of the sponsor's family unit at the time they fled.

Chief Inspector's comments:

- requested the Agency to advise what evidence it expected the applicant to submit given there was no issuing authority in Somalia
- asked the Agency to clarify why DNA testing was not utilised

UK Border Agency response:

- was satisfied that the overall decision to refuse was correct
- stated the ECO was not satisfied that applicant was related as claimed to the sponsor or that they were part of the family unit of the person granted asylum as very limited information and supporting evidence was provided with the application
- assessing officer was incorrect to use paragraph 320 (3) of the Immigration Rules, however, satisfied that the remaining reasons for refusal were reasonable
- was unable to find any reference to a DNA request from the applicant
- a DNA test at public expense was considered only for first time Settlement or Family Reunion applications as a last resort when every other means of verifying the relationship had been exhausted; and where "*related as claimed*" would be the sole reason for refusal. This would ordinarily be done at appeal stage giving the applicant full opportunity to address the reason for refusal and provide further evidence.
- applicant had appealed but not addressed the reason for refusal. Applicant had stated that it was unreasonable to demand evidence of relationship when none was available in the appellants' country. Prepared to accept this given the circumstances in Somalia.

2.59 In the case study in Figure 41, the Agency responded to the issues raised and we were pleased to note it had agreed to contact the applicant's sponsor and invite them to submit a DNA test at public expense. The Agency had also arranged for specific feedback to be given to the assessing officer on this matter.

Not enough evidence on file

2.60 Of the 39 Settlement refusal cases examined, we found that we were unable to assess four cases (10%) due to the lack of evidence held on file and / or on the IT caseworking system.

Results of the sample of Settlement Visa grants of entry clearance

2.61 Granted Settlement entry clearance cases were examined using various quality indicators, including:

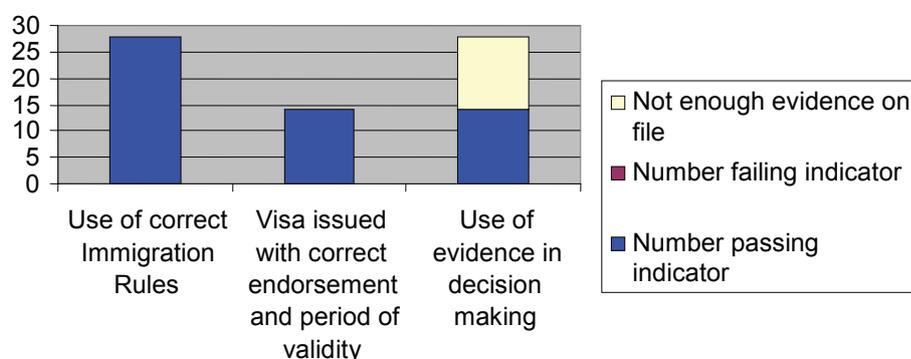
- Was the decision to grant entry clearance assessed against the correct Immigration Rules?

- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the visa issued with the correct endorsement and for the correct period of validity?
- Was there enough evidence on file to assess the application?

2.62 Of the 28 Settlement grant cases examined, we found 14 cases (50%) failed on one or more decision quality indicator. We found that we were unable to assess these 14 cases due to the lack of evidence held on file and / or on the IT caseworking system. This is illustrated in Figure 41.

Figure 41: Settlement issue cases

Figure 41: Settlement issue cases assessed against indicators of decision making quality



Immigration Rules

2.63 We were pleased to note that the decision to grant entry clearance was assessed against the correct Immigration Rules in all Settlement grant cases we examined.

Decision in line with evidence

2.64 Of the 14 Settlement grant cases where supporting documentation had been retained, we found that they had all been issued in line with evidence.

Visa issued with correct endorsement and with correct period of validity

2.65 All Settlement grant cases that we examined had been issued with a visa with the correct endorsement. In one case (4%) the visa was issued with an incorrect period of validity. In this case a 15 year old had applied to be reunited with their father who was granted refugee status (Indefinite Leave to Remain) in 2002. Checks by the Agency showed that the father had mentioned his child during interview in the UK and also confirmed his Indefinite Leave to Remain. The applicant was granted limited leave until 19/10/14 but should have been granted indefinite leave in line with their father's leave.

2.66 This issue was raised with the Agency. They confirmed that whilst the applicant was issued the correct period (end of validity of travel document) they should have been granted ILE until 19/10/14 in line with their father. The Agency agreed to contact the applicant; advise of the error and take action to correct this. The Agency told us they were arranging for specific feedback to be given to the assessing officer.

Not enough evidence on file

- 2.67 Of the 28 Settlement grant cases examined, we were disappointed to find that we were unable to assess 14 cases (50%) due to the lack of evidence held on file and / or on the IT caseworking system.

General findings for the overall file sample

- 2.68 The overall quality of decision making in the Pretoria Visa section was good with customer service standards being met. We were pleased to find no issues with regard to case administration as all cases reviewed had been administered soundly.
- 2.69 The quality of refusal notices was generally of a good standard. Out of 93 refusal cases examined we found six (6%) where we scored the refusal notice as being of poor quality. Whilst some were minor grammatical / punctuation errors or errors from using “*cut and paste*” from linked refusal notices, we did notice the use of statements which created an unprofessional tone, for example, “*your future prospects appear extremely modest*” or “*you have not shown employable skills*”. Whilst the use of generic paragraphs may aid the speed of completing the refusal notices it should be noted that refusal notices should still be personal to the applicant.
- 2.70 We found some evidence of the Agency making additional information requirements, particularly in Family Visit cases, requesting that the applicant prove their relationship to their sponsor. This was unacceptable and we noted the Agency changed this practice immediately it was notified by us of this problem.
- 2.71 We found an inconsistent approach taken by staff to the retention of supporting documents. This applied particularly to grant cases. This is very disappointing in view of the number of times we have made this recommendation in previous reports – all of which have been accepted by the Agency.
- 2.72 The use of standardised issue notes on the IT caseworking system prevented us making a full assessment of many cases. This factor, combined with supporting documentation not always being retained meant that there was no clear audit trail to justify how and why an entry clearance decision had been made in these cases.

Detailed checks

- 2.73 During our file sampling we considered whether verification checks to assess the validity of supporting documents should have been carried out and also measured the number of cases where checks were carried out. The results were as follows:
- Of the 39 Other Visit issue, 30 Visit refusal and 24 Family Visit refusal cases sampled we found no cases where we considered that verification checks should have been completed.
 - Of the 25 Family Visit issue cases sampled we found that no verification checks had been carried out. We found one case where we considered a verification check with the applicant’s employer should have been done. This was raised with the Visa Section and this case was highlighted in Figure 12.
 - Of the 28 Settlement issue cases sampled fifteen cases had verification checks done (53%). We found one case where we considered a verification check should have been carried out with the applicant’s employer.
 - Of the 39 Settlement refusal cases sampled thirteen cases had verification checks done (33%). We found two cases where we considered that verification checks should have been carried out.

2.74 Overall we considered there was a good standard of verification checking carried out in Pretoria.

Quality Checking

2.75 We found that there was clear guidance on quality checking of applications in line with published Agency guidance. ECMs were expected to review a minimum of:

- Limited Right of Appeal cases (all nationalities but not including Points Based System) - 25% of applications
- Settlement cases - 25% of applications
- Paragraph 320 cases - 100% of cases refused under sub-paragraphs 7a, 7b & 11
- Zimbabwe Full Right of Appeal cases - 100% of applications
- Luanda cases - 100% of applications
- 100% refusal reviews of new, inexperienced or short term staff or new visa categories.
- 10% of issue cases

2.76 ECMs told us that they found the checking of 10% of issue cases was quite challenging during busy periods. We were told that any problems found were raised with ECOs at the time. ECOs confirmed that such feedback was received.

2.77 During our file sampling we monitored how many ECM reviews were carried out in each category. We found that the following number of cases had been reviewed:

- Family Visit refusals: 20 out of 24 (83%)
- Family Visit grants: 4 out of 25 (16%)
- Other Visit refusals: 12 out of 30 (40%)
- Other Visit grants: 5 out of 39 (13%)
- Settlement refusals: 14 out of 39 (36%)
- Settlement grants: 7 out of 28 (25%)

2.78 Overall we found targets were met for carrying out ECM reviews in Pretoria.

Staff training, development and morale

2.79 We found that ECOs and ECMs had all received entry clearance training in the UK. The ECMs were rotated on a daily / weekly basis to cover different areas of work. Each of the roles below had an issued set of “*desknotes*” which clearly outlined their responsibilities:

- OPS1 - They are responsible for controlling the workflow. Allocating applications to ECOs and ensuring the work is cleared in an efficient and effective manner. (Rotates weekly).
- OPS2 – They are responsible for refusal notice checks, cancelled / destroyed vignettes and referrals. (Rotates daily).
- PCU – They are responsible for the front counter, oversight of complaints and correspondence and on-line refunds. They are responsible for the initial reviews; recommending overturns and drafting explanatory statements. (Rotates daily).
- Admin – They are responsible everything outside the above. (Rotates daily).

- 2.80 ECOs, once at Post, were given a local training pack and a “*buddy system*” was in place to work alongside an experienced ECO. The ECOs also had “*desknotes*”.
- 2.81 We were told that training opportunities were limited and that some staff found there was limited time available for training and development. Some staff also told us that there was a lack of time to undertake additional training courses and to complete line management duties effectively.
- 2.82 Staff acknowledged that there were occasional opportunities for development on working groups. A number of staff raised their concerns over the transparency of the selection process for such projects and felt that the same people appeared to receive these opportunities. Managers told us that selection processes were fair and based on a number of factors, including expressions of interest, individual’s current workloads, the individual’s development needs and the experience required to carry out the project.
- 2.83 “*Lunch and learn*” sessions were held on an ad-hoc basis. The most recent of these was to highlight human trafficking. Staff told us that they found this training useful.
- 2.84 We found that few ECAs had received official training although they had been issued with “*desknotes*” and a buddy system was in place for new staff. ECAs told us that whilst the e-learning packages were good there was a lack of other training and an inconsistency with some staff receiving training more easily than others.
- 2.85 A number of staff spoke of the good, locally produced, training manual which was kept up to date by an ECO. We were told that the induction process and mentoring system in place was excellent and that it was well managed.
- 2.86 There were mixed views on staff morale. The main area of concern related to a feeling of uncertainty about their future on leaving Post. There was a view from a number of line managers that they did not have as much time as they would like to concentrate on line management duties. Some staff highlighted that they had not had the time to complete the e-learning package on line management.
- 2.87 We found that the communication of changes, such as the introduction of new OPIs, was disseminated by email. Many staff told us that there used to be weekly round-up meetings with ECMs and ECOs where these would have been discussed, notes taken and minutes distributed to ensure that all staff were aware of changes. These meetings had not been held for a number of weeks. Many felt that it would be beneficial for these to be reinstated.

Appendix 3

Abuja Visa Section

Inspection findings – Operational Delivery

Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration

Decision making

- 3.1 This section provides detailed results and analysis of the files we examined prior to and during the on-site phase of our inspection in Abuja. In total, 210 files were requested, 160 were chosen randomly from decisions made in Abuja between 1 November 2010 and 28 February 2011, while 50 (family visitor cases) were chosen randomly from decisions made in Abuja between 30 May and 24 June 2011. We noted that the visa section was able to provide us with nearly all files requested – they sent seven replacement files for cases allowed at appeal which would have been out of scope, and two replacement files as two cases requested could not be found. Figure 6 sets out the visa categories examined together with numbers of cases sampled in each category. We sampled 193 out of the original 210 files as 16 files proved to be out of scope. The cases were out of scope due to either incorrect classification of visa category or visas being issued prior to going to appeal.

Figure 42: Numbers of files sampled in each visa category

Category	Requested	Sampled	Out of scope
Family Visitor - issue	25	25	0
Family Visitor - refusal	25	25	0
Other Visitor - issue	40	34	6
Other Visitor - refusal	40	35	5
Settlement - issue	40	37	3
Settlement - refusal	40	37	3
Total	210	193	17

- 3.2 In the sampled cases we considered both the timeliness of the actions taken and the quality of the decisions made. Details of our findings, split according to visa category, follow.

Timeliness

- 3.3 At the time of our inspection, the UK Border Agency measured its performance against the following customer service standards:
- to complete 90% of non-settlement visa applications in not more than 15 working days, 98% in 30 working days, and 100% in 60 working days: and

- to complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days .

3.4 Figure 43 shows that the Agency met all of its targets for Family Visit issue cases. For Other Visit issues, it missed the 60 day target, met the 30 day target and exceeded the 15 day target.

Figure 43: Application processing times of Family and Other Visit issue cases in Abuja
Targets: to complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days

	Family Visit Issues			Other Visit Issues		
Total cases sampled	25			34		
Timescale	15 working days or under	30 working days or under	60 working days or under	15 working days or under	30 working days or under	60 working days or under
Percentage of cases processed by timescale	96%	100%	100%	94%	97%	97%
Number of cases by which target was missed (-), met (0) or exceeded (+)	+1	0	0	+1	0	-1

3.5 Figure 44 shows that the Agency either exceeded or met all of its targets for both Family and Other Visit refusals.

Figure 44: Application processing times of Family and Other Visit refusal cases in Abuja
Targets: to complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days

	Family Visit Refusals			Other Visit Refusals		
Total cases sampled	25			35		
Timescale	15 working days or under	30 working days or under	60 working days or under	15 working days or under	30 working days or under	60 working days or under
Percentage of cases processed by timescale	100%	100%	100%	97%	100%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	+2	0	0	+2	+1	0

3.6 Figure 45 shows that while the Agency met both the 60 and 120 day targets for settlement refusal cases, it slightly missed both targets for settlement issue cases.

Figure 45: Application processing times of Settlement cases issued and refused in Abuja

Targets: to complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days

	Settlement issues		Settlement refusals	
	60 working days or under	120 working days or under	60 working days or under	120 working days or under
Total cases sampled	37		37	
Timescale	60 working days or under	120 working days or under	60 working days or under	120 working days or under
Percentage of cases processed by timescale	92%	97%	97%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	-1	-1	+1	0

3.7 In summary, the results of our sampling show that the Abuja Visa Section only missed its targets in 3 out of the 193 cases (2%) we looked at. This was a good performance overall.

Staff Targets

3.8 In order to attain the customer service standards, the Abuja visa section had set benchmark targets that all experienced Entry Clearance Officers (ECOs) were expected to achieve. These benchmarks refer to the number of cases that ECOs were expected to process per day. We were pleased to find that several ECOs were involved in developing the set of benchmarks that were introduced in January 2011.

3.9 At the time of inspection, the following daily benchmarks of cases were in place for ECOs:

- General Visitors – 34
- Family Visitors – 34
- Other Visitors – 25
- Fast track cases – 60
- Tier 4 students – 25
- Other Points-Based System cases – 23
- Settlement - 12

3.10 There were mixed views amongst ECOs and ECMs as to how achievable these benchmarks were. Whilst both groups of staff felt that the numerical benchmarks could generally be achieved, some felt this was at the expense of quality. ECOs were particularly concerned about the perceived focus on numbers rather than being allowed the time to make good quality decisions. Managers confirmed however that the Operations Manager had specifically stated to staff that he was more concerned with quality rather than quantity.

