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Visa Entry to the United Kingdom

The Entry Clearance Operation



REPORT BY THE COMPTROLLER AND AUDITOR GENERAL
HC 367 Session 2003-2004: 17 June 2004

This report has been prepared under Section 6 of the National Audit Act 1983 for presentation to the House of Commons in accordance with Section 9 of the Act.

John Bourn National Audit Office
Comptroller and Auditor General 16 June 2004

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executive summary

- 1 Nationals of more than 100 countries or territories (listed at Appendix 1) who wish to come to the United Kingdom must obtain entry clearance before they travel, whatever the purpose of their journey (Figure 1). In addition, nationals of 10 other countries who wish to remain in the United Kingdom for more than six months¹, and people of all nationalities who intend to enter for certain purposes, including to settle or to marry, must also obtain entry clearance. UKvisas was established in 2000 by the Foreign and Commonwealth Office (FCO) and the Home Office to manage the United Kingdom's entry clearance operation². In 2002-03 UKvisas processed 1.94 million applications, of which 87 per cent were granted (Figure 2 overleaf). The visa requirements are complex. More detail is provided in Appendix 1.

1 What is entry clearance?

Entry clearance is the method whereby certain categories of traveller wishing to come to the United Kingdom are assessed by a dedicated team of entry clearance officers to ensure that they qualify under immigration rules. Entry clearance is most commonly issued as a visa and must be obtained by applying to one of 162 visa-issuing British embassies, high commissions and consulates worldwide.

Applicants who qualify for admission to the United Kingdom are granted "leave to enter" and a visa is attached to the traveller's passport or travel document. The visa specifies the reason for entry and the conditions under which the person can stay in the United Kingdom.

Source: National Audit Office

- 2 Immigration legislation, including the nationalities that require a visa, is formulated by the Home Office and is updated regularly to reflect the Government's current migration priorities. The Government seeks to regulate entry into the United Kingdom in the interests of sustainable growth and social inclusion, as set out in the following policy framework:
 - the Government seeks to establish effective immigration control to prevent people from entering the United Kingdom if they have no right to do so. Entry clearance plays a critical role in this. The objective is to refuse entry to those people who do not qualify under immigration rules or whose presence in the United Kingdom would not be to the public good; and
 - the Government seeks to encourage legal migration, which it believes is important to Britain's economic and social interests, and has introduced a number of initiatives to attract overseas tourists, students and workers to the United Kingdom³. The Government is committed to ensuring all those who have genuine reason to come to the United Kingdom are able to do so with as little inconvenience as possible. For most schemes there is currently no limit on the number who can come provided they meet the designated criteria of an acceptable entrant.

¹ The United Kingdom residence permit is an authorisation issued by a European Union member state allowing non-visa nationals to stay legally in its territory for more than six months. The initial phase of the scheme applies to only 10 nationalities but it is shortly to be extended much more widely (Appendix 1).

² UKvisas, formerly called the Joint Entry Clearance Unit, is a joint body which was set up to encourage greater integration between the various elements of immigration control at home and overseas. UKvisas reports to a joint management board and a joint Ministerial committee. The Accounting Officer is the Foreign and Commonwealth Office's Permanent Under Secretary.

³ Initiatives include, for example, the Prime Minister's initiative to encourage international students to come to the United Kingdom, the work permits scheme and the working holiday maker scheme.

2 Entry into the United Kingdom, 2002-03

Total Admissions into the United Kingdom 2002	
Admissions of British citizens	62.3 million
Admissions of other European Economic Area nationals	14.4 million
Admissions of Non-European Economic Area nationals (see box below)	12.6 million
Total admissions	89.3 million

Visitors from the European Union do not have to apply to enter the United Kingdom (unless intending to remain in the country for an extended period), but must produce a passport on entry.

Admissions of Non-European Union Citizens 2002	
Admissions with a passport only ¹	11.0 million
Admissions requiring entry clearance documentation (see below)	1.6 million
Total admissions	12.6 million²

Many non-European Union citizens require a visa or other entry clearance to enter the United Kingdom, depending on their nationality and the reason for travel. Nationals of over 100 countries designated by the Home Office require entry clearance³.

Admission Clearance Issued to Nationals Requiring a Visa or Other Entry Clearance	
Visit	1,027,000
Family visitors	199,000
Student	128,000
Permanent settlement	55,000
Work permits	36,000
Other (including working holiday makers and au pairs)	155,000
Total admissions	1.6 million

In addition to their passports, applicants must provide suitable documentation such as proof of financial means to support their applications. The documentation required depends on the purpose of the visit.

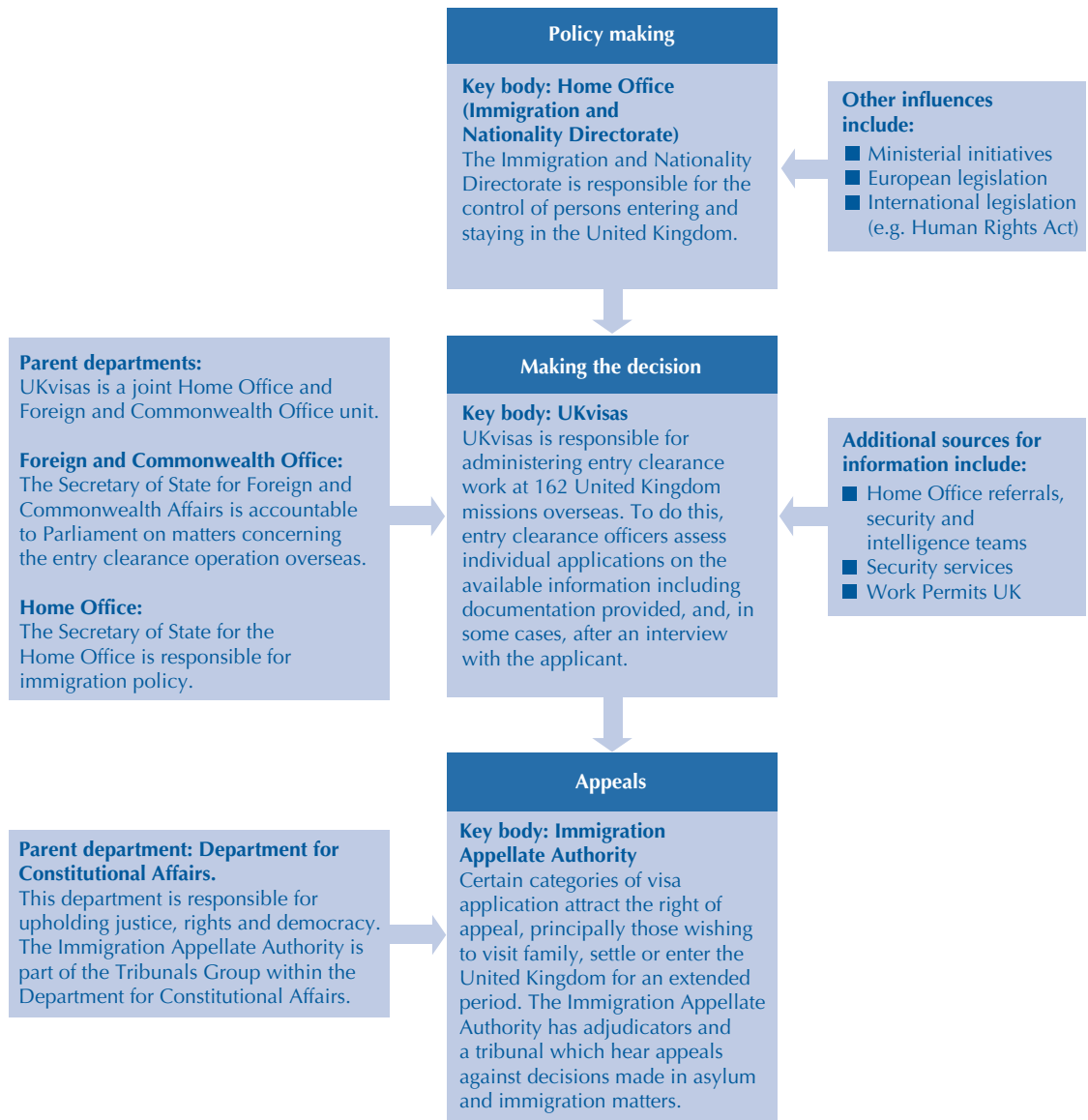
NOTES

- Nationals of countries such as the United States of America, Canada, Australia, New Zealand and Japan do not require entry clearance to visit the United Kingdom. They may require entry clearance if entering the United Kingdom for specific purposes, such as for settlement.
- The total number of admissions of non-European Union citizens also includes an estimated 27,000 admissions granted on lodging an asylum application.
- The Immigration Rules which set the conditions of entry to the United Kingdom, including which nationals require a visa, are determined by the Home Office. These are kept under review and frequently change to reflect current Government migration policies.

