THE UK BORDER AGENCY RESPONSE TO
THE INDEPENDENT CHIEF INSPECTOR’S
CHENNAI REPORT
The UK Border Agency thanks the Independent Chief Inspector for the report. The UK Border Agency notes that this is the second report which shows that all issued cases examined (100% of the sample) met the ICI inspection criteria. The UK Border Agency also notes the Chief Inspector’s conclusion that the “Hub and Spoke model had resulted in entry clearance staff applying more consistent standards”.

The UK Border Agency notes that this report contains three repeat recommendations already made in the Chief Inspector’s report on Kuala Lumpur, namely standardising document checklists at all overseas visa sections, meeting the 28 day target on conducting administrative reviews and evaluating the efficiency and effectiveness of Hub and Spoke. The UK Border Agency accepts that where recommendations are made, accepted and an undertaking given to implement them in a specific timeframe we should be reminded where we have failed to keep our promise. Work is indeed underway on all these recommendations. However, the UK Border Agency points out that the Chief Inspector did not publish the Kuala Lumpur recommendations until after the Chennai visit had taken place.

The UK Border Agency response to recommendations from the Independent Chief Inspector’s Chennai Report.

1. Immediately takes steps to ensure its customer service standards are applied consistently across its overseas network: The UK Border Agency accepts this recommendation.

1.1 The Chief Inspector report acknowledges (paragraph 8.50) that the UK Border Agency is currently in the process of reviewing customer service standards and proposes to abolish the straightforward/non-straightforward distinction. In April the UK Border Agency plans to introduce a new global standard which will be clearer for applicants and simpler for posts to operate.

1.2 The UK Border Agency instructs posts on the definitions for recording case categories against customer service standards. Chennai was immediately reminded of this and is now following standard practice.

2. Takes action now to ensure it meets its 28-day target on conducting administrative reviews: The UK Border Agency accepts this recommendation.

2.1 Administrative Reviews (ARs) submitted in Chennai are now processed within the 28 day target. The failure to meet the target on processing ARs in Chennai over the summer period was primarily due to lack of Entry Clearance Manager (ECM) resources combined with the very high number of Tier 4 Student applications and the need to focus on processing them promptly during the 2009 summer period. Chennai now has a full complement of ECMs and the backlog had been cleared by the time the inspection took place.

2.2 The UK Border Agency has instructed posts to record all Administrative Reviews (ARs) received against the 28 day target. Guidance issued to posts stated that if they failed to meet the 28 day target then they should write to the applicant informing them of the delay. Chennai has been reminded of this requirement. The UK Border Agency accepts
that the process for recording ARs needs to be improved and is currently testing an IT solution that should enable the production of robust Management Information (MI). If testing is successful this will be rolled out to posts from March 2010. Performance against the 28 day target would then be monitored through the International Group monthly reporting pack.

3. Eradicates delays in conveying refusal decisions to customers: The UK Border Agency accepts this recommendation.

3.1 The delay in despatching refusal notices in Chennai built up during the busy summer period when resources, particularly at ECM level, were stretched. ECMs are required to conduct decision quality checks before refusal notices are despatched and during this period priority was given to ensuring that applicants whose travel to the UK was imminent received their decisions. The ECM team was brought up to full strength shortly prior to the arrival of the inspection team and the backlog of pending refusal checks was eradicated. Chennai now convey all refusal decisions to customers within the customer service standards.

4. Simplifies points-based guidance for customers and staff to ensure:

- Customers understand the requirements they must meet when making applications. The UK Border Agency accepts this recommendation

4.1 The UK Border Agency considered it important to have a single set of guidance for both staff and applicants. In addition, there are a number of information leaflets available on the UK Border Agency Visa Services website that clearly explain the requirements for Points Based System (PBS) applications. The UK Border Agency is developing a simplified PBS guide for overseas applicants and Entry Clearance Officers (ECOs) to supplement the main guidance. The guide will provide a checklist of the documents required for each tier of the points based system. The target for release is April 2010.

- Visa Sections do not impose additional requirements that customers are unaware of and so cannot meet when making their applications. The UK Border Agency accepts the recommendation, although it does not agree that the Chennai Visa section imposed additional requirements that customers were unaware of.