3.11 Targets were also in place for Entry Clearance Assistants (ECAs) depending on the role they performed. Whilst recognising that they were stretched during peak periods such as summer, ECAs generally felt that their targets were realistic and achievable and raised no concerns about the quality of their work suffering in light of their targets.

3.12 Staff and managers told us that they were under a lot of pressure during their peak summer period, particularly with the transfer of work from Lagos to Abuja in January 2011. Weekend working as well as curtailment of training activities was used to try to deal with the increased numbers of applications during particularly busy periods.

Decision quality

3.13 We found that the quality of decision making in Abuja was poor with no discernible improvement since our previous inspection in July 2009.

3.14 Our main concerns related to a failure to retain relevant documentation on file to provide a clear audit trail to substantiate why decisions to grant or refuse entry clearance were made. We also found problems with the quality of decisions specifically on settlement applications, for example failing to make verification checks. The Agency acknowledged it needed to improve its decision making in this area.

3.15 We also found a number of cases where the Agency had refused applicants on the basis that they had not provided sufficient information, but applicants were given no advance notice of these requirements at the time they made their applications, nor were they given the opportunity to provide the information subsequently. This was unfair.

3.16 Further details of our concerns in relation to certain aspects of decision quality are reported on under the various visa categories we examined.

Results of the sample of Family and Other Visitor refusals of entry clearance

3.17 Refused Family and Other Visitor entry clearance cases were examined using various quality indicators, including:

- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the correct information on appeal rights provided to the applicant?
- Was the administration of the case sound?
- Was there sufficient evidence on file to support the decision?

3.18 Of the 25 Family Visitor cases examined, we found 16 cases (64%) failed one or more decision making quality indicators. Of the 35 Other Visitor cases examined, we found 19 cases (54%) failed one or more decision making quality indicators. This is illustrated in Figures 46 and 47.

Figure 46: Family Visitor refusal cases

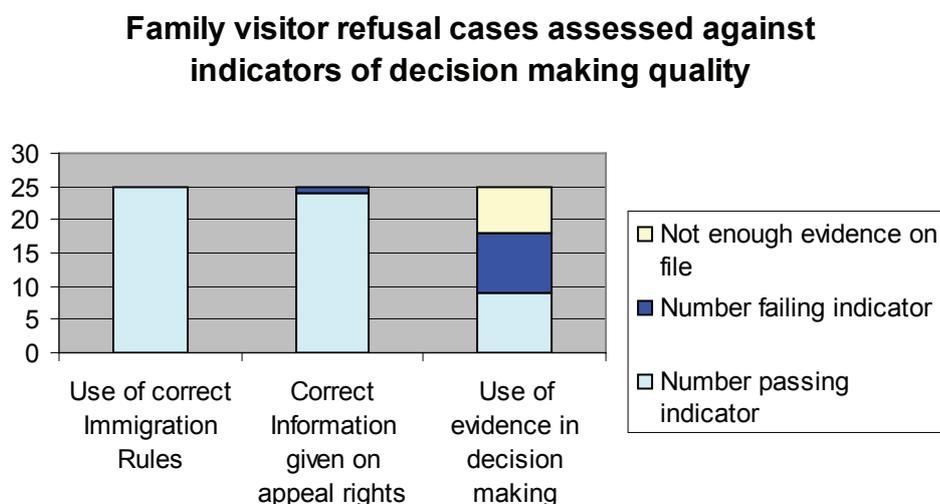
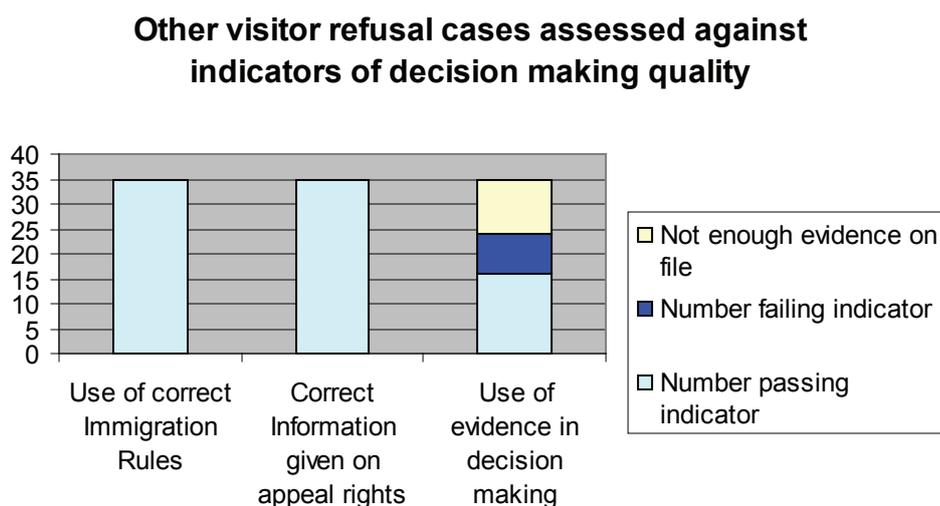


Figure 47: Other Visitor refusal cases



Immigration Rules

3.19 The decision to refuse entry clearance was assessed against the correct Immigration Rules in all cases we examined in both the Family and Other Visitor visa categories.

Right of appeal

3.20 In one Family Visit case, we found that a right of appeal had not been granted when it should have been. The Agency agreed to issue a written apology and send out a revised refusal notice granting a right of appeal to the applicant. The correct right of appeal had been granted in all other cases.

Decision in line with evidence

3.21 For Family Visit refusal cases the reason nine of the 16 cases (36% of the sample) failed one or more decision making quality indicators was because we did not find that the decision had been made in line with all available evidence. Despite this, we were satisfied that the overall decision to refuse was reasonable in these nine cases. In seven of the 16 cases (28% of the sample), we found that

insufficient relevant evidence had been retained so we were unable to establish whether or not the decision had been made in line with all available evidence. In one of these cases, however, we were still able to establish that the overall decision to refuse was reasonable.

- 3.22 Similarly for Other Visit refusal cases the reason eight of the 19 cases (23% of the sample) failed one or more decision making quality indicators was because we did not find the decision had been made in line with all available evidence. In three of these cases, we found that the overall decision to refuse was not reasonable. In the remaining 11 cases (31% of the sample), we found that insufficient evidence had been retained so we could neither establish if the decision was in line with the evidence nor if the overall decision was reasonable.
- 3.23 We found 12 Family and five Other Visit cases (28% of the sample) where the Entry Clearance Officer had applied additional information requirements that applicants were unaware of at the time of application. Examples included:
- stating that applicants had failed to evidence their relationship to their UK-based relative and therefore they doubted they were genuine visitors and would leave the UK at the end of their visit;
 - applying the settlement evidential requirement with regard to accommodation by refusing applicants for failing to provide evidence of their UK sponsor's accommodation by way of tenancy agreements, mortgage statements or title deeds;
 - stating that applicants who were studying at university had not provided evidence of their grades and attendance;
 - refusing applicants who had submitted certain documents - without conducting any verification checks (for example a marriage certificate or employment letter) - on the basis that these documents were easily available in Nigeria and therefore the applicant should have provided further evidence;
 - failure to evidence origin of funds.
- 3.24 We found five Family and four Other Visit cases (15% of the sample) where the Entry Clearance Officer had misinterpreted evidence or disregarded relevant positive evidence. Examples included:
- confusing total income with total salary;
 - refusing an applicant for failing to evidence other assets, property or savings despite the applicant stating they did not have these;
 - misreading a bank statement.

The case study below illustrates our concerns with the Agency applying additional information requirements and disregarding information.

Figure 48: Case study – Family Refusal application

The applicant:

- applied for a family visit visa on 2 June 2011
- was refused the visa on 13 June 2011 because the ECO determined that the applicant i) had not provided evidence of property, savings, shares or other assets; and ii) had not provided evidence of their sponsor's ability to accommodate them (such as a tenancy agreement)

Chief Inspector's comments:

- the applicant had stated that they did not have any property, savings, shares or other assets
- there was no requirement for the applicant to provide evidence of their sponsor's accommodation as guidance at the time of application stated that applicants should simply provide details of their accommodation along with a supporting letter from the occupant confirming they could stay there
- the accommodation evidential requirement applied in this case was actually required in settlement applications, not family visa applications.
- the overall decision to refuse, however, was reasonable in light of other concerns around the applicant's financial circumstances

The UK Border Agency:

- accepted our comments in relation to refusal on the grounds of lack of evidence of property, savings, shares or other assets

- 3.25 The case study above is a good example of how the Agency needs to avoid leaving itself open to criticism of being unfair in its decision making. There is no way the applicant in this case would have known that they would be required to provide such information regarding accommodation, and they were not given any opportunity to provide it subsequent to making the application.
- 3.26 We discussed 12 of these cases with the Agency while we were on site (six Family Visit and six Other Visit) as we considered them the most significant and representative of the wider cohort of 35 cases. The objectives of our discussion were to:
- highlight our concerns;
 - seek clarification over policy or procedure; and
 - request further rationale behind the making of a decision.
- 3.27 In relation to the six Family Visit cases discussed, we were generally satisfied with the Agency's response. The Agency accepted our comments in all of the cases discussed and agreed to provide feedback to ECOs and to review inappropriate refusal wording. In one case, we had suggested that a verification check ought to have been conducted and had asked the Agency to explain why it had chosen not to. In light of the Agency's response, we were happy to rescore the case positively on this point. In another case as previously reported, we found that a right of appeal had not been granted when it should have been which the Agency rectified.
- 3.28 We asked the Agency to respond in writing after our on-site visit in relation to a further six Family Visit cases. The Agency accepted our comments in five of these cases and in part in one case. In one case, where we had scored the case down for the application of additional information requirements, we were happy to rescore positively in light of the Agency's comments. However, we scored this case down on another decision making quality indicator because the ECO had made unsubstantiated assertions in the refusal notice about the applicant's employment status. The refusal notice stated that

because the applicant had not declared what their personal circumstances were, the ECO assumed that they were unemployed and reinforced this by further stating *“Indeed I am satisfied that the converse is true and that your economic opportunities would be greatly improved were you permitted entry to the UK.”*

- 3.29 In another case, we considered that additional information requirements had been applied because the applicant had provided a university letter as evidence of studies but the refusal notice stated that *“other”* evidence of studies had not been provided, including details of the applicant’s grades or attendance. The applicant would not have known this additional information was required and was not given an opportunity to provide this information. The Agency responded: *“UKBA does not provide prescribed lists as it is the applicants’ responsibility to submit all relevant information relating to their application to evidence their circumstances.”* As we have already reported, we consider it is imperative that the Agency does not apply additional information requirements without giving applicants an opportunity to provide this information. If the Agency does not do this, its actions could be considered unfair to the applicant.
- 3.30 In another case where we had asked for an interview record to be located, the Agency was able to do so and we were therefore able to rescore positively on this point.
- 3.31 In eight cases (32% of the sample of Family Visit refusal cases), we found that the Agency had refused applicants for failing to provide evidence that they were related as claimed to their UK-based sponsor. In all of these cases, we found that the applicants had stated their relationship to their sponsors on their application forms and sponsors had similarly confirmed the relationship in their supporting letters. We noted that the Agency’s family visitor guidance stated that ECOs should accept the relationship stated on application forms and/or supporting letters from family members unless one of the four circumstances below applied:
- the applicant has submitted a Family Visitor application but the main purpose of the visit is to engage in an activity not provided for under Paragraph 41 of the Immigration Rules (i.e. Business Visitor, Sports Visitor, Entertainer Visitor, Medical Visitor, Visit for Marriage or Civil Partnership and Student Visitor);
 - the applicant has not fully completed the relevant sections of the application form and no evidence has been submitted which suggests that the visit is for the purpose of visiting a qualifying family member;
 - no evidence has been submitted with the application which demonstrates that a family visit is intended;
 - the applicant and/or sponsor does not detail what their relationship is either on the application form or supporting documents.
- 3.32 None of the eight cases we highlighted fell into these categories. We therefore found that the UK Border Agency had applied additional information requirements that applicants were not aware of at the time they applied, and we considered this practice was unfair. The following case study illustrates an example.

Figure 49: Case study – Family Refusal application

The applicant:

- applied for a family visit visa on 16 June 2011
- was refused the visa on 29 June 2011 because the ECO i) had concerns about the applicant's personal and economic circumstances in Nigeria; ii) stated that the applicant had failed to provide evidence of their family relationship to their UK sponsor "*despite having had the opportunity to do so*"

Chief Inspector's comments:

- the decision to refuse was appropriate in view of the applicant's personal and economic circumstances in Nigeria
- there was no requirement that the applicant would have been expected to be aware of to provide evidence of their family relationship to their UK sponsor
- the applicant had provided what was required by the guidance – i.e. declaring on the application what the relationship was and providing a letter from their sponsor to that effect
- the refusal wording is inappropriate and incorrect – the applicant was not provided any opportunity to provide evidence of family relationship

The UK Border Agency:

- stated that the "*opportunity*" referred to in the refusal notice was at the application stage, but accepted that the wording was misleading
- stated that from 11 July 2011, ECOs in Abuja should not be refusing applicants for failing to provide evidence that they are related as claimed (except in relation to children where original birth certificates would be required)

- 3.33 When we raised this issue with the Agency we were pleased with its response which demonstrated its commitment to improvement: "*The guidance we work to is public and includes the definitions of a qualifying family member; the burden of proof is on the applicant, and an ECO should accept the stated relationship unless no evidence has been submitted with the application which demonstrates that a family visit is intended. We accept that without specific evidence that the applicant is not related as claimed the refusal wording is inappropriate and that we need to immediately review this wording. We stopped using this refusal wording on 11th July 2011 when the Operations Manager advised all ECOs to not routinely refuse family visit applications using the 'not related as claimed' wording that is available in the current speed codes. This was also raised at an ECO meeting on Tuesday 12th July to ensure all ECOs are fully aware of this and are applying this consistently and correctly. If any ECOs are found to be using the incorrect wording it will be handled by their respective line manager as a performance issue.*"
- 3.34 In relation to the six Other Visit cases that we discussed with the Agency on site, we were generally content with the Agency's response in five cases. In two of these cases, the Agency accepted that incorrect decisions had been made and agreed to offer the applicants gratis applications. These are illustrated by way of examples in the two case studies at Figures 50 and 51.. In another case, the Agency accepted an incorrect decision had been made and agreed to review the refusal wording used by ECOs. In a further case, we had asked a question which the Agency answered satisfactorily, but this did not affect our view that additional information requirements had been applied. In the final case, we did not accept the Agency's justification for refusal and maintained our view that an unreasonable decision had been made.