Source: Home Office Control of Immigration statistics 2002 and UKvisas statistics 2002-03 (These statistics have not been independently validated using the methodology employed in the National Audit Office's Asylum and Migration: A Review of Home Office Statistics Report, published 25 May 2004, HC625)

- UKvisas is responsible for implementing immigration policy overseas (Figure 3). Its twin aims, which reflect the policy framework, are to facilitate the entry of legitimate travellers to the United Kingdom and to prevent the entry of those who do not qualify under immigration rules. Entry clearance work has increased in importance since October 2000 when the Home Office devolved the authority to grant leave to enter the United Kingdom from ports of entry to visa-issuing posts overseas. The visa now confers the right to enter the United

3 The key responsibilities for entry clearance in the United Kingdom

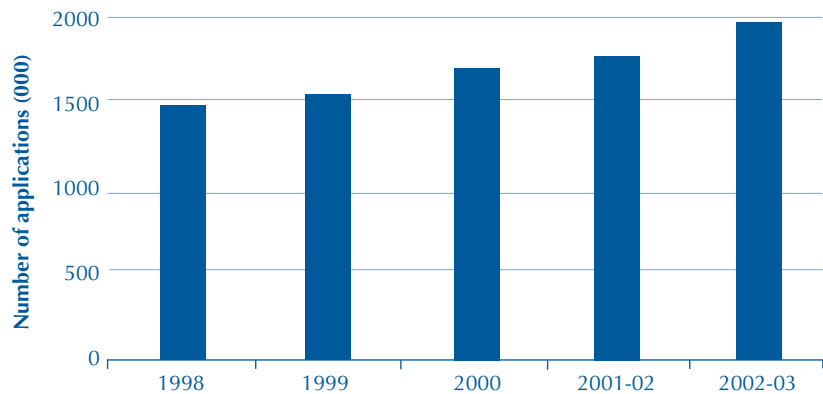


Source: National Audit Office

Kingdom, and sets out the conditions of entry, which means that decisions made by UKvisas' staff represent the key immigration control for travellers who require entry clearance.

- 4 Entry clearance work is demanding, involving an assessment of the applicant's credibility and intentions, and the interpretation of complex and changing immigration rules. Staff consider each application on its own merits. Decision-making involves a degree of judgement as it is based on the balance of probabilities that the applicant will comply with the terms of the visa. Appendix 2 provides an overview of the entry clearance process.
- 5 UKvisas has had to respond to an increasing demand for visas and a rapidly changing policy environment. The number of visa applications has risen by 33 per cent over the last five years (Figure 4 overleaf) and demand is likely to continue to increase due to on-going migratory pressures and changes in immigration policy, including the introduction of new schemes and changes to

4 The rising number of visa applications



NOTE

In 2001 UKvisas' management information changed from a calendar year to a financial year basis.

Source: UKvisas

the nationalities that require a visa. Policy changes can have a significant impact on UKvisas' workload; for example, the introduction of the United Kingdom residence permit from November 2003 will mean that all nationalities who wish to stay in the United Kingdom for more than six months will need entry clearance.

- Against the background of the complexities of the task, the increasing demand for visas and the changing policy environment, we examined how UKvisas has implemented Government policy and achieved its twin aims of facilitating the entry of legitimate travellers whilst preventing the entry of those who do not qualify. The Report also examines concerns raised in March 2004 about the handling of visa applications from Bulgaria and Romania under the European Community Association Agreements. The Report focuses on the role of UKvisas in issuing visas and does not examine the role of the Home Office in tackling the issue of visa entrants who do not comply with the terms of their visa once in the United Kingdom. Our methodology is described in detail in Appendix 3 and included an analysis of UKvisas' performance data; a survey of 100 posts; visits to 12 posts; and consultation with a wide range of stakeholders.

Main findings

- This Report shows that UKvisas faces a real challenge in managing the competing priorities of service delivery and control. This is inherent in UKvisas' aim, which is to deliver a quality service whilst ensuring that visas are only issued to those people who meet entry clearance requirements. In the large majority of cases, UKvisas is providing a high quality of service to applicants and sponsors. It is also making significant progress in introducing initiatives to improve its efficiency in processing entry clearance applications. These initiatives are proving successful in enabling posts to handle the increasing numbers of visa applications. At the same time, UKvisas recognises that the need to process applications in a timely manner cannot compromise the consideration of whether to issue the visa. Staff carry out a range of checks to assess each applicant's authenticity and the probability that they will comply with the terms of the visa. The quality of this decision is vital. There are adverse consequences if the visa is wrongly refused and also if entry is wrongly allowed (Figure 5). UKvisas is seeking to enhance the application of its controls by devoting more resources to forgery detection,

5 The quality of decision-making can have significant consequences

If a visa is wrongly refused it may lead to:

- time-consuming and costly appeal;
- loss of revenue for the United Kingdom - for example, reduced tourism, loss of business and loss of revenue to educational establishments;
- profound effects on applicants and their family and friends; and
- a possible long-term effect of people abroad being less well disposed to the United Kingdom

Conversely, if entry is wrongly allowed, it may lead to:

- increased numbers of people seeking asylum after entry⁴;
- individuals remaining illegally in the country after the expiry of the visa;
- increases in illegal working; and
- potential terrorist or criminal activity in the United Kingdom

making better use of intelligence information and by developing a more sophisticated approach to risk analysis. Nevertheless, the implementation of this policy cannot be fully evaluated since there is no means of knowing the extent to which those receiving visas break their conditions of entry, for example, by overstaying their allotted time in the United Kingdom. Within this limitation, however, more remains to be done, particularly in collecting and disseminating information to visa sections to inform decision-making and provide better feedback on visa compliance. Reliable information on whether visa conditions are complied with would be of considerable help in evaluating the quality of visa decisions. Continuing to make the improvements set out above and promoting a more joined-up approach with Home Office staff will be key factors in addressing the issues that arose in Bulgaria and Romania under the operation of the European Community Association Agreements.

8 We have set out below our main findings under each of the Part headings.

Delivering an efficient visa service

9 **UKvisas has maintained its performance against targets despite increasing demand.** UKvisas has sought to achieve efficiency improvements in the delivery of the visa service by implementing a range of measures to streamline its working practices (such as adapting work processes to handle applications only once) and improve information technology (such as the creation of a central database). These measures are now leading to significant benefits, enabling posts to process more applications each day and to provide a better service for applicants.

10 **UKvisas and FCO face a number of constraints which impact on the efficiency and quality of visa services provided by posts.** The main constraints, and action taken, include:

- difficulties in matching staff resources to an increasing and fluctuating demand for visas. In response, UKvisas has revised its method of allocating staff to posts to be more responsive to need and now has authority to recruit its own staff to provide more flexibility; and
- the size and location of visa sections at posts overseas. There have been particular problems in posts which have experienced a rapid increase in the number of visa applications. As UKvisas does not have its own capital

⁴ It is not possible for individuals to claim asylum in the country of origin, prior to arrival in the United Kingdom.

budget, accommodation needs of visa sections have to be considered against FCO's wider estates priorities, security issues and within a limited budget for estates works. Funding constraints are a crucial factor but there is also scope for improved co-ordination between FCO, UKvisas and posts in prioritising accommodation needs and in managing estates works. FCO has introduced new procedures for agreeing investment priorities in response to this need.

- 11 There is scope for UKvisas to refine its approach to managing the business.** Changes to posts' working practices, as a result of the streamlining initiatives, mean that UKvisas' performance measures are becoming less appropriate. For example, outsourcing the collection of applications provides a more efficient service which is welcomed by applicants. But because applications are lodged remotely, transmission to and from the application centre adds to the turnaround time. Thus there is an improvement in service as the applicant does not have to travel to the mission, but existing performance measures cannot reflect this. And the existing targets, as agreed with Treasury, no longer fully reflect variations in working practices. UKvisas recognises the need to review its targets as part of the next Spending Review. UKvisas could enhance its ability to manage the business by extending the coverage of its performance information. These changes will provide more relevant and accurate feedback on the performance of posts.