4.2 The UK Border Agency understands that this relates to Chennai’s handling of the funding element in a number of PBS Tier 4 applications. The report highlights cases where applicants had provided loan documents as evidence of the availability of funds. Guidance on PBS Tier 4 from 1/6/09 stated: “you will need to show proof that you have the money needed, on the day that you apply.” Most educational loans authorised in India have terms and conditions attached to them that must be met before the money is released. It was not clear to the ECOs considering such applications that the conditions of some of the loans had been met, and that the money was available to the applicants on the day of the applications. The UK Border Agency accepts that guidance could have been clearer on this point. Guidance has been updated on the UK Border Agency Visa Services website to read “loan funds must be available to the applicant before they travel to the United Kingdom. There must be no conditions placed upon the release of the loan funds to you, other than you making a successful Tier 4 application”. ECOs (including those in Chennai) comply with this guidance.
5. Improves staff guidance on the application of rule 320 (7A) to ensure it is only used when appropriate to do so: The UK Border Agency accepts this recommendation.

5.1 The UK Border Agency conducted a review of the application of Paragraph 320 of the immigration rules in summer 2009. The review identified key issues associated with applying the rules and examined the guidance and training provided. Staff guidance was updated in December 2009 to address all the issues that were identified in the review. As well as expanding content, a number of case studies were placed on the ‘Entry Clearance Toolkit’ to demonstrate when and (when not) to apply the rule. Work has recently commenced on producing an e-learning package that will be accessible to all ECOs by the end of March 2010.

5.2 As a result of the review, the UK Border Agency has updated guidance on handling 320 7 (a) and (b) cases to emphasise that although these are mandatory grounds for refusal they are not intended to catch those who make innocent mistakes in their applications. Guidance now makes it clear that the Entry Clearance Officer needs to be satisfied that deception has been employed and/or the applicant intended to deceive the Entry Clearance Officer before using these powers. This guidance was sent to all overseas posts in December 2009, and is available to ECOs through the EC toolkit.

5.3 ECOs in Chennai make decisions in accordance with this guidance. Chennai recently hosted a regional training event and the use and application of 320 and all its sub-paragraphs was covered in detail.

6. Begins to evaluate the efficiency and effectiveness of Hub and Spoke: The UK Border Agency accepts this recommendation.

6.1 The UK Border Agency is carrying out an evaluation of hub and spoke, building on an earlier piece of work carried out in April 2009 and as part of a wider project to determine its future Target Operating Model. In addition, all future hub and spoke moves will be subject to a full post implementation review.

7. Ensures that effective communication and consultation structures are put in place to consider and take into account the views of all staff: UK Border Agency accepts this recommendation.

7.1 The UK Border Agency employs a number of channels to ensure that communication and consultation structures are in place to consider and take into account the views of all staff. The annual staff survey provides staff with the opportunity to have their say (anonymously) about what the Agency is doing well and where further improvements can be made. A team briefing tool called ‘Dialogue’ is used for discussion and feedback on key issues and is sent to managers to cascade to all staff. ‘Frontierworld’, the monthly staff magazine for UK Border Agency staff overseas, provides a printed forum for staff to write about their work and express their views. As a result of a recent staff survey into ‘Frontierworld’, the UK Border Agency has undertaken to further promote the interests of locally engaged staff within the magazine. In addition an online ‘Frontierworld’ forum was recently set up to enable staff to discuss and provide feedback on individual articles. This online forum complements a recent online forum which was run to discuss issues around Tier 4 of the points based system. This feedback was used in the Review of Tier 4.
Feedback for this review was also provided through focus groups of International Group staff. More widely, International Group staff overseas now have the opportunity to contribute to the Agency-wide online forum, Board Talk. This aims to enable interactive, open and relevant discussion on corporate issues between Agency staff, senior management and board members to stimulate discussion on specific topics.

7.2 ECMs in Chennai hold regular meetings with their team members. The office manager also holds weekly meetings with the Entry Clearance Assistants (ECAs) team leaders. ECMs have also reinstated regular meetings with ECAs and the output from these meetings is fed into all areas of the operation. Chennai held an all UK Border Agency staff ‘away day’ in October 2009 to consider what lessons were learned from the busy summer period. All staff took part in order to develop and take forward an action plan for improving all aspects of the working environment.

8. Standardises document checklists at all overseas Visa Sections and incorporates them into its commercial partner’s websites: UK Border Agency accepts this recommendation.