Figure 50: Case study – Other Visitor refused application

The applicant:

- applied for a business visit visa for ten days on 21 December 2010
- was refused the visa on 29 December 2010 because the ECO determined that i) the applicant had not provided evidence of their marriage and child; ii) salary was not reflected in the bank statement; and iii) the applicant had not provided adequate evidence of the link between their employer and the UK-based company they were visiting

Chief Inspector's comments:

- the applicant stated that they were single and submitted a birth certificate for their child
- the applicant stated that this was only their first month with their employer
- the employer stated they were sponsoring the applicant's trip in full and provided evidence of funds
- the UK-based company confirmed the purpose of the visit and the link between the two companies was clear
- the decision to refuse based on the evidence provided was not reasonable

UK Border Agency response:

- agreed that the refusal was poor and unreasonable
- accepted that the ECO should have attempted to contact the UK-based company to confirm the business relationship if there were doubts
- felt it was unusual that someone who had only been in a job for such a short time would be going on such a trip, and therefore a conversation with the applicant would have been useful
- agreed to offer the applicant the opportunity to reapply in future free of charge

Figure 51: Case study – Other Visitor refused application

The applicant:

- applied for a general visit visa for two weeks on 15 November 2010
- was refused the visa on 19 November 2010 because the ECO determined that it was not credible for the applicant to have spent three times their monthly salary on this visit

Chief Inspector's comments:

- the applicant declared and provided evidence of additional income in the form of an annual leave allowance that was visible in their bank statement
- the applicant had sufficient funds
- although the employment letter submitted had not been retained, the applicant's salary was clearly visible in their bank statement
- the decision to refuse based on the evidence provided was not reasonable
- the applicant reapplied and reiterated the facts and was subsequently issued a visa, although the UK Border Agency provided no apology for its original error

UK Border Agency response:

- accepted that it had overlooked relevant evidence and acknowledged the error on its caseworking IT system when the applicant reapplied
- agreed to offer the applicant the opportunity to reapply in future free of charge

Chief Inspector's further comments:

- it was disappointing that the UK Border Agency only offered an apology to the applicant when the case was raised by the Chief Inspector in July 2011, despite having recognised its error on 20 December 2010

Not enough evidence on file

- 3.35 When we raised the issue of the seven Family Visit cases (28% of the sample) where we found that insufficient evidence had been retained on file, we were pleased with the following response from the Agency as it further reinforced its intention to use the inspection process as an improvement opportunity: "The issue of failure to retain documents in line with OPI 252 was again raised at the ECO/ECM meeting on Tuesday 12th July. It was stressed to all staff how important it was to retain these documents. As a group we discussed possible processes in ways to ensure documents were retained. This was a useful session as it ensured ECO engagement in processes that will ultimately involve them. As previously highlighted a review of our processes on retention of documents will be conducted. The ICI team will be provided details. We would however have expected the Agency to have picked up this issue for itself through carrying out ECM reviews as this was a recommendation we have made in previous reports which has been accepted by the Agency.
- 3.36 We did not discuss individually with the Agency each of the 11 Other Visit cases (31% of the sample) where we found that insufficient evidence had been retained on file, as the Agency had already responded to us on this point and agreed with our findings.

Results of the sample of Family and Other Visitor grants of entry clearance

3.37 Granted Family and Other Visitor entry clearance cases were examined using various quality indicators, including:

- Was the decision to grant entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the visa issued with the correct endorsement and for the correct period of validity?
- Was there sufficient evidence on file to support the decision?

3.38 Of the 25 Family Visitor cases examined, we found 20 cases (80%) failed one or more decision making quality indicators. Of the 34 Other Visitor cases examined, we found 13 cases (38%) failed one or more decision making quality indicators. This is illustrated in Figures 52 and 53.

Figure 52: Family Visitor Grants

Family visitor issue cases assessed against indicators of decision making quality

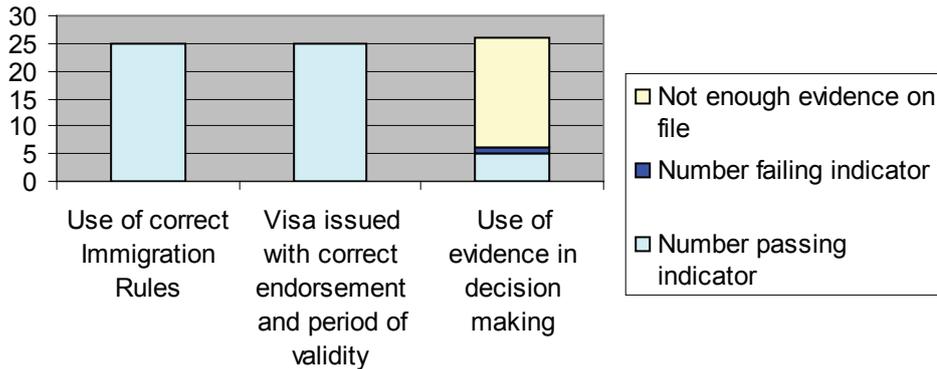
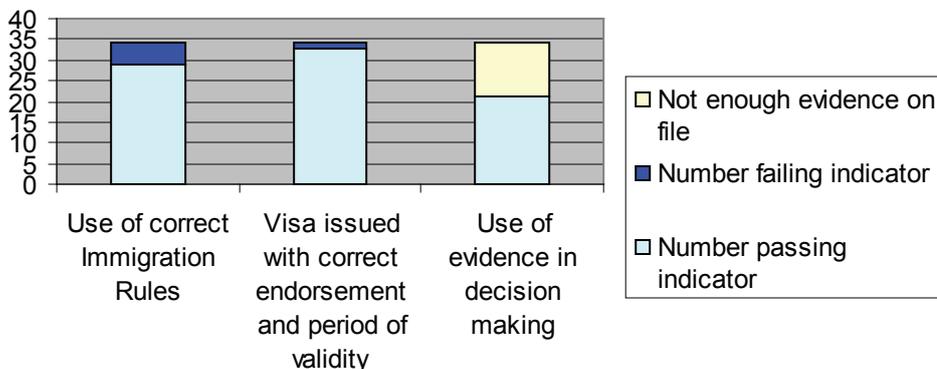


Figure 53: Other Visitor Grants

Other visitor issue cases assessed against indicators of decision making quality



Immigration Rules

- 3.39 The decision to grant entry clearance was assessed against the correct Immigration Rules in all cases we examined in the Family Visitor visa category. However, of our sample of the Other Visitor category, the decisions to grant entry clearance were not assessed against the correct Immigration Rules in five cases (15% of the sample). For example, in one case the applicant sought entry to the UK for a holiday and a medical check up and was issued with a general visit visa. We queried whether the medical aspects of the application had been considered. The Agency stated that it should have considered the applicant as a medical visitor. In two other cases, the applicants had applied to visit the UK for business purposes but were instead issued with general visit visas. Again, the Agency accepted that business visit visas ought to have been issued.

Decision in line with evidence

- 3.40 For both Family Visit and Other Visit grant cases the reason that all 33 cases (56% of the sample) failed one or more decision making quality indicator was because the UK Border Agency had not retained sufficient evidence on file so we were unable to determine whether or not the decisions had been made in line with the Immigration Rules. As we have already said, this lack of transparency in the decision making process means that we cannot provide assurance that the correct decisions were made. In one of these Family Visit cases, we also found that the UK Border Agency had failed to notice inconsistencies in the limited evidence that was retained (this is illustrated in the case study that follows). We had no concerns with the remaining 26 cases sampled.

Figure 54: Case study – Family Visit Grant application

The applicant:

- applied for a family visit visa on 8 June 2011 to attend their son's graduation in the UK
- was issued the visa on 20 June 2011

Chief Inspector's comments:

- there was insufficient evidence on file to determine whether the decision to issue the visa was reasonable or not
- there was, however, a letter from the son's university on file dated 31 March 2011, stating that i) he studied at the university from 28 September 2009 to 31 August 2011; and ii) assuming successful completion of studies, he would be eligible to graduate on 18 July 2011
- the letter also named one individual that he had invited to attend his graduation ceremony – this appeared to be his brother-in-law, but it was unclear
- it was unclear how the UK Border Agency had satisfied itself that the applicant's son had completed his studies and how it had reconciled the evidence in the university letter with the applicant's declared purpose for travel
- the UK Border Agency had failed to notice inconsistencies in the evidence

The UK Border Agency:

- accepted that the lack of evidence on file did not aid review of the case
- was unable to determine if the applicant's son had graduated but noted that *"it appears this was going to be the case"*
- did not respond to the Chief Inspector on the point about who the son had actually invited to the UK

Chief Inspector's further comments:

- in light of the UK Border Agency's response, the Chief Inspector considered that further checks ought to have been conducted in this case and that the UK Border Agency had misinterpreted the evidence that was on file

- 3.41 We asked the Agency for a written response in relation to five Family Visit cases where we had particular queries. This included the case study above where the Agency's response and lack of evidence retained on file meant that we had to score the case down further for misinterpretation of evidence.
- 3.42 In another of these five cases, we found that the Agency had accepted business funds as evidence of the applicant's ability to maintain themselves adequately in the UK. We queried this and asked the Agency to clarify its approach because we have found in previous inspections that the Agency – across various visa sections - routinely refuses applicants who submit evidence of business funds rather than personal funds. The Agency noted the inconsistency. However, we did not feel this response satisfactorily addressed our wider concern because the Agency decided to only raise the individual case with the ECO concerned, rather than state what it would do to address this inconsistency across all visa issuing visa sections.
- 3.43 In the three other cases, we found no basis on which to make any changes to our scoring.

- 3.44 In relation to the Other Visitor category, we discussed seven cases with the UK Border Agency during the on-site phase of our inspection and asked for written responses to our queries. In two cases, the Agency agreed it had issued the wrong visa category. In another case, the Agency's response meant that we were able to rescore the case positively.
- 3.45 In two cases we found evidence of poor customer service which the Agency accepted. In one of these cases, the Agency provided us with evidence of an apology email it had sent to the applicant affected. This is illustrated in the case study that follows. In the other case, however, the Agency accepted that an apology should have been sent to the applicant at the time and stated that the *"UKBA will learn the lesson from this and ensure lessons learnt will feed into the complaints/post decision correspondence team."*

Figure 55: Case study – Other Visit Grant application

The applicant:

- applied for a general visit visa on 1 December 2010 in order to visit the UK for 2 weeks
- was refused the visa on 2 December 2010 because the ECO determined that the applicant had not provided evidence of their income
- requested a review of the decision on 7 December 2010 stating that they had submitted payslips but these were not returned and re-emphasising their settled circumstances in Nigeria
- was advised on 13 December 2010 that the refusal was maintained and they had no right of appeal
- wrote to the British High Commissioner in Abuja and the UK Border Agency's Regional Manager for Africa which prompted an ECM to review the decision on 22 December 2010
- was issued a visa on 10 January 2011

Chief Inspector's comments:

- the applicant stated clearly in their application form that the trip would be funded through their business of which they were sole owner and signatory to the business bank account
- this was confirmed by a bank letter
- it was concerning that the applicant was required to persist and make representations to the High Commissioner and Africa Regional Manager before the case was properly reviewed and the decision overturned
- this raises both customer service and use of public resource concerns

The UK Border Agency:

- agreed that *"the handling of the applicant's complaint was insufficient and the initial reviewing officer on 13 December should have been able to resolve the applicant's correspondence to a satisfactory outcome"*
- provided us with evidence of an apology letter it had sent to the applicant on 22 December 2010 following the ECM's review of the case.

- 3.46 In one case where we had concerns about the overall decision, we rescored the case to indicate that there was insufficient evidence on file for us to reach a definitive conclusion. In the final case, we queried why a two-year visa had been issued and were satisfied with the Agency's response.

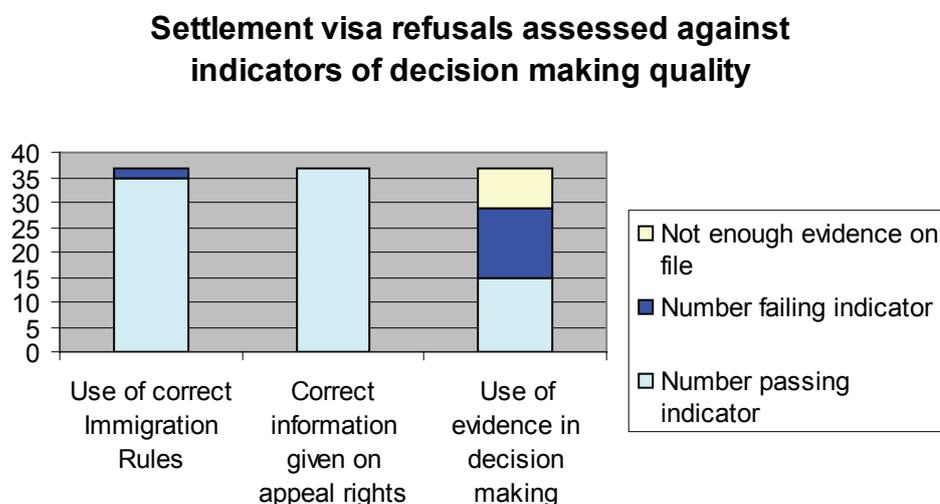
Correct visa endorsement and validity

- 3.47 We had no significant concerns in this area. In the Other Visitor category, we found only one case where the visa endorsement was incorrect and should have stated Business Visitor. We found that the correct visa endorsement and validity had been issued in all other cases sampled.

Results of the sample of Settlement Visa refusals

- 3.48 Refused Settlement visa entry clearance cases were examined using various quality indicators, including:
- Was the decision to refuse or grant entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the correct information on appeal rights provided to the applicant?
 - Was the administration of the case sound?
 - Was there sufficient evidence on file to support the decision?
 -
- 3.49 Of the 37 Settlement visa refusal cases examined, we found 22 cases (59%) failed one or more decision making quality indicators. This is illustrated in Figure 56.

Figure 56: Settlement Visa Refusals



Immigration Rules

- 3.50 The decision to refuse entry clearance was assessed against the correct Immigration Rules in 35 (95%) of the cases we examined. In one case, the applicant was assessed against the Immigration Rules pertaining to people seeking indefinite leave to enter the UK, whereas the applicant was only entitled to apply for limited leave to enter the UK with a view to settlement and should have been assessed against these rules. In the other case, the ECO referred to the Immigration Rules referring to general visitor and wrote a paragraph in the refusal notice about why the Agency was not satisfied that the applicant would leave the UK at the end of their 6-month visit.

Right of appeal

- 3.51 The correct right of appeal was granted in all 37 cases examined.