Making firm and fair decisions

- 12 UKvisas seeks to apply robust controls by carrying out a range of checks on applications. The better collection and dissemination of intelligence information would enable a more informed use of risk analysis.** All posts carry out a range of checks to establish the veracity of an application when suspicions are raised, including checks to a security database. The enhanced status of the visa, which now confers leave to enter the United Kingdom, (paragraph 3) has increased the importance of entry clearance work and emphasises the need to maintain the integrity of controls. UKvisas recognises this and is seeking to develop a more sophisticated approach to risk assessment, including the timely dissemination of United Kingdom-based intelligence such as information on abuses of the immigration control, on and after entry, and the creation of risk assessment units in some countries to collect country-based intelligence and research forgery issues.
- 13 UKvisas seeks to encourage consistent decision-making through a range of measures,** including training for new entry clearance officers; and the provision of support and advice to staff at posts. Staff were content with the training and level of support provided by UKvisas but raised concerns over the timeliness and helpfulness of responses to enquiries on cases referred to the Home Office. UKvisas and the Home Office have recognised this problem and are taking steps to improve communications by establishing a dedicated liaison point for posts.
- 14 Ineffective communication and a lack of joined up working between entry clearance officers and Home Office staff were key features of the problems encountered in Bulgaria and Romania in deciding whether to issue visas under the European Community Association Agreements (ECAA).** An inquiry led by a Home Office official, Mr Ken Sutton, examined the running of the ECAA arrangements (which provided for entry into European Community countries including the United Kingdom for individuals wishing to set up businesses). Our own findings, which we have made available to Mr Sutton, are at paragraphs 2.36 to 2.39 and Appendix 7. The key issue was that the Home Office applied entry standards that reflected their understanding of the need not to discriminate unfairly and of European Community law and legal precedents but that entry clearance officers considered that a higher standard should apply. We consider that improvements could include:

- clearly defined and agreed roles for Home Office and entry clearance staff;
- an agreed common standard for entry, consistent with the applicable European Union and United Kingdom law, set out in clear guidance. This should be informed by a review of whether those who have entered the United Kingdom under the Agreements in previous years have met the objectives of the Agreements;
- agreed arrangements for communication between the Home Office and entry clearance officers with a programme to develop feedback from the Home Office as technology permits; and
- the use of risk analysis techniques to flag up potential issues such as on schemes where applications are increasing significantly.

The balance between service delivery and control

- 15 Entry clearance officers face conflicting pressures. UKvisas must ensure that the balance between service delivery and control is commensurate with the risks and reflects the Government's increased emphasis on developing effective immigration controls.** In order to meet its Public Service Agreement targets, UKvisas expects entry clearance officers to process up to 40 routine applications per day, although this guideline is adapted by posts to reflect local circumstances. Entry clearance staff in the majority of posts we visited considered that meeting processing targets took priority and they did not always have sufficient time to consider more thoroughly applications that raised doubts. Despite this, staff were confident that they were making the right decision in the large majority of cases but did not always feel they had time to assemble a robust written case to support the decision. Although UKvisas places a strong emphasis on making good quality decisions, three of its four existing performance measures focus on efficiency, including the time taken to process applications.



- 16 Variations in refusal rates raise questions over the consistency of decision-making, but this does not necessarily mean that different standards are being applied in each country.** The global refusal rate has increased from seven per cent in 2000 to 13 per cent in 2002-03. The refusal rate varies widely between posts and different categories of applicant, and reflects the circumstances in-country and the perceived risk that applicants will not comply with immigration rules. There is scope for further analysis of trends and variations in refusal rates to evaluate whether streamlining initiatives and different working practices are having an impact on the consistency of decision-making.

UKvisas' ability to measure the quality of its decisions

- 17 UKvisas has limited information to measure the quality of its decision-making.** Entry clearance decisions are made on the balance of probabilities. This makes it difficult for UKvisas to measure whether fair and firm decisions are being made on a consistent basis and, as such, there is no single measure of the accuracy of decisions. UKvisas has a Public Service Agreement target to measure the quality of decisions, based on the number of visa holders who are subsequently refused entry at ports. But from 2000 the system was changed (paragraph 3) and entry checks at ports no longer test the entry clearance decision to the same degree.
- 18 A full assessment of whether the objectives of entry clearance are being met would require better information on the actions of visa holders after they enter the United Kingdom.** Without reliable information on whether visa conditions are complied with, it is difficult to evaluate the effectiveness of visa controls. The Home Office is not currently able to collate statistics on the number of visa entrants that overstay, nor the number of asylum seekers and illegal workers that entered the United Kingdom using a visa. But some posts, with the Intelligence Service of the Immigration and Nationality Directorate, have carried out small-scale tracking exercises to establish whether visa



entrants are complying with the terms of their visa. To date these exercises have been limited in scope and coverage but have raised concerns. For example, a tracking exercise carried out in Accra, Ghana found that 37 per cent of a sample of students issued with a visa could not subsequently be traced. Ongoing work by UKvisas and the Immigration and Nationality Directorate is addressing abuse of student applications.

- 19 There are lessons to be learned from the high proportion of successful appeals.** Over the last three years, 50 per cent of appeals by applicants intending to visit family members in the United Kingdom have led to the initial decision being overturned. The provision of additional evidence which was not available to the entry clearance officer, and the support of the sponsor were often influential in the decision being overturned. But, in some cases, adjudicators raised concerns over the robustness of the original decision. The refusal decision is reviewed again by an entry clearance manager when the appeal is received, and both the initial and adjudicator's decision are based on the balance of probabilities. However, a more rigorous quality review and enhanced staff training would help to prevent borderline refusals reaching appeal.

Providing a quality visa service

- 20 In the large majority of cases, UKvisas provides a high quality of service to applicants and sponsors.** We surveyed visa applicants at 12 posts and found that, overall, 80 per cent of applicants (both successful and unsuccessful) were satisfied with the quality of service they received. Our consultation exercise also showed that interested parties⁵ considered that UKvisas has achieved considerable improvements in its service. Some of these bodies raised concerns over mistakes in the type or term of the visa issued, which can cause subsequent difficulties for visa holders in the United Kingdom. In February 2004 UKvisas agreed with the Home Office that such mistakes will be rectified without charge.
- 21 There is scope to reduce the time taken to submit appeal cases and to issue visas after the appeal hearing.** Entry clearance cases are heard by the Immigration Appellate Authority together with other immigration and asylum cases. Our analysis indicated that the average length of time between the initial decision and appeal hearing was 15 weeks for family-visitor cases and 43 weeks for other categories of applicants. The Government's decision to prioritise asylum cases led to a build-up of 7,000 entry clearance cases awaiting despatch to the Immigration Appellate Authority in November 2003 but the recent reduction in asylum appeals has enabled this to be reduced to 1,500 by May 2004. Some posts are also responsible for delays, both in sending cases to the Immigration Appellate Authority and in issuing the visa after a decision has been made in favour of the appellant. UKvisas is working with the Home Office to enable posts to issue visas more quickly after the appeal hearing.
- 22 The increasing demand for visas and potential changes in immigration policy raise implications for UKvisas' service delivery in the future.** 35 out of 162 posts could not consistently meet the daily demand for visa applications during 2003, and the increasing demand for visas means that more posts are likely to face similar problems in the future. Potential changes in immigration policy, such as the possible introduction of biometric checks, will also impact on UKvisas' approach to processing applications. Given this, there is a need for UKvisas to explore further the options for managing demand. For example, the Home Office's e-Borders programme⁶ offers the potential for increased control over entry to the United Kingdom and, in the longer term, for the use of information technology to simplify visa processing.

⁵ Our consultation exercise included United Kingdom bodies representing educational establishments and sponsors, including legal and welfare advisers and lobby groups.

⁶ The e-Borders programme is an approach by several government departments to a modernised integrated border control system which will provide more effective and flexible control appropriate to the perceived risk, faster passenger processing and a means of sharing relevant border information across government.