8.1 Following a previous recommendation from the ICI, the UK Border Agency is reviewing supporting document requirements and the information currently available in the document checklists available at overseas posts, Visa Application Centres and websites. The aim of the review is to standardise and simplify, as far as possible, the information provided to visa applicants on supporting documents, striking a balance between the need for consistency and flexibility to allow for local conditions. The Kuala Lumpur document checklists mentioned in the report will be considered as part of the review.

8.2 The UK Border Agency recently contacted all regional directors and operational managers on the emerging findings from this review. The UK Border Agency would like to involve the ICI team in this process. A final report containing recommendations from the review will be submitted to the International Group Operations Board in March 2010 for consideration.

Other points raised in the report

The UK Border Agency offers the following comments on other observations made in the report for further clarification.

Paragraph 7.14 reports that Entry Clearance Officers told “us they had not been consulted over the introduction of these daily targets” and that there was “an overwhelming pressure to achieve numerical targets, which they considered was having an impact on developmental activity and staff morale”

ECO daily targets are viewed as ‘benchmarks’ and are based on the average number of cases an experienced ECO would be expected to complete in particular categories on any given day. An inexperienced ECO would have a target below the benchmark. The benchmarks were set using the information collected during a six week timing exercise beginning in March 2009 involving all ECOs. One ECO representative worked with the management team on analysing the data and agreeing the numbers. The benchmarks are kept under regular review. Chennai’s management team consider the benchmarks realistic and achievable. The inspection team’s positive comments on decision quality, in particular the 100% score awarded to the sample of visas issued, tends to support this. The ICI’s other comments on the need to
meet customer service standards also underline the importance of prompt processing, which can only be achieved through regional performance management.

Paragraph 7.15 states “The issue of low staff morale was confirmed by Entry Clearance Assistants, who told us that there were no regular meetings and little contact with managers. They therefore felt that their views were not valued and considered. Both the Entry Clearance Assistants and the Entry Clearance Officers said that the most frequent use of communication was through curt emails. They said that they received no positive emails and little positive feedback. We considered that the lack of effective communication and consultation structures had contributed to low morale among staff.”

Since the inspection, ECMs hold regular meetings with their team members. Meetings were held less often during the summer when ECM staffing levels were below complement. The office manager holds weekly meetings with the Entry Clearance Assistants (ECA) team leaders. ECMs have also reinstated regular meetings with ECAs. ECAs are currently feeding their input into a review of their responsibilities. This is being co-ordinated by the office manager and an ECM. ECAs are also now being rotated through different teams within the visa section so they can gain experience in all areas of the operation. The team changes were introduced on 1 February 2010. The performance management emails mentioned had ceased by the time of the inspection and this remains the case.

In Paragraph 8.5 it is noted “Of the six cases (13% of the sample) where the Entry Clearance Officer had not taken into account all of the evidence, none of the cases related to applications under the points-based system. In five of the cases we found that positive evidence was either not included in the refusal notice or not given sufficient weight”

The UK Border Agency accepts that there were deficiencies in the way that the evidence in these cases was presented in the refusal notices. The UK Border Agency has, however reviewed all five applications and upholds the decision to refuse in all. Of the five applications, three have subsequently re-applied and have been issued with a visa. A revised refusal notice has been sent to the other two applicants.

Paragraph 8.8 refers to a case that was “refused for failing to disclose a United States visa refusal in 2004. A further application was refused despite the customer’s explanation that they thought a subsequent issue of a United States visa cancelled out the original refusal”

The UK Border Agency notes the ICI’s comments. This case was considered before the updated guidance on applying paragraph 320 was circulated in November 2009. Post offered the applicant a gratis application and the visa has now been issued.

Paragraph 8.9 highlights three cases where the judgement of the ECO was viewed as unreasonable. All three cases are part of those mentioned in paragraph 8.5 under use of evidence. One case was where “The customer applied to travel to the United Kingdom with her husband as part of a tour group. The trip was funded by the family business which a Document Verification Report confirmed was genuine. However, one of the reasons the application was refused was because there were doubts over the provenance of large amounts of money deposited into the business account. The disputed amounts were not queried despite an Entry Clearance Assistant speaking to the
customer and her husband by phone. The Entry Clearance Manager agreed with our comments.”