Decision in line with evidence

- 3.52 We found 14 cases (52% of the sample) that were not decided in line with all available evidence. In two of these cases (5% of the sample), we found that the overall decision to refuse was not reasonable. In 11 cases, despite aspects of the refusal notices not being in line with the evidence, we agreed with the overall decision to refuse. In the final case, insufficient evidence had been retained by the UK Border Agency to enable us to assess whether the decision to refuse was reasonable.
- 3.53 In eight cases (22% of the sample), we were unable to assess whether decisions were in line with evidence or not because insufficient evidence had been retained on file for us to assess. We have already stated above our views on the seriousness of this problem and the UK Border Agency's response.
- 3.54 Of the 14 cases where we found that the decisions were not in line with the evidence, we discussed seven which concerned us the most with the Agency while we were on-site. The objectives of our discussion were to:
- highlight our concerns;
 - seek clarification over policy or procedure; and
 - request further rationale behind the making of a decision.
- 3.55 In two of these cases, we found that Paragraph 320 of the Immigration Rules had been incorrectly applied and the wrong decisions had been made. The Agency agreed. In one of these cases, the applicant had already won at appeal so no action was deemed necessary by the UK Border Agency. In the other case, the Agency confirmed that as several months had passed and the applicant had not appealed, it would offer the applicant a gratis application. The following case study illustrates our concerns.

Figure 57: Case study – Settlement Visa refusal application

The applicant:

- applied for settlement in the UK on 6 September 2010 to join their spouse
- was refused a visa on 18 November 2010 under Paragraph 320(11) of the Immigration Rules because they had been in the UK illegally for seven years
- lodged an appeal on 17 January 2011
- had their case reviewed by an ECM on 21 March 2011 when the decision to refuse was maintained
- was issued the visa on 4 August 2011 after winning their appeal

Chief Inspector's comments:

- refusal under Paragraph 320(11) of the Immigration Rules can only be used where there are aggravating circumstances in addition to an immigration offence
- in this case, there was only evidence of an immigration offence
- it was disappointing that ECM review did not identify that the wrong decision had been made and that the case then proceeded to appeal at public expense

The UK Border Agency:

- agreed that Paragraph 320(11) should not have been used in this case
- circulated a reminder to all ECOs and ECMs about the appropriate use of Paragraph 320(11) of the Immigration Rules

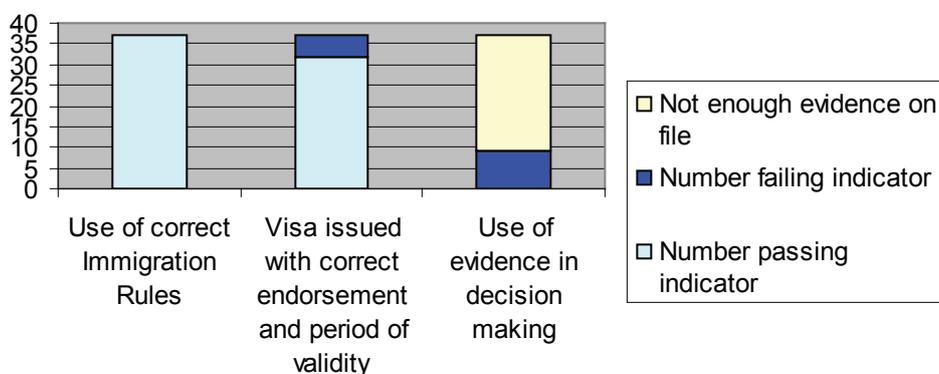
- 3.56 In two cases, we asked the Agency to respond to a number of queries and/or concerns we had, but overall there was insufficient evidence on file for us to make definitive assessments. The Agency restated its response on this overall point, accepting that relevant evidence should have been retained. In one of these cases, the Agency had stated that the sponsor's reliance on public funds would necessitate a further call on public funds should the applicant be granted a visa to enter the UK. We asked the Agency how this conclusion had been reached when no assessment of outgoings and income had been conducted, and given that receipt of public funds does not preclude someone from sponsoring a visa application. The Agency accepted that the refusal was weak and told us that it had issued the visa after reviewing the applicant's appeal. In another case, there was simply insufficient evidence for us to assess whether the decision was in line with the evidence. Despite this the Agency still felt that its decision to refuse was correct as the applicant had appealed twice previously and both appeals were dismissed by an Immigration Judge.
- 3.57 In one case, we asked the Agency a question about the application of the English Language requirement. Its response enabled us to rescore the case positively.
- 3.58 The final case related to a minor travelling with their father who already held a spouse visa by virtue of marriage to a British citizen. There was no mention in the application of the applicant's two siblings, particularly who they were living with. This was relevant because they were not mentioned in a letter from the paternal grandmother with whom the applicant was living. We felt this could have merited closer scrutiny. There were also a number of documents submitted with the application including an affidavit from the applicant's mother relinquishing custody and an email alleged to be from her stating she lived in a different country. We found no evidence of the level of consideration the Agency had given to this evidence. Consequently, whilst we agreed with the overall decision to refuse based on the evidence we saw, we judged that the Agency had failed to notice inconsistencies, disregarded evidence and failed to conduct appropriate verification checks. The Agency agreed that:
- the refusal notice was *"poor and insufficient"*;
 - with regard to the letter submitted, *"reference should have been made within the refusal whether this would be negatively or positively"*;
 - *"further checks could have been made with regard to this application"*.

Results of the sample of Settlement Visa grants

- 3.59 Granted Settlement visa entry clearance cases were examined using various quality indicators, including:
- Was the decision to refuse or grant entry clearance assessed against the correct Immigration Rules?
 - Did the Entry Clearance Officer make their decision based upon all the available evidence?
 - Was the correct information on appeal rights provided to the applicant?
 - Was the administration of the case sound?
 - Was the visa issued with the correct endorsement and for the correct period of validity?
 - Was there sufficient evidence on file to support the decision?
- 3.60 All of the 37 Settlement visa grant cases examined failed one or more decision making quality indicators.

Figure 58: Settlement visa grants

Settlement Visa Issue Cases assessed against indicators of decision making qualities



Immigration Rules

3.61 The decision to issue entry clearance was assessed against the correct Immigration Rules in all 37 of the cases we examined.

Decision in line with evidence

3.62 We found nine cases (24% of the sample) that were not decided in line with all available evidence. In seven of these cases (19% of the sample), we found that the overall decision to issue visas was not reasonable. In one case, despite failures in the decision-making process, we agreed with the overall decision to issue. In the final case, insufficient evidence had been retained by the UK Border Agency to enable us to assess whether the decision to issue was reasonable.

3.63 In 28 cases (76% of the sample), we were unable to assess whether decisions were in line with evidence or not because insufficient evidence had been retained on file for us to assess. In one of these cases, the Agency confirmed that the overall decision to issue was unsubstantiated, so we rescored this case negatively to indicate that the overall outcome was not reasonable. We have already stated above our views on the seriousness of this problem and the Agency’s response, but clearly the consequences are greater in relation to people applying for settlement in the UK.

3.64 In 36 cases (97% of the sample), verification checks that ought to have been conducted, were not.

3.65 We discussed 15 cases that we considered to be the most significant and representative of the wider cohort of 37 cases with the Agency while we were on site. The objectives of our discussion were to:

- highlight our concerns;
- seek clarification over policy or procedure; and
- request further rationale behind the making of a decision.

We summarise the outcomes of this discussion below.

3.66 In six cases, we had serious concerns such that we felt that the overall decisions to issue visas were not reasonable due to a lack of key evidence. Following the Agency’s response in one of these cases, we rescored it to indicate that it was not possible to draw a conclusion either way. However, in the other five cases, the Agency was unable to provide adequate justification for its decisions to issue visas, so we maintained our assessment that these were unreasonable decisions. The two cases studies that

follow illustrate our concerns.

Figure 59: Case study – Settlement Visa grant application

The applicant:

- applied for settlement in the UK on 18 October 2010 to join their spouse
- was issued a visa on 17 January 2011

Chief Inspector's comments:

- no evidence of a subsisting relationship was provided, but the applicant was interviewed and the ECO felt that the applicant was credible and was therefore satisfied that the relationship was genuine
- there was no evidence of the sponsor's financial and personal circumstances in the UK or evidence of his accommodation
- an employment letter was submitted but was not subject to any checks by the UK Border Agency
- the evidence available did not support issuing a visa in this case

UK Border Agency response:

- accepted that the evidence was lacking and that no attempt was made to verify the sponsor's employment
- stated that settlement training had since been provided to all ECOs

Figure 60: Case study – Settlement Visa grant application

The applicant:

- applied for settlement in the UK on 11 August 2010 to join their spouse
- was issued a visa on 1 November 2010

Chief Inspector's comments:

- there was no any evidence relating to the sponsor's or applicant's financial circumstances or any indication in the UK Border Agency's caseworking notes as to what assessment it had made of this
- there was no indication of how the UK Border Agency had satisfied itself that the issuing of a visa was justified in this case
- no verification checks were undertaken

UK Border Agency response:

- stated that according to its records, an employment letter and payslips were submitted
- accepted that too much weight was placed on the employment letter
- confirmed that there was no indication that any other evidence was submitted relating to the sponsor's finances
- accepted that no verification checks were undertaken

3.67 In two cases, there was insufficient evidence for us assess whether the decision to issue visas was reasonable or not. The Agency accepted our findings in relation to both of these cases as well as accepting that inconsistencies in evidence had not been identified in one of the cases.

3.68 There were two cases involving applicants that had received National Health Service treatments without having the right to do so and whilst in the UK without permission. In one case, the applicant had previously overstayed in the UK and used the National Health Service to give birth to her child without paying. We queried this with the Agency and were satisfied with the Agency's response that the applicant's child held British citizenship and therefore the right to family life in the UK outweighed the applicant's illegal use of the NHS. We therefore rescored the overall outcome positively in light of the Agency's response. However, in the other case, we were not satisfied with the Agency's response. It is illustrated in the case study below.

Figure 61: Case study – Settlement Visa grant application

The applicant:

- applied for settlement in the UK on 31 August 2010 to join their spouse
- was issued a visa on 10 November 2010

Chief Inspector's comments:

- the caseworking notes and evidence on file indicated that the applicant had been receiving National Health Service treatment in the UK regularly since 2007 when they had no legal leave to remain in the UK
- it was unclear why the UK Border Agency did not refuse the application under Paragraph 320(11) of the Immigration Rules and what circumstances it considered to reach this conclusion
- the evidence available did not support issuing a visa

UK Border Agency response:

- accepted that it could have refused the applicant under Paragraph 320(11) but that this was a discretionary ground for refusal and that an applicant's family life in the UK should also be considered
- accepted that it was unclear if use of Paragraph 320(11) had been considered in this case
- despite this, maintained its "*decision not to apply it in these circumstances*"

Chief Inspector's further comments:

- the UK Border Agency's response still did not make it clear what the circumstances were that had caused the Agency to rule out a refusal under Paragraph 320(11)

3.69 In five cases, we found that the Agency had granted applicants indefinite leave to enter the UK in error. We discuss this in more detail below. In four of these cases, we could not make any further assessment as insufficient evidence had been retained. In one case, we found that the Agency had applied an extremely low evidential requirement with no justification and that it was therefore an unreasonable decision. The Agency agreed with our view.

Correct visa endorsement and validity

3.70 We found that the correct visa validity had been granted in all 37 cases examined. However, we were concerned that in five of the cases we sampled (14%), where applicants had applied to join their spouse for settlement in the UK, the Agency had incorrectly endorsed visas with "*Indefinite Leave to Enter*" (ILE), rather than limited leave to enter for a period of 27 months.

- 3.71 Given the gravity of this error, we reviewed all of the 135 settlement issue cases that fell within our file sample period to check if the Agency had granted ILE correctly. Disturbingly, we found a further nine cases where ILE had been granted incorrectly. Overall this meant applicants in 14 out of 135 cases (10%) had been incorrectly granted ILE to the UK.
- 3.72 We raised our concern with the Agency who accepted ILE had been issued incorrectly in all 14 cases. They accepted it was a serious error and referred to settlement training that had now been delivered to stop any further mistakes being made by entry clearance officers in relation to this matter. While this positive action was welcomed, we remain very concerned that entry clearance staff were allowed to make such important decisions without being properly trained. The Agency must ensure that appropriate training is delivered before entry clearance staff are allowed to make decisions on entry clearance. It must also ensure that its quality review systems identify such basic errors at the time they are made rather than being picked up through external review by the Inspectorate.
- 3.73 Indefinite Leave to Enter confers the right to access public funds and to work in the UK. It also has no limit on time. Where an applicant seeks to join their spouse in the UK and they have not been living together outside the UK for four years or more, provided they meet the requirements of the Immigration Rules they would be granted an entry clearance for a period of 27 months that gives them the right to work in the UK but prohibits access to public funds. Once the applicant has completed a two-year probationary period, they can apply for indefinite leave to remain. This would be granted if the applicant still meets the requirements of the Immigration Rules.
- 3.74 If the applicant was no longer married or the relationship was no longer subsisting, indefinite leave to remain would not be granted. Similarly, if during the probationary period the marriage was no longer subsisting, the leave could be curtailed. Any unspent criminal convictions would also prevent indefinite leave to remain being granted.
- 3.75 The consequences, therefore, of granting indefinite leave to enter incorrectly are:
- no probationary period to confirm marriage has subsisted;
 - no provision to curtail leave when marriage does not subsist;
 - ability to access public funds two years earlier than would otherwise be the case; and
 - inability to curtail leave where the applicant commits a crime.
- 3.76 However, legal precedence in the UK suggests that in such cases, as long as the UK Border Agency had been acting within its powers⁷ and in the absence of any fraud or dishonesty by the applicant, the applicant should be allowed to retain the leave granted incorrectly. It is therefore all the more imperative that the Agency takes steps to ensure such basic mistakes with long term impacts on the United Kingdom are not made in the future. The case study below illustrates one of these cases.

7. Under Section 4 of the Immigration Act 1971

Figure 62: Case study – Settlement Visa grant application

The applicant:

- applied for settlement in the UK on 25 November 2010 to join their spouse
- was issued a visa on 6 January 2011 with indefinite leave to enter

Chief Inspector's comments:

- evidence of the sponsor's financial circumstances included a bank statement covering a period of two weeks with low funds and two salary credits
- there was no other evidence of account history or circumstances and no checks were undertaken by the UK Border Agency
- there was no justification for such a low evidential threshold being applied in this case
- indefinite leave to enter should not have been granted

UK Border Agency response:

- agreed that the decision to issue a visa in this case was unsubstantiated based on the evidence provided
- accepted that it was wrong to grant indefinite leave to enter
- stated that settlement training had since been provided to all ECOs

General findings for the overall file sample

- 3.77 Besides the problem outlined above regarding incorrect grants of indefinite leave to enter the UK in 14 settlement cases, we found that the quality of all other visa vignettes was good, with only one Other Visitor visa being endorsed incorrectly.
- 3.78 Overall we found the quality of refusal notices was poor, with 27% of all refusal cases sampled failing one or more of our quality indicators. We were pleased, however, that the Agency recognised the need to amend, improve or stop using inappropriate refusal wording whilst we were on site, for example in relation to imposing additional information requirements such as evidencing family relationships. Our findings in relation to the quality of refusal notices are detailed below:
- one Family Visit, one Other Visit and seven Settlement cases did not communicate refusal grounds clearly;
 - two Other Visit and three Settlement cases did not state the correct period and purpose of the visit;
 - one Family Visit case did not contain the correct information on appeal rights; and
 - two Family Visit, three Other Visit and six Settlement cases were presented poorly as they contained for example, spelling, grammar or punctuation errors.
- 3.79 We were pleased to find no issues with regard to case administration as all cases reviewed had been administered soundly.