RECOMMENDATIONS

- 23 The challenges faced by UKvisas have grown considerably in recent years. UKvisas has taken a number of important steps to respond to these demands and to provide an efficient, quality service to applicants. International comparisons show that the service provided by UKvisas compares favourably with other countries (Appendix 5). But there is scope for further progress and UKvisas should continue to evaluate whether posts are striking the right balance between service delivery and control; and to enhance its ability to evaluate trends and outputs for the better management of its business. We have made a number of recommendations that have the potential to assist UKvisas in improving further the service it provides. UKvisas is a self-financing body and will need to consider how to implement these changes within its funding constraints and the on-going commitment to deliver a high quality visa service.
- (a) **UKvisas should conduct a detailed evaluation of the impact of its streamlining initiatives to highlight the benefits, but also to explore further any unintended consequences (such as where the use of standard wording on refusal notices is not specific enough to provide a robust defence at appeal) and the effect on the consistency of decision-making.** The evaluation should cover the impact of different approaches on efficiency and on performance against targets. The resultant lessons should be disseminated to inform posts and encourage those which have been unwilling or unable to implement measures to-date. Specific attention should be paid to the needs of small posts.
- (b) **UKvisas should adapt its targets to ensure that its twin aims are adequately reflected and, in doing so, give more emphasis to control issues.** UKvisas, as part of the 2004 Spending Review, should ensure its efficiency targets reflect the nature of its business, and aim to set explicit performance measures on the application of the control, within the limitations imposed by the lack of information on visa holders after they enter the United Kingdom.
- (c) **UKvisas should improve the range of its performance information, particularly on the quality of its decision-making.** UKvisas should analyse variations between posts on the types of application, refusal rates, and the outcome of appeals. This would provide UKvisas with more information on the accuracy and consistency of decisions, the impact of seasonal demand and the implementation of streamlining initiatives.
- (d) **UKvisas, together with the Home Office, should make use of available information on breaches of immigration rules to better inform their approach to risk analysis.** There is scope to carry out more follow-up exercises to establish whether applicants have complied with the terms of the visa. UKvisas should also consider whether the resources devoted to forgery and intelligence work at posts are commensurate with the risks to control.
- (e) **UKvisas, together with the Home Office, should disseminate to posts all relevant United Kingdom-based information, such as immigration and forgery related intelligence.** UKvisas and the Home Office periodically disseminate summary intelligence reports documenting known immigration abuses to posts, but could provide more in-depth analysis and feedback on key risk areas to inform decision-making.
- (f) **UKvisas should consider more explicitly the implications of increasing demand and possible developments in immigration policy for its service delivery in the future.** UKvisas and the Home Office should also evaluate the costs and practical implications of policy issues for the delivery of visa services. UKvisas should build on the benefits arising from recent improvements in information technology to explore opportunities for improving the control and providing a more efficient service in the future.
- (g) **UKvisas should develop further its approach to handling appeals.** Posts should be more proactive in managing any backlog of appeals awaiting despatch. UKvisas should also explore further the use of electronic confirmation of appeal decisions to enable faster issuing of a visa after an appeal has been awarded in the appellant's favour. UKvisas should analyse the outcome of appeal decisions to better understand the reasons why decisions are overturned; and ensure that the original decision is subject to rigorous quality review.
- (h) **UKvisas should provide an enhanced programme of refresher and specialist training to develop the skills of entry clearance staff and should seek to retain skilled staff in entry clearance work.** This Report identifies a number of lessons that UKvisas should incorporate in its training courses, including the better use of evidence in supporting refusal decisions. We encourage UKvisas in its efforts to improve career opportunities in entry clearance work in order to encourage staff to devote a greater proportion of their career to this work.
- (i) **UKvisas, together with the Home Office, should promote a more joined-up approach, consistent with the relevant European Union and United Kingdom laws, to evaluating applications for entry to the United Kingdom from Bulgaria and Romania under the European Community Association Agreements.** This would include clearly defined and agreed roles for Home Office and entry clearance staff, an agreed common standard for entry set out in clear guidance consistent with the applicable law and informed by a review of whether those who have entered the United Kingdom under the Agreements in previous years have met the objectives of the Agreements. It would also include improved arrangements for communication between the Home Office and entry clearance officers including improved feedback from the Home Office as technology permits and the use of risk management techniques to flag up potential issues early on.

Part 1

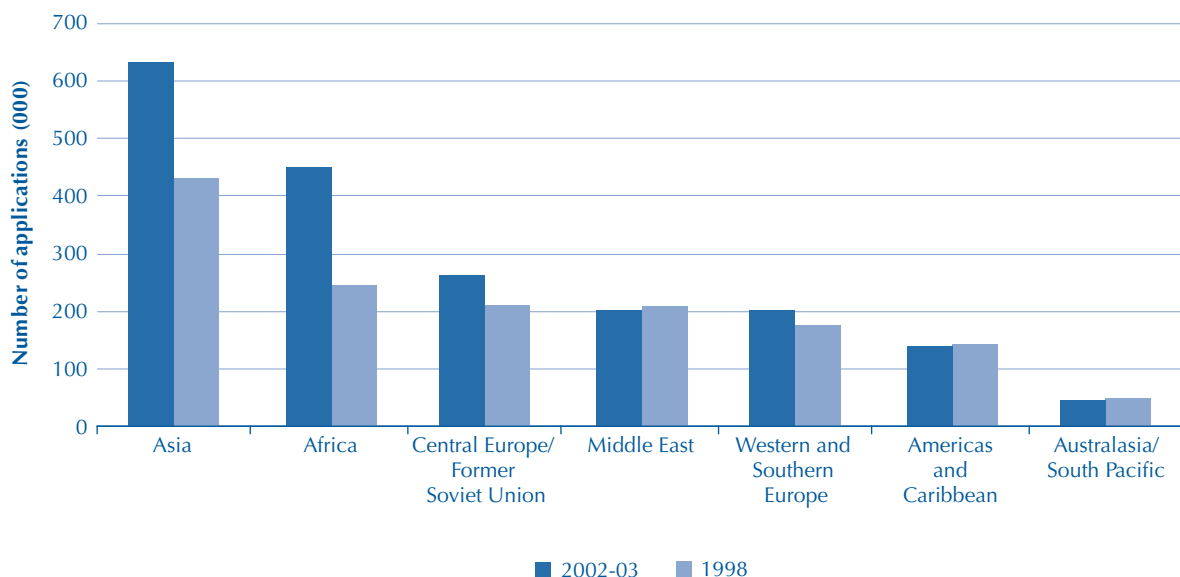
Delivering an efficient visa service

1.1 The delivery of an efficient visa service is important in enabling UKvisas to meet its Public Service Agreement targets and to deliver a quality service to applicants. Over the last five years UKvisas has faced a rapidly increasing demand for applications and has had to respond to a frequently changing policy environment. The visa operation is self-financing and in 2002-03 visa income was £91 million. This Part examines whether UKvisas is delivering an efficient service; considers the constraints within which posts operate; and evaluates UKvisas' approach to managing the business.

UKvisas has maintained its performance against targets despite increasing demand

1.2 UKvisas received 1.94 million visa applications in 2002-03, which represents an increase of 33 per cent over the past five years, and 11 per cent on the previous year. The rate of increase in demand varies between regions, with many African and Asian posts experiencing higher than average increases in the number of applications (**Figure 6**). Individual posts have experienced very rapid increases in demand; for example, in 2002-03, 10 posts received over 40 per cent more applications than the previous year. Such increases can create significant difficulties for posts in managing demand and processing applications efficiently.

6 Asia and Africa have experienced significant increases in demand for visas



Source: UKvisas' statistics



1.3 In 2002-03 UKvisas met two of the three Public Service Agreement targets which focus on the timeliness of processing visa applications (Figure 7)⁷. These results mean that 1.4 million visa applications, 70 per cent of the total received, were decided within 24 hours. UKvisas' performance has also improved against the target for settlement applications, which allows a longer timescale to carry out the necessary checks. But UKvisas has not met its target for conducting non-settlement interviews within 10 working days in each of the last three years. In 2002-03, some 77,000 interviews were conducted more than 10 days after the initial application was made.

1.4 UKvisas has maintained its performance against these targets despite an increasing demand for visas and a rapidly changing policy environment. This has been achieved partly through increasing the number of entry clearance staff at posts. But the context within which UKvisas operates has led to significant changes in the nature of its business. In particular, the requirement for visa-issuing posts to form the front-line of immigration control has had a consequential impact on posts' workload, including an increased emphasis on control issues such as the detection of forged documents. UKvisas has recognised that budgetary and accommodation constraints limit the scope for resource increases in the future and have implemented a series of changes to working practices and improvements to information technology to increase staff productivity (paragraphs 1.6 to 1.13).

1.5 We analysed the performance of individual posts and found that 106 of 162 posts met all three efficiency-related Public Service Agreement targets in 2002-03. Of those failing to meet all three targets, 50 posts did not meet the target for processing non-settlement applications where no interview is required. Performance against this target varied widely between posts (Figure 8) and our analysis indicated that it was predominantly smaller posts that were not achieving this target. In 2002-03, only 16 posts did not meet the target time for non-settlement applications requiring interviews, which represents an improvement from 2000 when 35 posts failed to meet the target.