The UK Border Agency accepts that the quality of the refusal notice in this case was not of the required standard but does not consider that the decision to refuse was ‘unreasonable’. In this case the application had been pre-sifted specifically for an employment check to be carried out. The ECO who assessed the application took the outcome of this employment check into account and made a decision on the evidence available to them.

Paragraph 8.15 notes that “In eight cases (17% of the sample) the refusal notice contained duplicated words or poor formatting which may have been the result of cut and pasting. This included two cases where refusal notices contained contradictory information on whether or not the customer had been refused under paragraph 320”

The UK Border Agency accepts that the refusal notices contained contradictory information and that they were both below the required standard. Both applicants have since reapplied. One applicant was issued with a visa. The second applicant was refused, but not under paragraph 320.

Paragraphs 8.30-8.40 refer to fifteen cases that were refused because “Entry Clearance Officers’ were not satisfied with loan letters which had been submitted by customers as evidence of funding”

This point is addressed in our response to recommendation four.

Paragraph 8.44 states “We noted the same concerns over case classification as we did for general refusals. From the file sampling and from our interviews with management, we found that the Visa Section at Chennai were categorising all points-based applications as non-straightforward. This was not in accordance with the published customer service standards set out by the UK Border Agency website in its customer charter and on its website. Of the 50 Tier 4 cases sampled we categorised 38 as straightforward”

The Points Based System was introduced in April 2008. The UK Border Agency decided that for an initial period, all PBS categories would be treated as non-straightforward. The UK Border Agency realised that as PBS was an entirely new system, it would take some time to bed down. The time required to process PBS applications would be longer than the previous Highly Skilled Migrant Programme and Work Permit entry clearance applications that preceded them, mainly because of the time needed to check and verify documents. New external visa customer service standards were introduced in January 2009. It was decided that the guide to processing times (published monthly at http://www.ukvisas.gov.uk/en/howtoapply/processingtimes) would be automatically calculated to show all PBS categories as non-straightforward. On 5 May 2009 the UK Border Agency issued guidance to overseas posts to explain that because Tier 4 applications would require more verification work on documents submitted, it continued to be appropriate to consider such cases as non-straightforward. Chennai was correctly following UK Border Agency guidance on the classification of PBS cases at the time of the inspection. The recent review of Tier 4 found that such cases would continue to require special attention while all the rules bed in. The UK Border Agency plans to abolish the straightforward/non-straightforward distinction when customer service standards are revised in April 2010.
Paragraph 8.65 states “The Immigration Liaison Officers had no access to other UK Border Agency databases (known as CID and Mycroft) which contained additional information about individuals. They considered access to these particular systems was important in identifying, understanding, sharing and developing intelligence information to inform risk profiles in the Visa Section. They told us that they had requested CID access in January 2009 but were awaiting a response”

CID is available to Risk And Liaison Overseas Network (RALON) officers at post overseas through special UK Border Agency laptops. All requests for access to the necessary IT are considered but are considered on a case by case basis. Security considerations sometimes mean that access to CID cannot be granted at some posts. Chennai’s request for a laptop is currently being reprocessed. A pilot project is ongoing in regard to Mycroft access with results expected in May. It is accepted that the fact that overseas caseworkers are not on the same IT systems as the rest of the UK Border Agency is a weakness. This is one of the drivers behind the new caseworking programme, ICW (Immigration Case Work). ICW is scheduled to be rolled out to replace Proviso from November 2010.

Paragraph 9.14 states “We watched the post being opened by two messengers, supervised by a team leader, who checked the bag seal numbers against another document provided by the commercial partner. We noted that the messengers did not check the bag seal numbers on the day of our observation and our checks of two manifests from earlier dates, chosen at random, also showed no checks had been noted. We considered this was a security weakness which should be rectified”

Chennai rectified this situation immediately. Messenger’s instructions were amended immediately to emphasise the correct procedure and regular management checks are conducted.

Paragraph 10.14 reports “We spoke to the Operations Manager about these delays. They confirmed what the Entry Clearance Managers had said about staff shortages. They had requested summer relief of eight Entry Clearance Officers but had only been allocated three and had not had the full complement of four Entry Clearance Managers”

The UK Border Agency acknowledges that there were issues with the posting process for summer relief in 2009. However, ten ECOs were sent at various times to Chennai in 2009 on short term postings. A short term Entry Clearance Manager was provided to Chennai to cover maternity leave but it was not possible to meet the request for an additional ECM to cover the summer period. Additional short term staff are provided to overseas posts when requested and when they are available but bids are subject to budgetary constraints and the availability of suitable staff. It is not always possible to meet all requests. Two long term Entry Clearance Managers were posted to Chennai in October 2009.