- 3.80 The Agency's failure to retain relevant evidence on file to support the decisions made contravened its own guidance to staff and meant that in a significant number of cases sampled, we were unable to determine whether or not decisions were made in line with the evidence submitted. The absence of transparent audit trails meant that, in the majority of these cases, we could not establish the basis on which decisions had been made or if the decision was reasonable. The UK Border Agency acknowledged that it was aware of this problem and accepted that more needed to be done in this respect.
- 3.81 We found significant issues around the quality of settlement decision making. At the time of our file sample request, the Agency told us that it was aware of deficiencies in settlement decision making and acknowledged that significant improvements needed to be made in Abuja. We were told that all ECOs and ECMs would receive further training.
- 3.82 In addition to a number of cases where the UK Border Agency had misinterpreted evidence or disregarded relevant positive evidence, we found that in a significant number of refusals, the Abuja visa section had routinely applied additional information requirements that applicants would not have been aware of at the time of making their application. Nor were these applicants offered an opportunity to provide the additional evidence requested at any time during the decision-making process. We made a recommendation about this in several of our previous inspection reports including Chennai, Amman and the Global file sample and were concerned to find this problem was still very much in evidence.

Detailed checks

- 3.83 In our sampling we considered whether verification checks had been carried out to assess the validity of supporting documents or other information in relation to applicants and sponsors. Out of 119 Family and Other Visit cases sampled, we only found four cases (3%) where we considered checks should have been carried out but had not been. However, Settlement visa cases gave us serious cause for concern as we found checks should have been carried out in 36 out of 37 grant cases (97%) and six out of 37 refusal cases (16%), but were not.
- 3.84 There was no justification in caseworking notes as to why these checks had not had not been conducted. We consider that verification checks are an important part of the decision-making process to establish whether evidence and circumstances presented by an applicant and/or their sponsor are genuine. The Agency agreed that these checks were important and accepted that the Abuja visa section had not followed the relevant internal guidance to staff issued on 6 April 2010. The Agency expressed its regret that checks on settlement applications were not carried out on a routine basis prior to our inspection. The Agency told us that in May 2011, it had provided settlement caseworking training to all ECOs and ECMs in Abuja as a result of its own review of our file sample.
- 3.85 We were particularly concerned to find a lack of checks being carried out bearing in mind we had made a recommendation on this following our inspection of the UK Visa Section in July 2010, which the Agency accepted.

Quality Checking

- 3.86 We found that the Abuja Visa section was not operating quality checking mechanisms in accordance with UK Border Agency guidance. In its written evidence submitted to us before our on-site visit, the Agency stated that ECMs in Abuja carried out the following range of checks on decision quality:
- 100% of decisions made by new ECOs until an ECM decides that their work is of a sufficient standard;
 - All cases falling for refusal under Paragraph 320(7a), (7b), (7c) and (11) of the Immigration Rules;
 - Other refusals selected at random; and

- 10% of cases where visas are to be issued.

- 3.87 However, ECMs told us that they did not always have the time to do the requisite numbers of checks or to properly review Explanatory Statements required as part of the Appeals process.
- 3.88 The operations manager confirmed that due to the pressure of work, ECMs were not undertaking the full range of reviews that they should be. This was consistent with our findings in relation to the poor quality of decision making in Abuja and was particularly disappointing given that we recommended in our report following our Abuja inspection in 2009 that the Agency “*Uses Entry Clearance Manager Review Guidance Tools to quality assure issues and refusals of entry clearance.*”
- 3.89 A significant number of staff that we spoke to raised concerns about the inconsistency of approach between managers and lack of feedback on their work. They felt this hindered their ability to learn from their mistakes and successes and to improve the quality of their work. This was reinforced by some managers themselves. Our file sampling results also support our view that much more work needs to be done to improve the quality assurance function in Abuja.

Staff training, development and morale

- 3.90 We found that ECOs and ECMs had received core training in the UK. In addition to this, the Abuja visa section had developed a six-week ECO training programme to supplement the core training and to provide useful information and guidance relevant to visa applications received in Nigeria. This had been introduced shortly before the inspection and staff we spoke to said that this was a good idea given that prior to this, ECOs received very little induction training – some described it as “*terrible*” - and were expected to go “*straight into the job*”. The training programme involved being assigned a “*buddy*”. However, staff felt this did not work as well as it could because the “*buddy*” was still expected to meet their daily benchmark targets of decisions which impacted on their ability to support new members of staff.
- 3.91 At the time of our on-site inspection, six ECOs were on the training team that was responsible for the ECO training programme in Abuja. Team members delivered training sessions such as the settlement training that was delivered prior to our inspection when the visa section itself identified significant problems with the quality of decisions in our file sample. Generally, training was not possible during the visa section’s busy period (May-August), but the operations manager told us that sessions would resume in September 2011.
- 3.92 ECOs confirmed that they also had checklists and desk notes to refer to. E-learning was also undertaken when required, but the majority of staff felt this was of little use and that training material was very old and routinely recycled.
- 3.93 With regard to wider and ongoing development, ECOs felt that opportunities were rare. Self-improvement and development was hindered, as staff felt they received insufficient feedback from managers about their work, including the results of verification checks (as these did not necessarily go back to the referring ECO), decisions overturned at internal review stage and allowed appeals. Several members of staff told us that they did not receive regular one to one meetings with their managers and that annual performance appraisals were not always done on time. Managers, however, felt that it was the responsibility of individuals to request one to one meetings. Given our findings in relations to the quality of decision-making and morale in Abuja, we considered that the Agency needed to improve its performance in this area.

- 3.94 ECMs told us they received virtually no post-specific induction training on arrival or further development. ECMs also confirmed evidence we received from ECOs regarding the lack of feedback they received, and issues around the inconsistency of ECM decision making which impacted on ECOs' ability to learn and improve their work. We were told that although ECMs were supposed to meet weekly, this did not always happen and the meetings were not minuted. We consider that holding these meetings regularly and minuting them would help improve the consistency in management decisions and approaches that appeared to be lacking in Abuja.
- 3.95 We found no evidence of any structured training programme for ECAs. We were told that staff learnt on the job and received handovers from their predecessors. ECAs told us that they did not feel training and development was considered to be important, despite it being a key part of the Agency's performance appraisal process. We were told that there were few development opportunities for ECAs, in part due to budget constraints and the volume of work. For example, we found that no member of staff in the visa section's Verification Unit had met any of their contacts at various institutions that assist the Agency. The Agency's relationships with organisations that help it to consider applications (for example financial institutions, educational establishments and government agencies) are an important part of the decision making process. We considered, therefore, that the visa section was perhaps missing an opportunity to enhance these relationships through face to face contact with verification unit staff.
- 3.96 We found the level of staff morale in Abuja was low, particularly amongst ECAs. Staff at all levels expressed concerns regarding the disparity of treatment of staff and inappropriate behaviour exhibited by some managers, which was said to have caused a breakdown of trust and respect.
- 3.97 We observed ECAs having to work in unsuitable conditions, crawling on the floor each morning to count case files. We raised this with the Operations Manager who confirmed this was a priority for him to resolve but it was not clear when a solution would be found to this problem.
- 3.98 Staff surveys in 2009 and 2010 had identified previous issues with allegations of bullying and harassment and the Agency had produced Better Management Action Plans to address these issues. While we noted various promising actions had been identified it was not clear how much progress had actually been made in this regard at the time we were on site. Staff indicated there was still much to do in terms of improving communication, consistency of approach of ECMs, feedback to staff, and prioritising training and development.

Appendix 4

UK Visa Section

Inspection findings – Operational Delivery

Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration

Decision making

- 4.1 This section provides detailed results and analysis of the files we examined in relation to the UK Visa Section, both prior to and during the on-site phase of our inspection. We requested 160 files prior to the on-site phase, which were chosen randomly from decisions made between 1 November and 28 February 2011. Sixteen of these files could not be located (10%).
- 4.2 We were told this was because the off-site storage facility did not record case reference numbers, which meant retrieval of files was not as straightforward as it should have been. We were subsequently told this process had been changed to ensure that files could be tracked and retrieved when necessary. We have highlighted numerous problems with file retrieval across the Agency in previous inspections and believe it is unacceptable that the Agency has not tackled this problem more effectively.
- 4.3 We also sampled 50 Family visitor cases on site, chosen randomly from decisions made between 25 April and 20 May 2011. We were pleased to find that the files requested on site were all provided. Figure 62 sets out the visa categories examined together with numbers of cases sampled in each category. We actually sampled 175 out of the original 210 files as 19 files proved to be out of scope and the remaining 16 files could not be located as mentioned above. The reason so many files were out of scope was because 18 cases were issued as a result of an appeal or a review once an appeal was received, and one case was an application for a transfer of a visa into a new passport.

Figure 63: Numbers of files sampled in each visa category

Category	Requested	Sampled	Out of scope
Family Visitor - issue	25	18	7
Family Visitor - refusal	25	25	0
Other Visitor - issue	40	38	1
Other Visitor - refusal	40	38	0
Settlement - issue	40	19	11
Settlement - refusal	40	37	0
Total	210	175	19

- 4.4 In the sampled cases we considered both the timeliness of the actions taken and the quality of the decisions made. Details of our findings, split according to visa category, follow.

Timeliness

4.5 At the time of our inspection, the UK Border Agency measured its performance against the following customer service standards:

- to complete 90% of non-settlement visa applications in not more than 15 working days, 98% in 30 working days, and 100% in 60 working days; and
- to complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days.

4.6 Figure 64 shows that the Agency missed its 15 and 30 day targets for Family Visit issue cases but met its 60 day target for this category. For Other Visit issues, it met the 60 day target, exceeded the 30 day target but missed the 15 day target.

Figure 64: Application processing times of Family and Other Visit issue cases in UK Visa Section

Targets: to complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days

	Family Visit Issues			Other Visit Issues		
Total cases sampled	18			38		
Timescale	15 working days or under	30 working days or under	60 working days or under	15 working days or under	30 working days or under	60 working days or under
Percentage of cases processed by timescale	0%	28%	100%	84%	100%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	-18	-13	0	-2	+1	0

4.7 Figure 65 shows that the Agency missed its 15 day target for both Family and Other Visit refusals. For Family refusals the Agency's 30 day target was also missed but the 60 day target was met. For Other Visit refusals the 30 day target was exceeded and the 60 day target met.

Figure 65: Application processing times of Family and Other Visit refusal cases in UK Visa Section

Targets: to complete 90 per cent of visa applications in not more than 15 working days, 98 per cent in 30 working days and 100 per cent in 60 working days

	Family Visit Refusals			Other Visit Refusals		
Total cases sampled	25			38		
Timescale	15 working days or under	30 working days or under	60 working days or under	15 working days or under	30 working days or under	60 working days or under
Percentage of cases processed by timescale	20%	88%	92%	74%	95%	100%
Number of cases by which target was missed (-), met (0) or exceeded (+)	-20	-3	-2	-6	-1	0

4.8 Figure 66 shows the Agency missed both the 60 and 120 day target for both settlement issues and refusal cases.

Figure 66: Application processing times of Settlement cases issued and refused in UK Visa Section				
Targets: to complete 95% of settlement visa applications in not more than 60 working days and 100% in not more than 120 working days				
	Settlement issues		Settlement refusals	
Total cases sampled	19		37	
Timescale	60 working days or under	120 working days or under	60 working days or under	120 working days or under
Percentage of cases processed by timescale	79%	95%	86%	97%
Number of cases by which target was missed (-), met (0) or exceeded (+)	-3	-1	-3	-1

- 4.9 In summary, the results of our sampling show that the UK Visa Section did not meet any of its 30 day targets for both visitor categories and did not meet any of its settlement targets. In 71 out of the 175 cases (41%) targets were missed. This is a poor result.
- 4.10 We were particularly disappointed to see that no Family Visit issue cases and only 20% of Family Visit refusal cases were decided in 15 days.
- 4.11 The Agency told us that in March 2011 visa applications from Algiers went online and the UK Visa Section also started processing applications from Dusseldorf. This caused significant problems with the IT systems used by the Agency and it had taken time to resolve this.
- 4.12 When we were on site we listened to one of the weekly telephone conferences with Algiers and noted that the Agency was still trying to resolve its IT problems in June 2011.
- 4.13 We spoke to staff at the British Embassy in Algiers and they told us that the problems experienced and the delays caused in processing visas had caused reputational damage to the UK. We were also told that even when targets were being met and decisions were made in 15 days, this compared poorly with the Agency's competitors. Specific examples given included members of the Algerian armed forces wishing to attend training courses in the UK missing their courses because visa applications were not processed in time, and a previous Prime Minister of Algeria complaining about the delays. We were told that the issue had been raised by the Embassy at senior levels in the Agency.

Staff Targets

- 4.14 In order to attain its customer service standards, UK Visa section had set benchmark targets that Entry Clearance Officers (ECOs) were expected to achieve. Different targets applied to cases received from Düsseldorf and Algiers. Managers told us the reason for the different benchmarks was to take account of the different processes involved. The current targets had been introduced on 1 March 2011.

- 4.15 Although staff were aware of the benchmarks there was some confusion as to how the targets had been set. Managers told us that targets had been proposed to staff by email. The original Algiers targets had then been raised to bring them closer to the Düsseldorf targets. Targets were linked to staff performance appraisals and were consistent for all staff regardless of their experience level.
- 4.16 Staff and managers told us that there were three levels of benchmarks as follows:
- A benchmark of 35 low risk visit cases a day for Algiers applications;
 - A benchmark of 25 a day for higher risk visit cases, non-Points Based System and UK ancestry cases; and
 - A benchmark of 15 a day for settlement applications, Points Based System cases and appeals.
- 4.17 Similar targets had been implemented for Entry Clearance Assistants (ECAs) with a benchmark of importing 25 cases an hour onto the IT caseworking system or carrying out five verification checks an hour. In Algiers the ECAs had a target of entering 12 cases an hour onto the DST system.
- 4.18 We found that staff were aware of and understood the targets but some were not clear how these had been determined. Both staff and managers told us that the target of 35 was for all non-settlement cases. Managers told us they thought targets were on the whole realistic and achievable although acknowledged that there could be problems if staff had to spend time on other duties and activities.
- 4.19 Staff told us that while they felt the targets were possible for straightforward cases, they considered the targets impacted more negatively on the quality of their work in relation to more difficult cases. They added they had not been consulted or involved in setting these targets with a resultant lack of understanding and ownership. However managers told us they had been consulted by email and very few had responded.
- 4.20 Staff and managers acknowledged that problems with IT systems had caused significant delays, but felt that they largely met their targets now. Managers were very conscious of targets and arranged Algiers days when all staff would work solely on Algiers applications if they were coming close to not meeting their service targets.