7 UKvisas' performance against the Public Service Agreement targets which focus on efficiency

Objective	Target	Performance		
		2000	2001-02	2002-03
Non-settlement applications not requiring interview to be decided within 24 hours <i>(77 per cent of applications)</i>	90%	89%	91%	91%
Interviews for non-settlement applications to take place within 10 working days <i>(19 per cent of applications)</i>	90%	85%	78%	79%
Posts to interview applications for settlement within target times (12 weeks for all but four posts) <i>(4 per cent of applications)</i>	90 of 100 largest visa-issuing Posts	95	96	98

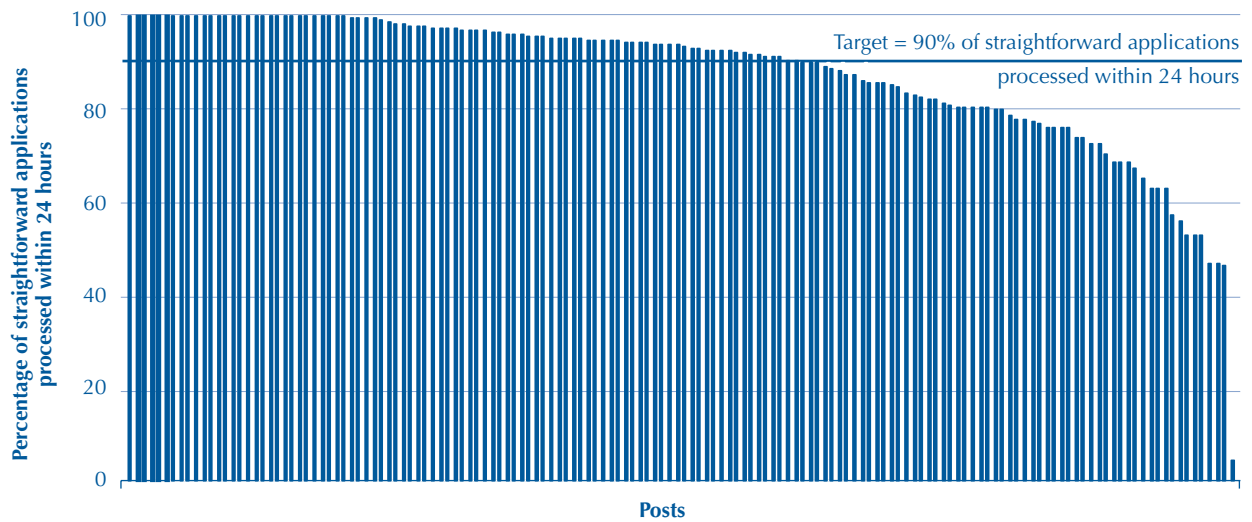
NOTE

2002-03 published figures are based on performance information from April to December only.

Source: Foreign and Commonwealth Office Departmental Report

⁷ UKvisas has four Public Service Agreement targets in total: these are set out in Appendix 4.

8 The performance of individual posts against UKvisas' target for processing non-settlement applications not requiring interview 2002-03



Source: UKvisas' statistics

UKvisas' efficiency initiatives have resulted in significant benefits but have not yet been adopted by all posts

1.6 In May 2002 UKvisas introduced a programme of new working practices to streamline the entry clearance operation (**Figure 9**). The aim was to enable entry clearance officers to focus on their core activity of assessing applications and to make quicker, but high quality, decisions. There are limitations to how quickly an application can be processed due to the need to consider control issues, but UKvisas believes that the adoption of appropriate measures should enable entry clearance officers to deal with more applications each day. Accordingly, it has increased the benchmark from 30 to 40 applications per day, although it recognises that this may vary depending on circumstances in each post.

1.7 To complement these changes, UKvisas is implementing an information technology modernisation programme. UKvisas has committed over £3.5 million to the project and obtained additional funding of £7.2 million from the Treasury's Capital Modernisation Fund. The project includes:

- the creation of a central database of visa applications, accessible to all entry clearance staff and other relevant government departments;
- improvements to the visa issuing software, making it compatible with the existing European Union legislation requiring photographs on visas;
- the introduction of improved cash tills and printers (paragraph 1.21);
- improvements to the security software package; and
- a facility for on-line applications at selected posts (Case example 1).

9 Streamlining measures promoted by UKvisas

- Ensuring visa applicants have access to sufficient information so that they are fully prepared when making their applications
- Adapting work processes to handle each application only once
- Standardising application forms to cut down on paperwork
- Looking at ways to consider visa applications without the need for applicants to attend in person
- Outsourcing the collection of applications to private companies.

Source: UKvisas guidance

CASE EXAMPLE 1

American posts can accept applications submitted on-line

The service is available in the United States and is being extended to selected other countries. Applicants can make the application remotely or at a computer terminal in the waiting room.

Online application involves:

- Applicant completes application form and pays fee on-line. The form is submitted electronically to the post, and an e-mail confirms delivery. Applicant sends passport and all documentation to support the application to the post.
- Entry clearance officer considers application in the normal manner, with interview if required.
- E-mail notification is made when a decision has been reached. The applicant is provided with a courier handling number. At some posts, personal callers can use a fast track counter to collect their passport.

Advantages for UKvisas:

- Improved efficiency of data capture
- Relevant information collected reliably
- Time pressure removed as target time given is five days

Advantages for applicants:

- Convenience of applying remotely (although may still have to attend interview)
- Easier application process, with relevant information provided at each stage of the process

1.8 UKvisas estimates that expected information technology improvements will lead to efficiency savings of approximately £8.5 million per year after implementation, through, for example, time saved in consultation between posts, more efficient data input and handling of enquiries, and fewer mistakes in printing visas. The new systems will also provide more timely information on security controls to help improve the quality of decision making (Part 2).

Streamlining initiatives are leading to significant benefits

1.9 UKvisas carried out a review in October 2002 and found that the majority of posts had adopted some of the streamlining measures to improve their working practices (Figure 10). UKvisas did not expect all posts to adopt all streamlining measures but identified a number of core changes which posts should have considered. Posts were given discretion to adapt the initiatives in accordance with local circumstances. We also noted that some posts have developed their own initiatives to improve efficiency, including fast track schemes for students and business visitors (Case example 2).

10 Posts have made changes in working practices

- Posts are being innovative in communicating with applicants to encourage them to bring the correct documentation; for example, through press notices, websites and local presentations.
- 50 per cent of posts have changed to a system whereby the applicant is seen by one entry clearance officer who makes a decision based on supporting documentation provided on that date.
- 82 per cent of posts no longer use entry clearance officers to pre-check applications which reduces entry clearance officer time spent on people who do not go on to make applications.
- 75 per cent of posts are using the new format refusal notices and standardised forms.
- A few posts, including Indian posts and Rome, have outsourced the collection of visa applications. 23 per cent of posts believed that there were possibilities for outsourcing in areas such as the submission of the application, fee collection or in telephone answering services.

Source: UKvisas' survey of posts

CASE EXAMPLE 2

Dhaka, Bangladesh has an optional fast track scheme for students

A fast track service has been established for students submitting applications which have been approved by the British Council. The prospective student pays a fee for the British Council to check the supporting educational documentation and confirm that the student has been offered a place at the stated educational establishment. If satisfactory, a British Council certificate is attached to the student's application. The service allows Dhaka to fast track these visa applications as it eliminates the need for entry clearance officers to establish whether the student has a valid acceptance letter and is a genuine student.

1.10 We examined the impact of the streamlining initiatives on our post visits and found that they have led to a range of benefits. Improvements include the elimination of queues and the waiting time for interview; increases in staff productivity; and increases in the number of applications processed (**Figure 11 overleaf**). These improvements have also had a consequential impact on the quality of service provided to applicants (Part 3).

There is variation in the extent to which posts have adopted the new initiatives

1.11 UKvisas has encouraged all posts to adopt the streamlining measures but, to-date, has focused its support on the biggest posts in order to maximise returns. As such, there is variation in the extent to which posts have embraced the streamlining initiatives and, in particular, many smaller posts have made fewer changes to their working practices. Smaller posts have less flexibility in the management of the visa service as many do not have a full-time entry clearance officer, and staff are required to balance entry clearance work with other responsibilities. But UKvisas' review of streamlining also indicated that some posts have been more sceptical of the benefits which streamlining would bring and less proactive in embracing change.

1.12 Posts have been given the discretion to adopt the streamlining initiatives that are most appropriate to their local circumstance. This has led to widely different approaches in processing visa applications; for example from a predominantly paper-based assessment, as in Accra, to interviewing all applicants, as in Lagos. The majority of posts fall somewhere between these two extremes and each post's approach is based on a number of factors, including the type of applicant, the nature of the building and the post's own interpretation of the streamlining initiatives. But our post visits showed that there is some inconsistency in posts' use of options for receiving applications; for example, in the provision of facilities for applying remotely and the eligibility for using these facilities.

1.13 Our post visits also highlighted that streamlining initiatives have had a number of unintended consequences on other parts of the visa operation (**Figure 12 overleaf**). Many of the changes are aimed at reducing the time spent processing each application but some changes have led to inefficiencies, and additional staff time, at other stages of the visa application process.

UKvisas plans to evaluate and disseminate the lessons learned from the streamlining initiatives

1.14 To date, UKvisas has evaluated the early impact of the streamlining initiatives by asking a small sample of posts to assess qualitative impacts and changes in productivity. As streamlining was introduced in May 2002, UKvisas recognises that there is now a need to follow-up its initial work and plans to undertake a fuller evaluation of the initiatives. This would highlight which posts are less advanced in implementing the initiatives and where practices at posts may be improved further. The evaluation might cover:

- the consistency with which posts are applying changes in working practices;
- the elements of streamlining which are most beneficial in achieving improvements;
- the nature, scale and impact of unintended consequences;
- the impact of different approaches on efficiency and performance against targets; and
- the impact of the new working practices on the consistency of decision-making.