The process for posting staff, both short term and long term, has been reviewed. Measures have been introduced to ensure that staff are recruited, trained and arrive at post when they are required. This included collating regional requirements much earlier, regularly reviewing these requirements with regional management teams, and reducing the reliance on short term relief through the “intelligent posting” of long term staff (where possible, long term postings will commence before seasonal peaks in application numbers and be extended to finish after
...seasonal peaks in application numbers). The combination of measures introduced should mitigate against the problems experienced in Chennai being repeated.

Paragraph 10.16 states “The second was caused by a lack of photocopiers. Original documents for points-based applications were photocopied and retained in the event of an administrative review before being returned with the refusal decision. However, the Visa Section only had two photocopiers, one of which was unreliable and the business case for a further photocopier had been rejected”

The business case was not rejected but was still being considered at the time of the inspection. An additional copier has since been procured.

Paragraph (10.22) notes the reports that “the High Commissioner would prefer more frequent visits from the Entry Clearance Manager who was based at Chennai. He also said that he would welcome better management of the visa application centre to deal with the frequent complaints about queues and the rudeness of staff”

The ECM with responsibility for Colombo now travels there at least once a month. The regional operations manager also visits Colombo frequently. VFS Global Services (VFS) installed a new management team in the Colombo visa application centre (VAC) in November 2009. The majority of complaints about rudeness refer to telephone calls to the VAC. Call centre staff were given three days customer service training in December 2009 and all new call centre staff visit the Colombo VAC as part of their induction and training. There are weekly conference calls between the call centre managers, the VFS Sri Lanka country manager and VFS managers in Mumbai to discuss improving customer service. VAC staff are routinely reminded about customer service standards and levels of conduct required.

Paragraph 10.26 reports that the Colombo based ECOs “told us that they had had a succession of eight to nine line managers over the past 14 months who had all been short term Entry Clearance Managers”

The ECOs in Colombo have had three line managers since June 2007 to date. A number of ECMs visited Colombo on a temporary basis during 2008 to assist with management of the transition period. They were not acting in the capacity of line manager for the ECOs, as the ECOs were part of line management chains from Chennai.

Paragraph 10.37 notes that “Despite the positive view of training expressed by the Entry Clearance Managers, other staff told us they had concerns about training. Specific training on the points-based system was delivered in the United Kingdom to two members of staff who cascaded the training back at the Visa Section. Staff told us that the training and materials were poor and the number of changes to the guidance was considered to be problematic ”

All delegates on the three week ECO Induction courses are given comprehensive PBS training. Over 12 hours of the course is devoted specifically to PBS and Tier 4 applications are covered in detail. In addition, serving ECOs have been able to complete a PBS e-learning module and attend regional training events organised by the PBS champions for the region. Staff from London have also visited individual posts to deliver specific PBS training. It was not possible to
bring all staff back to London for training. As regards to changes to guidance, it is accepted that these need to be kept to a minimum but equally it was necessary to make some course corrections as PBS Tier 4 bedded in.

**Paragraph 10.37 also states that “We were also told that the short term Entry Clearance Officer courses were truncated to enable them to deal with visit applications only. This meant that extra resources from seasonal relief were of limited use”**

In the Summer of 2009, the UK Border Agency developed and ran a week long ECO induction course covering visit categories only. This course was designed to quickly deliver ECO resources to overseas posts to cope with the rise in visit applications during the summer period and deal with the delays noted elsewhere in the ICI's report. An evaluation of the course has since been conducted and the views expressed by Chennai were echoed by other posts who received ECOs from the course. The UK Border Agency has no plans to repeat this training course.

**Paragraph 10.37 also reports “They (ECOs) also raised concerns about not having sufficient training before dealing with cases from Colombo”**

A dedicated team of ECAs, ECOs and an ECM was established in Chennai to handle Colombo applications. Most of the staff concerned had visited Colombo to see the work at first hand. In due course the team was extended to include all Chennai ECOs who received training and guidance from the experienced team. Risk and Liaison Overseas Network in Chennai and Colombo were fully engaged in this. There have been regular interchange visits between the two posts which will continue.