Decision Quality

- 4.21 When we last inspected the UK Visa Section we looked at settlement cases from Pakistan. These are no longer dealt with by the UK visa section but settlement cases from Algeria were considered. We found that although there had been improvements in the number of verification checks carried out, decision making was still poor.
- 4.22 Our main concerns were that ECOs often misinterpreted or disregarded evidence when assessing applications and these errors were not identified by the quality assurance process of ECMs reviewing cases.
- 4.23 There were also cases where additional information requirements had been made. This is where the applicant had been refused a visa for not submitting information that they would not have known to submit at the time of application, and had not been given the opportunity to address these concerns. This leaves the Agency vulnerable to criticisms of being unfair.
- 4.24 The quality of refusal notices was generally poor. In many cases the wording in the notices was not in line with the evidence that had been submitted. This meant the refusal notices were not relevant to the circumstances of the applicant. In some cases phrases suggested implicit value judgments had been made and we considered these were inappropriate.

4.25 We noted a significant improvement in the number of verification checks being carried out in relation to settlement cases in line with our previous recommendation on this issue.

Results of the sample of Family and Other Visitor refusals of entry clearance

4.26 Refused Family and Other Visitor entry clearance cases were examined using various quality indicators, including:

- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the correct information on appeal rights provided to the applicant?
- Was the administration of the case sound?⁸

4.27 Of the 25 Family Visitor refusal cases examined, we found 17 cases (68%) failed one or more decision making quality indicators. Of the 38 Other Visitor refusal cases examined, we found 30 cases (79%) failed one or more decision making quality indicators. This is illustrated in Figure 67 and 68.

Figure 67: Family Visitor refusal cases

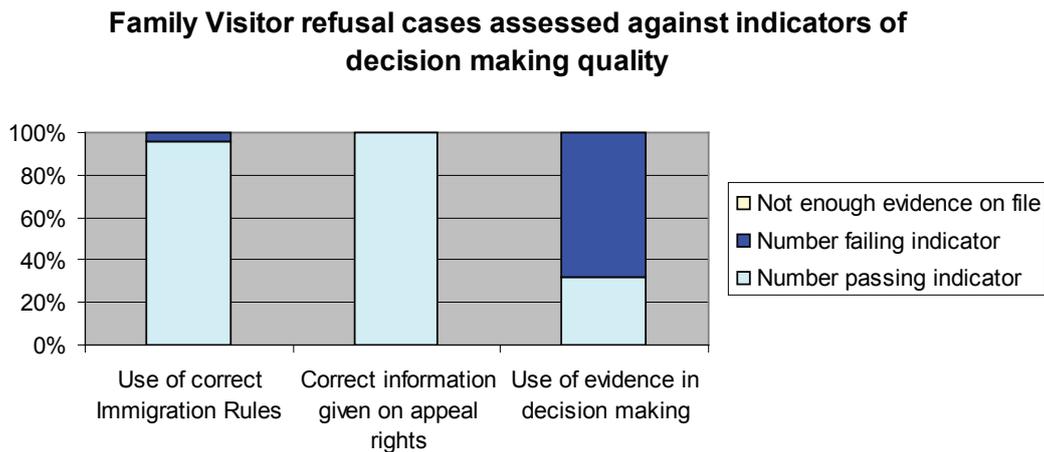
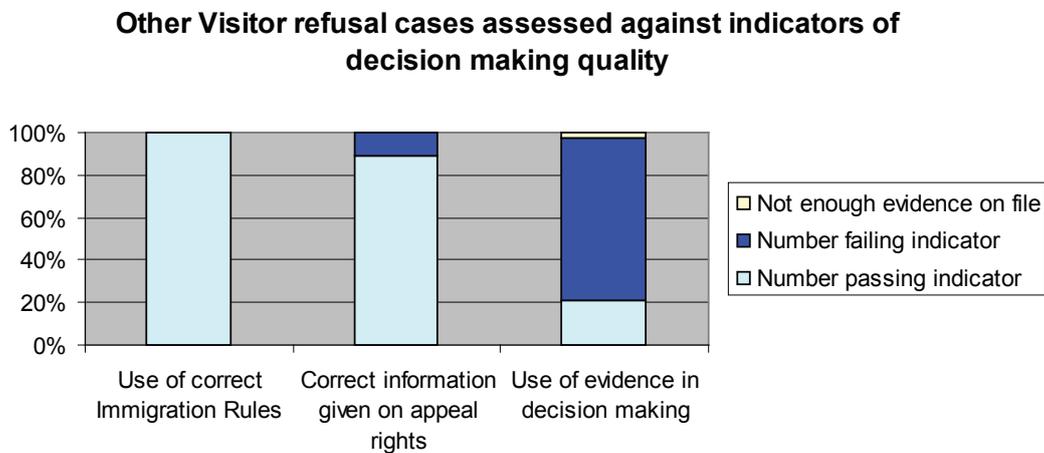


Figure 68: Other Visitor refusal cases



8. Unsound administration would refer to an administrative failing so serious as to adversely affect the decision outcome, for example where delays in processing mean the reason for the application had passed, such as attendance at a particular event, although the application was made in good time.

Immigration Rules

- 4.28 For the Family Visit visa category in one case of a child the refusal notice referred to paragraph 41 for general visitors rather than paragraph 46A for child visitors. All other cases in this category were assessed under the correct Immigration Rules. The decision to refuse entry clearance was assessed against the correct Immigration Rules in all cases we examined in the Other Visitor visa category.

Correct information given on appeal rights

- 4.29 For Family Visit refusal cases the correct information on appeal rights was given in all of the cases sampled. For the Other Visitor category incorrect appeal rights were given in four cases. In all of these cases applicants were given a full right of appeal when they should have been given a limited right of appeal. Limited rights of appeal can only be made on the grounds of human rights or racial discrimination.

Decision in line with evidence

- 4.30 For Family Visit refusal cases 17 of the 25 cases (68% of the sample) failed one or more of the decision making quality indicators. In all 17 of these cases we found that the decision had not been made in line with all the available evidence. In three of the 25 (12%) cases we questioned whether the overall decision outcome had been made correctly. In all 25 cases there was sufficient evidence kept on file for us to examine the decisions.
- 4.31 Similarly for Other Visit refusal cases 30 of the 38 cases (79% of the sample) failed one or more of the decision making quality indicators. In 29 of these cases we found the decision had not been made in line with all the available evidence. In 10 of the 38 cases (26% of the sample) we questioned whether the overall outcome was correct. One case did not contain on file all of the supporting evidence submitted by the applicant so we could not review this, or assess if the decision had been made in line with evidence.
- 4.32 The main reasons we found decisions had not been made in line with all evidence available were as follows:

We found 15 Family and 21 Other Visit cases where the Entry Clearance Officer applied additional information requirements, for example, refusing entry clearance:

- because bank letters did not indicate the origin of funds;
- for failing to demonstrate how applicants have met and know friends they were visiting;
- for failing to submit evidence that applicants have conducted business outside their home country before; and
- because of a failure to evidence the family relationship between the applicant and the sponsor.

- 4.33 We found 15 Family and 23 Other Visit cases where the Entry Clearance Officer disregarded or misinterpreted evidence, for example with regards to maintenance or funding for the visit to the applicant's detriment. Examples included:

- disregarding invitation letters from sponsors;
- misreading bank statements; and
- disregarding pay slips and employment letters submitted by the applicant.

- 4.34 We discussed 14 Other Visit and five Family Visit cases which we considered to be the most significant and representative of the wider cohort of 47 cases with the Agency while we were on site. The objectives of our discussion were to:
- highlight our concerns;
 - seek clarification over policy or procedure;
 - request further rationale behind the making of a decision; and
 - express our concern over a decision.
- 4.35 We were pleased to find that the Agency agreed with our findings on 18 cases and agreed to revise 10 refusal notices and offer applicants gratis applications in seven cases. In another case, the Agency agreed to review the case following our discussion.
- 4.36 We were satisfied with the explanation provided by the Agency on one case where it provided us with further information.
- 4.37 We were concerned that the quality of decisions being made by the UK Visa Section remained unacceptably poor. We recognised the cases we sampled for this inspection were not directly comparable with those sampled as part of our inspection in 2010, but it was disappointing to find no appreciable improvement in decision quality. The poor use of evidence we found is best illustrated by the two case studies In Figure 69 and Figure 70.

Figure 69: Case study – Other Visitor refused application

The applicant:

- Applied for a business visit visa on 14 December 2010 for a one week visit.
- Was refused a visa on 6 January 2011

Chief Inspector's comments:

- The applicant was refused a visa on the grounds that they had not provided:
 - adequate supporting documentation regarding the nature of their commercial activities
 - any evidence of previous commercial contact with the UK firm they intended to visit
 - any evidence they had ever conducted business overseas before.
- The refusal notice made reference to a “*substandard letter headed invitation*”.
- The letter of invitation submitted is on headed paper and gives the correct details of the applicant. A company website confirmed the details of the address and contacts. No further checks were conducted by the Agency to address any concerns they might have.
- There is no requirement to show business has been conducted overseas before.
- The applicant stated in their application they had been to Turkey and Germany for business before and had visas for both countries in their passport.
- The use of the term “*substandard*” is suggestive of an implicit value judgment.

UK Border Agency response:

- The Agency agreed that the term “*substandard*” should not have been used.
- The Agency agreed that further checks should have been carried out to confirm the authenticity of the invitation letter.
- The Agency accepted that adequate evidence of business accounts had been provided.
- The Agency undertook to offer a gratis visa application.

Figure 70: Case study – Family Visitor refused application

The applicant:

- Applied for a Family Visit visa on 27 April 2011 to visit their uncle and family for one month.
- Was refused a visa on 20 May 2011

Chief Inspector's comments:

- The applicant was refused a visa on the grounds that they had not provided any evidence of what they wanted to see and do during their visit, that the applicant's uncle had a different family name so the Agency was not satisfied they were visiting a family member and that they had not provided evidence of business activities and profitability of their business since its inception in 2009.
- The applicant had stated the purpose of their trip was to visit their family.
- The applicant's uncle had the same family name as the applicant's mother's maiden name.
- There was no requirement to prove the relationship- they have stated the relationship and have provided a letter of invitation from the sponsor.
- The applicant was self-employed and submitted their trade certificate, company bank statements for three months and tax registration certificate.
- There was no requirement to demonstrate profitability or evidence of business activities since the inception of a business.

UK Border Agency response:

- The Agency accepted that positive evidence had been disregarded.
- The Agency conceded that a family member having a different name to the applicant should not count against the applicant.
- The Agency accepted adequate evidence of business activities had been provided.
- The Agency undertook to offer a gratis visa application.

Results of the sample of Family and Other Visitor grants of entry clearance

4.38 Granted Family and Other Visitor entry clearance cases were examined using various quality indicators, including:

- Was the decision to grant entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the visa issued with the correct endorsement and for the correct period of validity?

4.39 Of the 18 Family Visitor cases examined, we found 9 cases (50%) failed one or more decision making quality indicators. Of the 38 Other Visitor cases examined, we found 12 cases (32%) failed one or more decision making quality indicators. This is illustrated in Figure 71 and Figure 72 below.

Figure 71: Family Visitor Grants

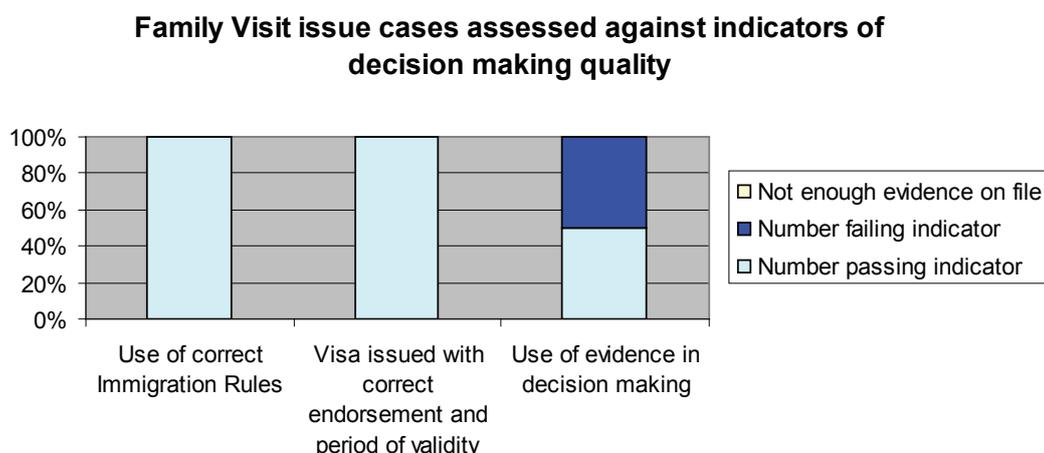
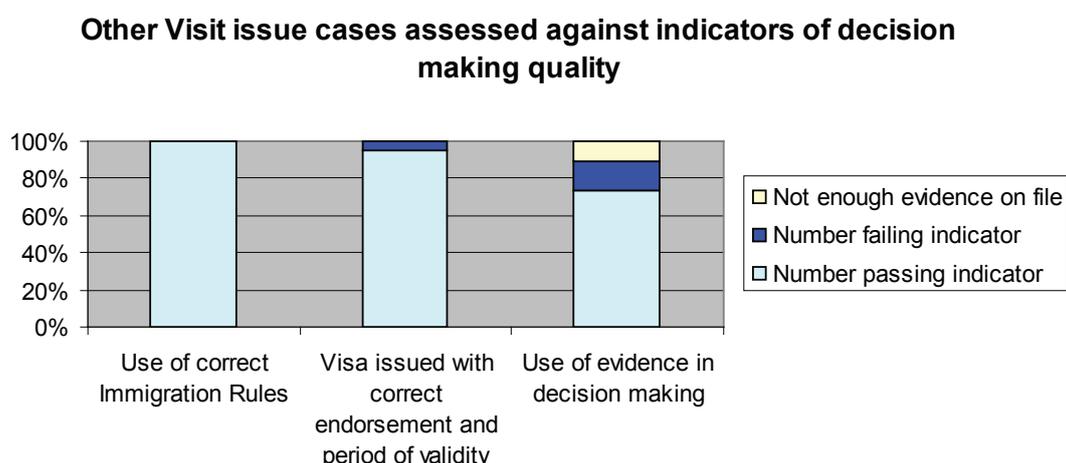


Figure 72: Other Visitor Grants



Immigration Rules

4.40 The decision to grant entry clearance was assessed against the correct Immigration Rules in all cases we examined in both the Family and Other Visit visa categories.