1.15 UKvisas has disseminated guidance on the rationale and focus of streamlining visa operations, which posts considered was helpful in making changes to working practices. Our post visits highlighted that updated guidance, based on an evaluation of experiences to date, would now be beneficial. UKvisas' planned review offers the scope to identify lessons learned and will assist in their on-going role of encouraging efficient working practices at posts worldwide. Some smaller posts suggested that guidance could be tailored to provide specific advice on improving working practices in small posts. UKvisas' plans to reinforce its operational review team (paragraph 1.26) should also help to provide smaller posts with expertise and assistance in changing their working practices.

Posts continue to face a number of constraints which impact on their efficiency and quality of service

1.16 There are wide variations in the size, resources and local circumstances of posts, but all require good quality staff, adequate facilities and sufficient resources to deliver an efficient service. UKvisas faces a number of constraints in ensuring posts receive the support and resources they need. We examined how these were being tackled.

11 Examples of how streamlining initiatives are contributing to improvements

Post	Changes	Indicators of improvements	Other impacts
Dhaka	<ul style="list-style-type: none"> Reconfigured work processes for settlement and non-settlement applications to handle each application only once Increased number of applications decided on papers Visa express service offered Fast track scheme for students 	<ul style="list-style-type: none"> Queue of over 5,000 applicants eliminated 50 per cent increase in productivity Number of applications accepted has increased by 27 per cent Seasonal relief staff reduced from 17.5 officers to 11.25 officers 75 per cent of settlement applications decided on papers 	<ul style="list-style-type: none"> Reduction of waiting times for applicants requiring interview
Accra	<ul style="list-style-type: none"> Work process adapted to handle each application only once Same-day drop box service for some categories of applicant Paper based assessment system Standard templates for refusal notices, amended as appropriate 	<ul style="list-style-type: none"> Elimination of the queue for non-settlement applications requiring interview Additional 200 applicants seen each day 25 per cent increase in productivity 	<ul style="list-style-type: none"> Better working environment for staff
Istanbul ⁸	<ul style="list-style-type: none"> Implemented a variation on streamlining principles Fast track counter for previous travellers Drop box facility for non-personal applicants 	<ul style="list-style-type: none"> Queue of over 1,500 applicants eliminated 16 per cent increase in applications without additional staff resources Fast track applicants only spend 15 minutes in visa section Reduced backlog of paperwork 	<ul style="list-style-type: none"> Reduction of complaints due to widening of drop box criteria Calmer atmosphere for staff
Rome	<ul style="list-style-type: none"> Collection of applications outsourced to six agencies across Italy 	<ul style="list-style-type: none"> No longer turning away up to 100 people per day 30 per cent increase in productivity Increased capacity to process applications as accommodation constraints removed 	<ul style="list-style-type: none"> No need for applicants to travel to Rome More personal service for applicants
Mumbai	<ul style="list-style-type: none"> Collection of applications and data input outsourced to 11 centres throughout India Outsourced partner answers basic enquiries and organises courier tracking system Refusal notices typed by local staff Express service for business applicants 	<ul style="list-style-type: none"> Removal of queues outside Deputy High Commission Increase in staff productivity 	<ul style="list-style-type: none"> Better quality of service to applicants through reduced waiting time and more local application centres

Source: National Audit Office post visit information

⁸ The operation of the visa section has been restricted since the terrorist attack of 20 November 2003.

12 Unintended consequences of the streamlining initiatives

Post	Change to working practice	Consequence
Dhaka	Introduced a tighter deadline (six weeks) for providing relevant paperwork for settlement applications.	This led to more refusals which are overturned before appeal as the applicant submits relevant papers with the appeal notice. This leads to wasted staff time in drafting the refusal notice and re-reviewing the original decision.
Rome	Collection of applications outsourced, removing the need for applicants to apply in-person in Rome.	A paper-based assessment has led to more applicants being interviewed as a decision could not be made on papers alone. This, together with a significant increase in the number of applications, has led to an increase in the waiting time for in-depth interviews (35 days in August 2003, compared with 22 days in August 2002).
Madrid	Use of non-present applications, including postal applications.	A high proportion of incomplete postal applications, which increases the staff time required to process the application.
Mumbai	Use of standard wording for refusal notices, amended as appropriate	A higher incidence of refusal notices not being properly personalised to individual circumstance, resulting in criticism from adjudicators at appeal.

Source: National Audit Office visits to visa-issuing posts

Matching staff resources to increasing and fluctuating demand is difficult

1.17 Allocating staff resources to meet rapidly increasing or fluctuating demand at 162 posts represents a significant management challenge for UKvisas. Over one third of the posts we surveyed reported that they did not have sufficient entry clearance staff to meet their needs and cope with increasing demand (Appendix 6). At some posts, such as Islamabad, security constraints have led to problems in recruiting sufficient staff. UKvisas allocates permanent staff based on an assessment of each post's workload. Such assessments are based on an analysis of available management information and supplemented with any additional knowledge of post circumstances. But limitations in the management information mean that it is difficult for UKvisas centrally to obtain accurate information on the widely varying circumstances under which posts operate (paragraph 1.24). We noted that some posts have been innovative in addressing their staffing needs; for example, Dhaka employed three locally engaged staff from the budget supplied for one UK-based member of staff and New York recruited entry clearance officers and managers directly from the local market. Such arrangements rely on the availability of suitable, often expatriate, staff in the local country.

1.18 Most posts experience significant seasonal fluctuations in demand for visas, as illustrated in Mumbai which receives three times as many applications in peak months. In addition to permanent entry clearance officers, UKvisas can draw from a pool of staff to provide posts with additional resources to meet peaks in

demand. However, just over one third of the posts we surveyed reported difficulties in obtaining the required seasonal relief staff (Appendix 6). UKvisas has not been able to meet all bids for temporary staff due to resource constraints, although the proportion of bids met has improved. Until March 2003 UKvisas was required to recruit entry clearance decision-makers⁹ from FCO or the Home Office, but faced difficulties in identifying sufficient numbers of staff who were willing to travel on short-term assignments to some locations. In response, UKvisas has sought to improve its flexibility by reaching agreement with its parent departments to recruit up to 20 per cent of its own staff directly from the market.

Increasing demand has created accommodation problems in many posts

1.19 Our survey of posts found that nearly half considered that their accommodation was unsuitable for their needs (Appendix 6). Unsuitable accommodation can constrain the efficiency of the visa operation by limiting the working space available to staff, making working practices more complex and limiting the staff capacity of the visa section and, thus, the number of applications that can be processed each day. Accommodation is often particularly problematic in posts where there has been a rapid increase in demand, where there is a high security risk or where new visa regimes have been introduced. For example, a new visa building was opened in Lagos in 2001 to accommodate 50,000 applicants per annum, but this capacity was being exceeded by the time the building opened and, in 2003, Lagos received 115,000 applications.

⁹ All entry clearance officers and their managers are recruited in the United Kingdom except where suitable, normally expatriate staff, can be locally employed in-country.

1.20 Visa section accommodation requirements must compete against wider FCO estate priorities and are considered within annual budgetary considerations. FCO is responsible for the management of the overseas estate and has allocated 10-15 per cent of its estate improvement programme to improvements which benefit visa sections. Contractual commitments on visa accommodation works were £25 million in 2003 and recent estates improvements have ranged from minor refurbishments to the construction of new purpose-built visa offices. Posts are able to bid for funds for estates works but do not require approval from UKvisas for this capital expenditure. As a result, UKvisas has had limited influence in determining the relative priorities of visa section improvements worldwide. The recent restructuring of the FCO's Departmental Investment Strategy Group has given UKvisas greater input into decision-making on estates issues and offers the opportunity for better co-ordination and for UKvisas to have a greater influence over the estates strategy. The establishment of a prioritised global list of desired visa section works would strengthen UKvisas' ability to exploit its new role, although funding constraints still pose a major obstacle to improving visa section accommodation.

Visa equipment has caused operational difficulties but is being replaced

1.21 The poor quality of cash tills and visa printers at posts has caused operational difficulties. One third of posts we surveyed rated the equipment as poor (Appendix 6). Unreliable equipment, the lack of spares and delays in waiting for repairs or replacement equipment have impacted on post efficiency as staff have been required to complete visas manually. In addition, there was an isolated example of fraud committed in Calcutta in 1998, where staff took advantage of a malfunctioning cash till to steal visa fee income¹⁰. UKvisas has responded to these problems by purchasing new cash tills and printers at a cost of £870,000. The new equipment is currently being trialled and is due to be rolled-out to all posts during 2004. The trials have shown marked improvements in efficiency; for example, a significant reduction in the number of spoiled visas.

There are further improvements UKvisas could make in managing its business

1.22 The collection of appropriate and timely monitoring information is essential in enabling UKvisas to manage its business efficiently. This is challenging for UKvisas as there are 162 visa-issuing posts of varying sizes - nine posts received over 50,000 applications in 2002-03, while 38 posts received fewer than 1,000 applications. We therefore examined whether UKvisas has established appropriate arrangements for managing its business.

The existing targets now provide a less useful indicator of post performance

1.23 Changes in posts' working practices, as a result of the streamlining initiatives, mean that UKvisas' efficiency targets, as agreed with Treasury, are becoming less appropriate in measuring the performance of posts. For example, under outsourcing arrangements, UKvisas sets a five day turnaround time. Some posts have also established their own targets to reflect local working practices; for example, Beijing has set a target of 48 hours for processing applications from Chinese government officials, rather than 24 hours. Further, the targets no longer reflect the changing nature of UKvisas' business (paragraph 1.4) and do not encourage posts to manage their operation in the most cost-effective manner. UKvisas recognises the need to review its existing targets as part of the next Comprehensive Spending Review to ensure that they reflect revised working practices. There is also scope for UKvisas to consider how to incentivise posts to manage their funds economically.

There are gaps in the management information collected by UKvisas

1.24 UKvisas needs oversight of post performance to manage its business effectively, including information on the resources allocated, delivery of the service, working practices and any particular local circumstances or sensitivities. Posts are required to submit a monthly return to provide feedback on the delivery of the visa service. But there are concerns over the reliability of this data, as many posts no longer record accurately the time taken to process visa applications, and the relevance of the data, as it does not fully reflect all aspects of the business. There is scope for UKvisas to collect wider information to manage its business and make more informed decisions in targeting resources to the areas of greatest need. A new central database for visa applications should make this task easier.

1.25 To date, a lack of staff resources has restricted UKvisas' ability to analyse fully the performance of posts, identify emerging trends or conduct more in-depth assessments. Different teams in UKvisas have responsibility for analysing different aspects of the business. UKvisas has recognised there is scope to improve the collation and sharing of available information, and is enlarging its monitoring team and has set up regional groups to provide an overview of post performance. UKvisas is also re-introducing the use of a risk register to better assess the risks of posts not meeting their targets.

UKvisas has a programme of reviews of post performance

- 1.26 UKvisas carries out operational reviews of individual posts to assist them in improving their working practices and to enable better monitoring centrally. Since 2001 the operational review team has carried out 25 reviews each year, focusing on larger posts, posts which are not meeting targets or posts which have faced rapid increases in demand. Staff at the smaller posts we visited told us that they would welcome an operational review to utilise the expertise of central UKvisas staff in maximising their efficiency. UKvisas plans to increase the size of the review team and extend the coverage of its reviews, including more smaller posts.
- 1.27 UKvisas disseminates guidance to posts using a range of approaches, including a best practice guide, guidance notes and a magazine for visa section staff. Posts were generally content with UKvisas' best practice and operational guidance. Information sharing and lesson learning is also carried out informally and UKvisas facilitates this by holding periodic meetings of entry clearance managers. UKvisas' staff have also sought to promote liaison; for example, staff in Moscow have set up an informal e-mail network for information sharing, and Skopje organised short exchanges with other posts to compare approaches. But our country visits showed that entry clearance staff were not always aware of relevant initiatives and networks. Many of the staff we consulted would welcome more formal mechanisms to share information and improve liaison. UKvisas is seeking to address this by considering the establishment of regional operations managers responsible for disseminating good practice.

Part 2

Making firm and fair decisions

- 2.1 This Part examines whether UKvisas is developing appropriate arrangements to enable its staff to make firm and fair decisions. UKvisas aims to facilitate legitimate travel to the United Kingdom whilst preventing the entry of those who do not qualify under immigration rules. This is a difficult balance to achieve and involves entry clearance staff at 162 posts worldwide making decisions on the eligibility of applicants.
- 2.2 In 2002-03 UKvisas made nearly 2 million decisions on visa applicants' eligibility for entry to the United Kingdom. Getting these decisions right is important for applicants and for the implementation of the Government's immigration policy. It is also important for the efficient running of UKvisas, and for the taxpayer, as handling complaints and hearing appeals is costly. Incorrect entry clearance decisions can have consequences for applicants and their families; businesses and educational establishments; and the wider public. The combination of growing migratory pressures, the current security threat and devolved immigration control represent a challenge for UKvisas in making the right decision.
- 2.3 Entry clearance is a fundamental element of the Government's initiatives to establish effective immigration controls to prevent people from travelling illegally to the United Kingdom. It complements other measures such as the introduction of United Kingdom immigration controls in France and Belgium, and the deployment of immigration officers and airline liaison officers at airports overseas. The importance of entry clearance work has increased. From October 2000 the visa has conferred the right to enter the United Kingdom whereas, previously, immigration officers at the point of arrival determined the period and conditions of each person's stay. This change, which was effected in order to streamline arrival procedures, means that the key decision on whether to allow entry to the United Kingdom, and the terms and conditions of entry, has been devolved to posts overseas. The immigration officer at the point of entry retains the ultimate authority to refuse entry, on grounds such as false representation, change of circumstances or concern that the entry of an individual would be detrimental to the interests of the general public.
- 2.4 Decisions on the eligibility of visa applications are made by entry clearance officers, who are the equivalent to staff at the Executive Officer level in government departments, and overseen by entry clearance managers. Each visa application is considered against the Immigration Rules and Home Office immigration policy. This is often a demanding task as staff have to deal with a wide range of immigration cases and assess the unique circumstances of each applicant. Decision-making involves sound judgement as it involves an assessment of the applicant's credibility and the likelihood of compliance with the terms of the visa. Entry clearance officers make decisions on the basis of the available evidence and, as necessary, an interview with the applicant. It is the applicants' responsibility to prove that they meet the immigration rules and entry clearance officers make decisions on the balance of probabilities that the applicant does so.

Entry clearance plays an increasingly important role in regulating entry into the United Kingdom

UKvisas faces conflicting pressures as greater emphasis is placed on control issues

- 2.3 Entry clearance is a fundamental element of the Government's initiatives to establish effective immigration controls to prevent people from travelling illegally to the United Kingdom. It complements other measures such as the introduction of United Kingdom immigration controls in France and Belgium, and the deployment of immigration officers and airline liaison officers at airports overseas. The importance of entry clearance work has increased. From October 2000 the visa has conferred the right to enter the United Kingdom whereas, previously, immigration officers at the point of arrival determined the period and conditions of each person's stay. This change, which was effected in order to streamline arrival procedures, means that the key decision on whether to allow entry to the United Kingdom, and the terms and conditions of entry, has been devolved to posts overseas. The immigration officer at the point of entry retains the ultimate authority to refuse entry, on grounds such as false representation, change of circumstances or concern that the entry of an individual would be detrimental to the interests of the general public.
- 2.5 UKvisas faces a difficult challenge in balancing service delivery and the need for robust, but fair, immigration controls. Over recent years UKvisas has faced increasing challenges as asylum and security issues have moved up the political and public agenda. This has coincided with the Home Office's decision to devolve immigration controls to visa-issuing posts overseas. We therefore examined how UKvisas was seeking to achieve this balance.

Posts carry out a range of checks to verify the authenticity of applications

- 2.6 All posts carry out checks to confirm the veracity of applications, including checks with employers, educational establishments and banks, both in the host country and the United Kingdom (Appendix 2). Every applicant is checked against a security database but the type, extent and frequency of other checks varied between posts and, to a large extent, reflected the relative risks that applicants from that country might breach immigration rules. We noted examples of good practice that could be adopted more consistently (Figure 13). UKvisas recognises the need for thorough checks on applications and is increasing the resources available for this task through recruiting additional local staff to verify documentation as well as increased checks by entry clearance officers.
- 2.7 The use of forged documents is endemic in some of the countries covered by the visa regime. Posts are generally alert to the risks and many have dedicated resources to researching forgery issues. In some of the posts that we visited this has led to considerable success in identifying fake documents and, in Accra, it was considered to be a contributory factor in the high refusal rate. But resource constraints, and the requirement to meet processing targets, limit posts' efforts on such work and there was wide variation between posts in the attention given to forgery issues. Each post allocates resources in accordance with the perceived risk of forged documentation in that country although staff in all posts told us that there was scope to carry out more analysis of the prevalence and nature of forgeries.

13 Examples of good practice in checking applications

- Accra:** Staff carry out a range of checks with bodies in Ghana and the United Kingdom, including checking the sponsor's address to the United Kingdom electoral roll and checks to ensure that bank account details are not duplicated. A number of Ghanaian universities have also provided copies of student lists to enable staff to confirm student attendance.
- Dhaka:** A dedicated forgery officer collects and disseminates research on trends in forgeries, including the use of duplicate addresses in the United Kingdom. Information is posted on a notice board and a forgery bulletin produced. The post has also carried out field visits to gather additional information.
- Mumbai:** Daily forgery checks of all supporting documentation on a random sample of applications that have been authorised for issue, but the visa has not yet been printed.