Decision in line with evidence

4.41 For Family Visit grant cases the reason that all of the nine cases failed one or more of the decision making quality indicators was because we did not find that the decision had been made in line with all the available evidence. In six of the nine cases we questioned whether the overall outcome decision had been made correctly. We were pleased to see that in all of the cases reviewed there was sufficient evidence retained on file for us to be able to fully assess the decision.

4.42 Similarly for Other Visit grant cases the reason six of the 12 cases failed one or more of the decision making quality indicators was because we did not find the decision had been made in line with all available evidence. In four of the 12 cases we questioned whether the overall outcome decision had been made correctly. Two cases had incorrect endorsements on the visa vignette. In addition, four out of the 12 cases did not contain on file all of the supporting evidence submitted by the applicant so we could not review this or assess if the decisions were made in line with evidence submitted.

- 4.43 The main problem we found in the Family and Other Visit cases where decisions had not been made in line with all evidence available involved a failure to collect sufficient evidence of applicants' and/or sponsors' circumstances, to justify granting entry clearance.
- 4.44 Examples of missing information included details of:
- applicants' employment, salary and / or personal funding;
 - sponsors' employment, salary or funding;
 - invitation letters from sponsors;
 - confirmation that sponsors would meet maintenance costs for applicants;
 - applicants' circumstances and intention to leave the UK; and
 - parental consent for a minor to travel alone or details of the friend they were staying with.
- 4.45 Additionally, documents sent in by applicants in support of their application could not be located and in some cases it was hard to see a clear rationale behind the decision to issue entry clearance.
- 4.46 We discussed 10 Other Visit and eight Family Visit cases which we considered to be the most significant and representative of the wider cohort of 21 cases with the Agency while we were on-site. The objectives of our discussion were to:
- highlight our concerns;
 - seek clarification over policy or procedure;
 - request further rationale behind the making of a decision; and
 - express our concern over a decision.
- 4.47 In four cases, notes showed that checks had been carried out but it was unclear to us what the outcome of these checks was. The Agency explained that the checks were carried out in Algiers by the team there and the results noted on their local case working system which the ECOs making the decisions would have access to. We were satisfied with this response.
- 4.48 In another case the applicant stated they would stay with a friend but no evidence had been submitted of this. The Agency accepted that no further checks had been carried out in this case. We maintained our view in this case.
- 4.49 In a further case an applicant was granted a visit visa having submitted evidence of funds which appeared to show a zero balance and then a large deposit shortly before submitting the application. The Agency told us that since checks had been made on their employment and this was found to be genuine, no further checks were required on their funds. We maintained our view in this case.
- 4.50 In one case the applicant was issued a visa for a five day visit. This is illustrated in the case study at Figure 73.
- 4.51 In one Family Visit case the applicant only provided details of funds provided by their spouse with no bank statements to confirm they were in a position to fund them. The Agency accepted it had not verified this or established the origin of these funds but stated the applicant was not considered to be a high risk and issued a visa "on balance". We maintained our view in this case.
- 4.52 Having had the benefit of further clarification from the Agency, we agreed to revise our view in one Other Visit case and seven Family Visit cases where we had originally queried the overall decision outcome or the use of evidence. We maintained our view however in seven of these cases with regard to poor quality notes on the Agency's case working IT system.

Figure 73: Case study – Other Visitor issue application

The applicant:

- Applied for a visit visa on 15 December 2010 for a one week visit.
- Was issued a visa on 13 January 2011

Chief Inspector's comments:

- The applicant was a warehouse worker for an airline wishing to visit the UK for five days for the New Year break. They had no friends or family in the UK. They submitted a letter from their employer authorising leave from 26 December until 10 January but submitted no bank statement.
- They were issued a visa after their intended travel date.
- The notes made on the case working system were brief and did not sufficiently justify the decision to issue a visa.

UK Border Agency response:

- The Agency said that the delay in processing the application was due to the severe weather conditions in the UK in December and January.
- The Agency said the applicant had previously been granted three visas for the UK and there was nothing to suggest they had not complied with the terms of those visas.

Chief Inspector's further comments:

- Given that the applicant had not submitted any evidence to show their financial circumstances it is questionable how the applicant met the requirements of the immigration Rules.

4.53 Two cases related to incorrect endorsements and are discussed below.

Visa issued with correct endorsement and with correct period of validity

4.54 We found that in our sample all Family Visit cases had both the correct visa endorsement and the correct validity period. In the Other Visit category in one case an Algerian government minister who was visiting the UK to attend a UK government conference was given a business visit visa rather than being treated as exempt from immigration controls as a government minister would be (in such cases vignettes endorsed "*exempt*" are issued to avoid delays on arrival in the UK.) In another case a student visitor was not granted six months entry but seven months and six days. The Agency accepted that it had made errors in both of these cases.

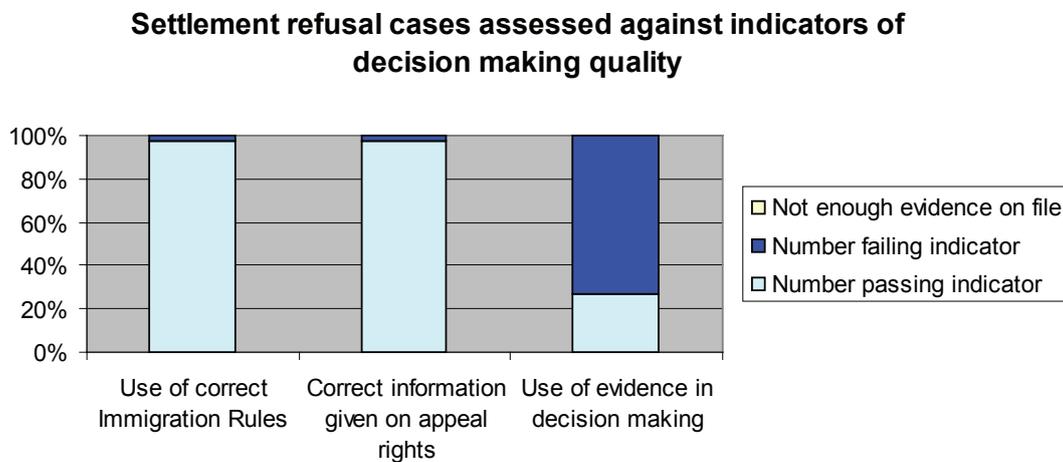
Results of the sample of Settlement Visa refusals

4.55 Refused Settlement visa entry clearance cases were examined using various quality indicators, including:

- Was the decision to refuse entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the correct information on appeal rights provided to the applicant?
- Was the administration of the case sound?

4.56 Of the 37 Settlement Visa refusal cases examined we found 27 cases (73%) failed one or more decision making quality indicators. This is illustrated in Figure 74 below.

Figure 74: Settlement Visa Refusals



Immigration Rules

4.57 The decision to refuse entry clearance was assessed against the correct Immigration Rules in all but one case we examined in the Settlement visa category. In this case, UKBA had incorrectly apply the English language requirement that came into effect on 29 November 2010 when the application had been lodged on 24 November.

Correct information given on appeal rights

458 We found that the correct information on appeal rights was given in all cases in our sample.

Decision in line with evidence

4.59 In our sample of Settlement visa refusal cases the reason 27 of the 37 cases (73%) failed one or more of the decision making quality indicators was because we did not find that the decision had been made in line with all the available evidence. In 10 of the 27 cases we questioned whether the overall outcome decision had been made correctly. However we were pleased to find no cases in our sample where supporting evidence submitted by the applicant was not retained on file.

4.60 The main reasons we found decisions had not been made in line with all the available evidence were as follows:

We found 23 cases where the Entry Clearance Officer disregarded or misinterpreted evidence, for example with regards to maintenance and accommodation or evidence of the relationship to the applicant's detriment. Examples included:

- disregarding emails, telephone and online messaging records as evidence of contact;
- disregarding evidence of the immigration status of the UK sponsor;
- disregarding payslips as evidence of the ability of the UK sponsor to support the applicant;
- misinterpreting the English language certificates now required for spouses; and
- misreading balances on bank statements.

- 4.61 We found 10 cases where the Entry Clearance Officer applied additional information requirements for example refusing entry clearance:
- where there was no evidence rent payments had been made from a bank account;
 - where envelopes had not been kept with letters as evidence of posting; and
 - because of a failure to demonstrate knowledge of spouse's hobbies and interests.
- 4.62 We discussed 23 of the cases which we considered to be the most significant and representative of the wider cohort of 27 cases with the Agency while we were on-site. The objectives of our discussion were to:
- highlight our concerns;
 - seek clarification over policy or procedure; and
 - request further rationale behind the making of a decision.
- 4.63 We were pleased to see that the Agency agreed with our findings in five refusal cases where we considered the decision to refuse entry clearance was not supported by the evidence submitted. The Agency accepted our points and agreed to offer gratis applications.
- 4.64 The Agency also agreed with our comments on 12 refusal cases where the refusal notice was not in line with the evidence submitted and agreed to issue revised refusal notices.
- 4.65 In a further four refusal cases the applicants had submitted appeals against the Agency's decisions. As part of their normal review process the Agency agreed to either review the decision or revise the explanatory statement (an explanatory statement is a document produced by the Agency outlining the arguments and reasons for the refusal decision in the case of an appeal) submitted to the court.
- 4.66 In one case, when an appeal was received and the case was reviewed the Agency decided to overturn the original decision and issue a visa.
- 4.67 In a final case, the applicant had been refused because the Agency had been unable to contact the employer by telephone or find a website for the company when checks were carried out. We queried whether this was sufficient to engage the higher evidential standard required of Paragraph 320 (7a). The Agency said that they had been unable to find the employer listed anywhere but went on to state that the evidential standard is on a balance of probabilities.
- 4.68 The type of issues raised with settlement cases can best be illustrated with a case study as set out below.

Figure 75: Case study – Settlement refused application

The applicant:

- Was married to a UK citizen and applied for entry clearance on 30 December 2010 to join their spouse.
- Had met, married and lived with their spouse in the UK whilst having been in the UK illegally for five years.
- Was refused a visa on 22 February 2011 on the grounds that UKBA were not satisfied the marriage was intended to be permanent and that the couple would live together.
- Appealed against the decision on 15 March 2011.

Chief Inspector's comments:

- The decision to refuse overall was sound due to the lack of financial evidence submitted.
- The refusal notice states *"I note that your sponsor is twenty years older than you, a divorcee with three children, the oldest child was born on 21 November 1974, approximately two years older than you."* and goes on to say *"I find that the prospect of settling in the UK outweighed the social stigma in Pakistan (sic) attached to marrying an older English non-Muslim woman."*
- The language of the refusal notice made implicit value judgments that were unacceptable.
- There was evidence of a subsisting relationship.
- On receipt of the appeal UKBA noted there was some evidence of a subsisting relationship but the lack of financial evidence meant the decision to refuse was correct.

The UK Border Agency:

- Accepted the refusal wording was not based on evidence but on personal opinion.
- Accepted that positive evidence had been disregarded.
- Accepted that certain aspects of lack of evidence of finances had not been mentioned.
- Undertook to review the case prior to the appeal hearing.

Chief Inspector's further comments:

- The Chief Inspector can see no justification to use the kind of language used in the refusal notice and considered this unprofessional.

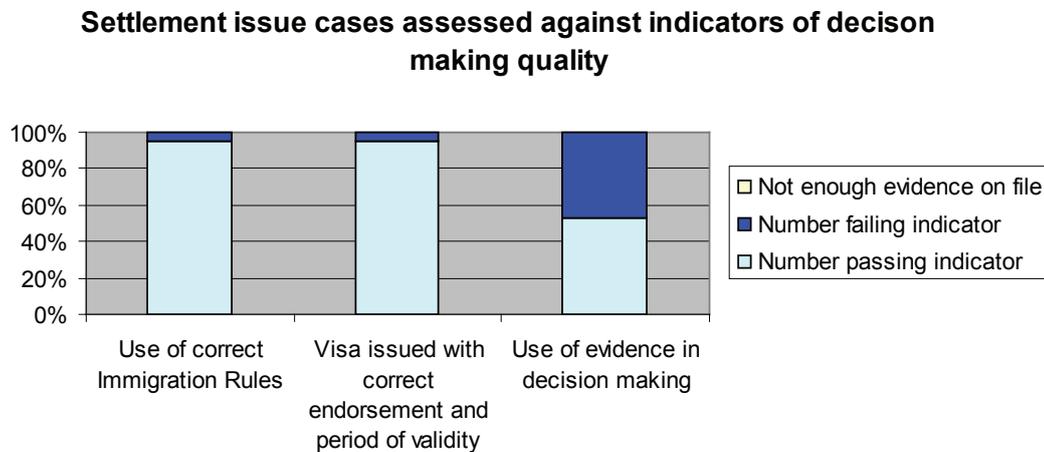
Results of the sample of Settlement Visa grants of entry clearance

4.69 Grants of Settlement visa entry clearance cases were examined using various quality indicators, including:

- Was the decision to grant entry clearance assessed against the correct Immigration Rules?
- Did the Entry Clearance Officer make their decision based upon all the available evidence?
- Was the administration of the case sound?
- Was the visa issued with the correct endorsement and for the correct period of validity?

4.70 Of the 19 Settlement visa grant cases examined, we found nine cases (47%) failed one or more decision making quality indicators. This is illustrated in Figure 76.

Figure 76: Settlement visa grants



Immigration Rules

4.71 We found that all of the cases sampled apart from one were assessed under the correct Immigration Rules. In one case the application was for a fiancé entry clearance but it was assessed as a spouse. We discuss this further below.

Decision in line with evidence

4.72 In our sample of settlement visa grant cases the reason nine of the 19 cases (47%) failed one or more of the decision making quality indicators was because we did not find the decision had been made in line with all the available evidence. We therefore questioned whether the overall outcome decision had been made correctly. However, we found no cases in our sample where supporting evidence submitted by the applicant had not been retained on file – positive evidence that the UK Visa Section was following Agency guidance on document retention.

4.73 The main problems we found in Settlement grant cases where decisions had not been made in line with all the available evidence involved a failure to collect sufficient evidence of the relationship between the applicant and the sponsor. In addition we found a lack of consistency in what Entry Clearance Officers considered to be sufficient evidence of a subsisting relationship.

4.74 We discussed 10 of the cases which we considered to be the most significant and representative of the wider cohort of 19 cases with the Agency while we were on-site. The objectives of our discussion were to:

- highlight our concerns;
- seek clarification over policy or procedure; and
- request further rationale behind the making of a decision.

4.75 We positively rescored one case following our discussion with the Agency when it was discovered that not all the evidence on the file had been copied for our sample.

- 4.76 We found some confusion over the introduction of an English language requirement to some settlement categories in November 2010. Entry Clearance Officers accepted certificates that were not at the required level in two cases. The Agency accepted this and staff at the UK Visa Section were issued with a reminder about the required level of English language in settlement cases.
- 4.77 In six cases we found there was insufficient evidence to show an ongoing and subsisting relationship. In some of the cases the applicant had met and married the sponsor in a very short time and the Agency said there was not likely to be extensive evidence of intervening devotion (evidence of contact that might be expected in a relationship) in these cases. Although this may be the case we feel that consideration should be given to interviewing the parties to the marriage so that the Agency is satisfied the marriage is a genuine one. Notes should also be put on the case working IT system to justify why the decision had been made.
- 4.78 In one case the Agency considered the case under the wrong Immigration Rules. This is shown in the case study at Figure 77.

Figure 77: Case study – Settlement Issue application

The applicant:

- Applied for a fiancé visa on 18 November 2010.
- Had previously been in the UK and had an Islamic wedding ceremony.
- Had applied to the Home Office for a certificate to get legally married but been refused.
- Was issued a spouse visa on 22 February 2011.

Chief Inspector's comments:

- The applicant submitted their Islamic wedding certificate as part of their evidence along with their plans to get legally married.
- The certificate was misinterpreted and treated as being a legal wedding certificate.
- The application was treated as a spouse application and considered under the wrong Immigration Rules.
- The applicant was granted leave to enter for 27 months with no employment restrictions rather than the correct six months with employment prohibited.

UK Border Agency response:

- The Agency accepted evidence had been misinterpreted, the wrong Rules had been applied and the wrong endorsement and length of leave had been granted.

Visas issued with correct endorsement and with correct period of validity

- 4.79 We found that all Settlement visas apart from one were issued with the correct details on them. One case had the wrong endorsement and validity period because it was considered under the wrong Immigration Rules (see Figure 77).

General findings for the overall file sample

- 4.80 We found the quality of visa vignettes was good. Out of 75 cases sampled across all three visa categories, we found 100% of granted Family Visit vignettes were correct, while two (5%) Other Visit cases and one Settlement visa case contained errors. One Other Visit vignette had the wrong endorsement and period and another failed to state the correct period of the visa. The Settlement case was wrong on both counts because it was decided under the wrong Immigration Rules.
- 4.81 Overall we found the quality of refusal notices was poor with 30% of refusal cases sampled failing one or more of our quality indicators. This was particularly the case with settlement cases. In several cases we came across phrases that tended to make implicit value judgments such as describing documents submitted by applicants as “*substandard*”. Our findings in relation to refusal notices are detailed below:
- one Family Visit, six Other Visit and six Settlement visa cases did not communicate refusal grounds clearly;
 - one Family Visit, four Other Visit and 10 Settlement visa cases did not state the correct period and purpose of the visa;
 - four Other Visit and one Settlement visa cases did not contain the correct information on appeal rights; and
 - one Family Visit, three Other Visit and seven Settlement visa cases were presented poorly as they contained for example, spelling, grammar or punctuation errors.
- 4.82 We were pleased to find no issues with regard to case administration as all cases reviewed had been administered soundly.

Detailed checks

- 4.83 In our sampling we considered whether verification checks had been carried out to assess the validity of supporting documents in relation to applicants and sponsors. Out of 126 Family and Other Visit cases sampled, we only found six cases (5%) where we considered check(s) should have been carried out but had not been. However, Settlement visa cases gave us some cause for concern as we found checks should have been carried out in two of the 19 granted cases (11%) and seven out of 37 Refusal cases (19%).
- 4.84 Settlement cases should have had additional checks carried out on the sponsors as per the Agency’s guidance to staff issued on 6 April 2010. This stipulates that Settlement applications should routinely have additional checks performed. The Agency introduced this guidance as a direct result of the recommendations we made following our previous inspection of the UK Visa Section. Although there had been a significant improvement in the amount of checks carried out following our last inspection, the UK Visa Section accepted that in some cases they were still not doing the checks that they should be.

Quality Checking

- 4.85 We found that the UK Visa section was not operating quality checking mechanisms in accordance with UK Border Agency guidance. ECMs were expected to carry out checks of:
- 10% of visa issue decisions;
 - 25% of settlement refusal decisions;
 - 25% of limited appeal right refusal decisions;
 - 100% of Paragraph 320 refusal decisions; and

- 100% of cases where grounds for appeal are submitted.

- 4.86 A number of cases identified in the file sampling as having failed a decision quality indicator had also been subject to an ECM review. Of our sample across all categories 36 cases had been reviewed by an ECM. Of those 36 cases 13 (36%) had failed a decision quality indicator. This had not been picked up by the ECM review.
- 4.87 ECMs told us that the number of reviews they were required to do meant that they had very little time to spend on each review. One manager told us that the Section was measured on the number of decisions made, not the quality of those decisions and that is what they focus their efforts on. Another said they spent no more than five minutes reviewing a decision and that if reviews were carried out as they were supposed to be they would hardly do any in a day.
- 4.88 Our file sampling showed no evidence in some cases of Paragraph 320 cases being authorised by ECMs. ECMs confirmed this was the case and that despite reminders some ECOs still did not refer Paragraph 320 cases to ECMs. ECOs told us there were inconsistencies in procedures among the ECMs concerning reviews but said in all cases they received very little feedback about decision quality.
- 4.89 This is an area we have commented on before and made recommendations on. The quality assurance function provided by ECMs was not working as effectively as it should have been in the UK Visa Section.

Staff training, development and morale

- 4.90 We found that staff at Entry Clearance Officer and Entry Clearance Manager level had received core training, provided in the UK. Local induction training in the UK Visa Section for ECOs was limited to being mentored by another more experienced ECO and depended on the quality of the ECO mentoring and how much time they had to help.
- 4.91 ECMs had no induction training and felt that they did not receive the training, mentoring and support that was needed. All of the ECMs commented that the UK Visa Section was their first post as an ECM and there was no structured induction into the Section.
- 4.92 Entry Clearance Assistants had no formal training package. There were no core training programmes so their training was provided by shadowing other ECAs on the job. Staff felt this led to an inconsistency of approach.
- 4.93 ECAs carry out verification checks. When this was introduced they all received training in the type of checks to do. However the recent intake of ECAs in April and May 2011 had not been trained, but they were still required to undertake verification checks.
- 4.94 Other specific training was received positively. Staff felt that the training on verification had been good as was the training prior to the introduction of Düsseldorf cases. A recent talk on child protection and points to look out for was also well received.
- 4.95 There were regular team meetings and staff said that they were able to raise issues. Some felt they were not always listened to and that the meetings could get very heated. A regular telephone conference call was also made to Algiers every week and the team in Algiers felt communication had improved and that they were considered part of the team. Two of the ECAs there had visited the UK Visa Section and some ECOs had also been out to Algiers.

- 4.96 There were mixed views on the amount of development opportunities offered. Some ECAs felt that the rotation between different tasks in their job allowed them to develop new skills but many staff felt the pressure of work and the drive to meet targets left no time for any personal development. ECOs felt they did not have time to do anything other than assess applications, although a number had been to Algiers to cover leave.
- 4.97 Staff at all levels described morale as very low. There was a perception of a “*them and us*” feeling at all levels between staff and managers. Staff criticised the managers in terms of their style and lack of knowledge and managers felt they were not respected for lack of previous entry clearance experience. This had led to a lack of trust and team spirit.

Appendix 5

Inspection Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Inspection Criteria, revised in March 2011. They are shown below.

Inspection Criteria used when inspecting the Africa Region visa sections

Operational Delivery

1. Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration
2. Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.
3. Complaints procedures should be in accordance with the recognised principles of complaint handling

Safeguarding Individuals

4. All people should be treated with respect and without discrimination except where the law permits difference of treatment
7. Functions should be carried out having regard to the need to safeguard and promote the welfare of children
8. Personal data should be treated and stored securely in accordance with the relevant legislation and regulations

Continuous Improvement

9. The implementation of policies should be continuously monitored and evaluated to assess the impact on service users and associated costs
10. Risks to the efficiency and effectiveness of the Agency should be identified, monitored and mitigated

Appendix 6

List of Stakeholders

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

- Deputy High Commissioner, Abuja
- High Commissioner, Kenya
- High Commissioner, Uganda
- Deputy High Commissioner, Pretoria
- Deputy Head of Mission, Algiers
- UKTI, Nairobi
- SOCA
- Department for International Relations and Co-operation, Pretoria

Appendix 7

Glossary

Term	Description
A	
Agency	Refers to the UK Border Agency.
Audit trail	Chronological list of events.
B	
Biometrics	All customers are now routinely required to provide ten digit finger scans and a digital photograph when applying for a United Kingdom visa. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five.
Border and Immigration Agency (BIA)	The name of the Agency responsible for immigration functions prior to creation of the UK Border Agency.
C	
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’.
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	
Data Protection Act 1998 (DPA)	The Data Protection Act requires anyone who handles personal information to comply with a number of important principles. It also gives individuals rights over their personal information.
Director	Senior UK Border Agency manager, typically responsible for a directorate, region or operational business area.

E	
e-Learning	Computer based training course
Entry Clearance	<p>A person requires leave to enter the United Kingdom if they are neither a British nor Commonwealth citizen with the right of abode, nor a person who is entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 European Economic Area Regulations. Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non-visa nationals).</p> <p>These documents are taken as evidence of the holder's eligibility for entry into the United Kingdom and, accordingly, accepted as "entry clearances" within the meaning of the Immigration Act 1971. The United Kingdom Government decides which countries' citizens are, or are not, visa nationals. Non-visa nationals also require entry clearance if they seek to enter the United Kingdom for purposes other than to visit and/or for longer than six months.</p> <p>More detailed information about Entry Clearance can be found on the UK Border Agency website: 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 Assistant	Supports the visa application process.
Entry Clearance Manager	Manages the visa application process.
Entry Clearance Officer	Decides 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>

European Economic Area (EEA) Family Permits	<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.</p> <p>They do not require permission from the UK Border Agency to enter or remain, nor do they require a document confirming their free movement status. An EEA family permit is a form of entry clearance issued to the non-EEA national family members of an EEA national who is in, or intends to come to, the United Kingdom in order to exercise a Treaty right.</p>
H	
Home Office	The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police.
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 casework programme (ICW)	UKBA programme aiming to align caseworking to a simple three-stage process model – “ <i>Register – Decide – Conclude</i> ” and to provide an end-to-end IT system called INTEGRITY, which will enable the Agency to apply this model consistently. ICW will deliver four main benefits: improved efficiency; improved quality and accuracy of decision making; improved customer service and a modern, fit-for-purpose IT system.
Immigration Liaison Assistant (ILA)	UK Border Agency job title.
Immigration Liaison Manager (ILM)	UK Border Agency job title which encompasses posts previously known as Airline Liaison Officers (ALOs) and Risk Assessment Managers (RAM).
Immigration Liaison Officer (ILO)	UK Border Agency job title.
Independent Chief Inspector of the UK Border Agency	The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.

<p>Independent Monitor and legislation</p>	<p>The legislation which established the role of the Independent Monitor for Entry Clearance Refusals without the Right of Appeal, was set out in section 23 of the Immigration and Asylum Act 1999 and amended by paragraph 27 of schedule 7 of the Nationality, Immigration & Asylum Act 2002 and Statutory Instrument 2008/310 regarding the points-based system (from April 2008).</p> <p>Section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006, stipulates:</p> <ul style="list-style-type: none"> • The Secretary of State must appoint a person to monitor, in such a manner as the Secretary of State may determine, refusals of entry clearance in cases where, as a result of section 88A of the Nationality, Immigration & Asylum Act 2002 (c.41)(entry clearance: non-family visitors and students), an appeal under section 82(1) of that Act may be brought only on the grounds referred to in section 84(1)(b) and (c) of that Act (racial discrimination and human rights). • The Secretary of State may not appoint a member of his staff. • The Secretary of State must lay a copy of any report made to him under subsection (3) before each House of Parliament. <p>Although the legislation and the Independent Monitor’s formal title refer to “<i>no right of appeal</i>”, all customers have limited rights of appeal on human rights and race relations grounds. Parliament decides which categories of visa customers should not have full rights of appeal; the UK Border Agency’s role is to implement the laws set by Parliament and as interpreted by Government policies.</p> <p>John Vine, the Chief Inspector of the UK Border Agency was appointed to this role by the Home Secretary on 26 April 2009, effectively bringing this work within his remit.</p>
<p>International Group</p>	<p>The overseas arm of the UK Border Agency, responsible for running visa operations in 135 countries. Formerly known as UK Visas.</p>
<p>L</p>	
<p>Locally engaged staff</p>	<p>Staff recruited directly by the British Embassy or High Commission in the country where they are employed.</p>
<p>M</p>	
<p>Ministerial authorisation</p>	<p>A new Ministerial authorisation for nationality-based differentiation – covering entry clearance, border control and removals – came into force on 10 February 2011 under the Equality Act 2010. The new authorisation allows International Group to differentiate on the basis of nationality in the entry clearance/visa process.</p>
<p>N</p>	

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.
O	
Other Visitor	Visitor cases that only attract limited appeal rights.
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 was designed to enable the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers. The system:</p> <ul style="list-style-type: none"> • combines more than 80 previous work and study routes to the United Kingdom into five tiers; and • awards points according to workers’ skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector. <p>Employers and education providers play a crucial part in making sure that the points-based system is not abused. They must apply for a licence to sponsor migrants and bring them into the United Kingdom; and meet a number of duties while they are sponsoring migrants.</p>
Post	See Visa Section.
R	
Race Relations Act 1976	An Act of Parliament established to prevent discrimination on the grounds of race.
Race Relations (Amendment) Act 2000	The Race Relations (Amendment) Act 2000 was an Act to extend further the application of the Race Relations Act 1976 to the Police and other public authorities; to amend the exemption under that Act for acts done for the purpose of safeguarding national security; and for connected purposes. Section 19D sets out exceptions from section 19B for certain acts in immigration and nationality cases. Section 19B does not make it unlawful for a relevant person to discriminate against another person on grounds of nationality or ethnic or national origins in carrying out immigration and nationality functions.

Regional Director	Senior manager responsible for one of the six Immigration Group regions.
Risk and Liaison Overseas Network (RALON)	An amalgamation of the former Airline Liaison Officer Network and Overseas Risk Assessment Unit Network. RALON has responsibility for identifying threats to the UK border, preventing inadequately documented passengers from reaching UK shores, providing risk assessment to the UK Border Agency visa issuing regime and supporting criminal investigations against individuals and organisations which cause harm to the UK.
Risk Profile	An outline that determines the relative potential harm (to the UK of a visa applicant / travelling passenger) based on characteristics of an individual when compared to existing evidence of adverse activity either in the UK or overseas.
S	
Settlement	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.
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.
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 (UKBA)	Executive Agency of the Home Office responsible for border control, enforcing immigration and customs regulations.
United Nations High Commissioner for Refugees (UNHCR)	The United Nations High Commissioner for Refugees has a mandate to lead and coordinate international action to protect refugees and resolve refugee problems.
V	
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.
Visa section	<p>UK Border Agency office which manages UK visa operation services. UK Border Agency visa sections are located in a variety of locations around the world.</p>

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