Entry clearance officers face conflicting pressures. The need to meet processing targets can reduce the time available to consider control issues

- 2.8 In posts which have implemented the streamlining initiatives (paragraph 1.6), UKvisas has established a benchmark that entry clearance officers should process 8,000 applications per year, which equates to approximately 40 applications per entry clearance officer per day. This represents an increase from the previous benchmark of 6,000 applications per year, or 30 per day, although posts can still adapt these benchmarks to reflect local circumstances. All posts measure staff performance on the basis of work rate and monitor the daily output of each entry clearance officer.
- 2.9 Entry clearance officers face a tension between meeting daily processing targets and the need to consider fully the veracity of the application. In many of the posts that we visited, entry clearance staff considered that the daily processing targets took precedence over control issues. Entry clearance staff were aware of the importance of control and understood the need for balance but, in some posts, staff told us that they did not have sufficient time to consider thoroughly applications that raised doubts or put together a robust case for refusal. In bigger posts, many staff felt under constant pressure whilst, in smaller posts, many staff felt additional pressure at peak periods and, at these times, there was a risk that control issues could be neglected. However, in the majority of cases, staff remained confident that they were making the right decisions.
- 2.10 The performance of posts is measured primarily against UKvisas' Public Service Agreement targets, three out of four of which focus on efficiency of processing applications. Given that each application is considered individually on its own merits, posts cannot be held directly accountable for the overall quality of their decision-making. As a result, the emphasis on improving efficiency has been the key driver for change at posts and less attention has been given to assessing the impact of streamlining initiatives on control issues. For example, Lagos estimated that faster processing due to the introduction of streamlining measures led to a 20-25 per cent increase in the refusal rate. We consider that a more explicit consideration of quality issues in UKvisas' performance measurement framework would encourage a greater emphasis on the quality of decision-making.

A greater use of intelligence information would better inform UKvisas' approach to risk analysis

2.11 The need to meet processing targets whilst coping with increasing demand means that it is neither possible nor desirable to apply the same level of checks to every application. Given the increased importance of entry clearance work, UKvisas recognises the need to develop its approach to risk analysis. A more sophisticated approach would require a better understanding of the type and nationality of applicants that are likely to breach immigration rules. To date, few posts have undertaken dedicated research on the nature and extent of the risks in their country and staff understanding of the risks is based largely on experience. There are informal mechanisms for sharing this experience but there have been few attempts to collect and expound knowledge in a systematic manner. UKvisas is seeking to develop its use of intelligence information to inform risk assessments by:

- appointing a senior officer responsible for control issues;
- improving co-ordination with the intelligence departments in the Home Office and disseminating intelligence information on breaches of immigration rules in the United Kingdom;
- the secondment of a full-time intelligence officer to UKvisas; and
- the establishment of risk assessment units, or specific teams, in key posts such as Beijing and Dhaka to improve the in-country intelligence capability. The role of these units is to research forgery and intelligence issues (Case example 3). UKvisas is extending the number of these units and is providing advice and support to all posts on strengthening the control aspects of the visa operation.

2.12 A full assessment of risks would require better information on the extent to which visa holders comply with the terms of their visa. We noted that a small number of posts and the Intelligence Service of the Home Office have carried out follow-up exercises to assess the level of visa compliance. To date, these exercises have been limited in scope and coverage but have raised concerns. For example, a tracking exercise carried out in Accra found that 37 per cent of a sample of students who had been issued with a visa could not subsequently be traced. Ongoing work by UKvisas and the Home Office is addressing abuse of student applications. We believe that such exercises are valuable in informing the understanding of risk and encourage UKvisas to undertake where resources allow, or participate in, such exercises.

CASE EXAMPLE 3

Beijing's risk assessment unit

The unit was established in August 2002 in response to growing problems with fraudulent documentation and includes a full-time intelligence officer and two local staff. It aims to:

- assess the risk of fraud in different categories of visa applicant;
- undertake investigations into fraudulent applications;
- gather intelligence on risks and collect information on forged documents; and
- establish better links with relevant security and other bodies in the United Kingdom.

Work to-date has indicated concerns over the number of applicants issued with student visas but not actually enrolling at the stated college, and with the frequent use of forged documentation.

The unit has collected evidence to assist entry clearance officers in their assessment of applications. Intelligence information is disseminated to staff and used, as appropriate, to inform Beijing's approach to processing applications. Risk assessment units have now been established in all visa-issuing posts in China.

UKvisas has improved training and support for decision-makers but there is scope for better co-ordination with the Home Office

UKvisas is providing more and better training for entry clearance staff

2.13 Making entry clearance decisions requires a sound knowledge of immigration rules; an ability to analyse evidence and make judgements; and knowledge of the country's specific customs and risks. It is a demanding job. Staff deal with a wide range of cases to which there is no standard solution, and must consider each on its own merits. Staff also have to manage sensitive personal situations with care and professionalism.

2.14 To date, entry clearance staff have been drawn exclusively from UKvisas' parent departments, FCO and the Home Office. FCO staff are given an initial three week training course and immigration officers from the Home Office receive a one week induction course. Our survey of posts indicated that staff highly rated the quality of the induction course and felt that it provided a sound understanding of entry clearance work. But over half of posts criticised the lack of a programme of refresher or specialist training to ensure standards are maintained. Almost half of posts also thought that there was insufficient training for local staff, although the

quality of such courses was high. UKvisas is seeking to address these points by enhancing its training team and introducing new training, including regional courses for posts. In doing so, there is scope for specialist training in areas such as interviewing techniques and the legal requirements for presenting evidence at appeal.

2.15 UKvisas has to manage a high staff turnover as staff commonly undertake a three year posting and then return to their parent department. Given the wide range of scenarios faced by entry clearance officers, understanding the country context is vitally important in making sound entry clearance decisions. Posts provide new staff with support and mentoring on arrival and many have developed a range of formal and informal mechanisms to share advice on country-specific issues. The need for effective knowledge-sharing is particularly important given the high turnover of staff and the use of temporary staff to manage seasonal peaks in demand. Small posts, particularly posts with a single entry clearance officer, face difficulties in ensuring that corporate knowledge is retained when staff leave post.

2.16 UKvisas, in conjunction with its parent departments, is also seeking to develop a longer career structure in entry clearance work in order to retain more highly skilled and experienced staff. The FCO has also assisted by creating incentives for staff to specialise in entry clearance for a greater proportion of their careers. The creation of such a body of experienced entry clearance staff should assist UKvisas in meeting its objectives and the increasing demands placed on it.

UKvisas provides timely and helpful support to posts but liaison with the Home Office has caused concern

2.17 UKvisas recognises the importance of providing appropriate support for decision-makers to improve awareness of immigration issues and to raise standards. A range of mechanisms have been established to provide support and guidance to entry clearance staff. The immigration rules and guidance in implementing the rules are available to staff on UKvisas' intranet. UKvisas also has a team dedicated to handling enquiries from posts, although there may be limited opportunity to seek advice from London due to time differences. Posts were content with the support provided; in particular, the availability of UKvisas' helpline for entry clearance officers. UKvisas also uses conferences and a newsletter to disseminate information and good practice.

2.18 As required, the Home Office provides confidential security information to inform entry clearance decisions. Entry clearance officers also refer unusual, difficult or sensitive applications to the Home Office for advice or when further enquiries are needed. However, many posts have been dissatisfied with the timeliness and helpfulness of the Home Office's

response and 66 per cent of posts rated communications with the Home Office as poor or very poor. UKvisas and the Home Office have recognised these problems and have taken steps to improve communications and response times on specific cases, including the establishment of dedicated e-mail addresses for referring cases to the Home Office and the acknowledgement of referrals within 48 hours. Between November 2003 and February 2004, the Home Office resolved 90 per cent of cases which had been referred to it by entry clearance officers within 13 weeks. Delays in resolving such cases are often outside the Department's control; for example when a case rests on the results of DNA data.

2.19 We noted other examples where UKvisas has taken steps to improve liaison with the Home Office and other relevant bodies. This has included both central initiatives and local action at posts; for example, UKvisas organised for Work Permits UK to visit posts in Bangladesh and India to improve their understanding of the country context.

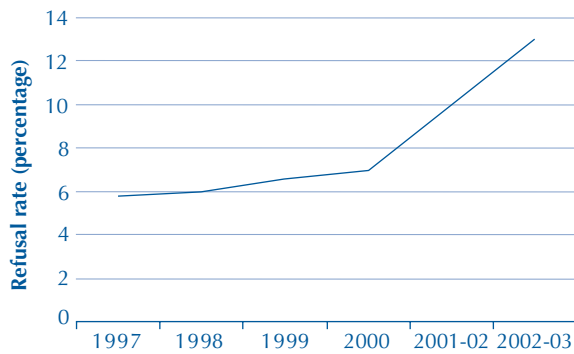
UKvisas has limited feedback on the quality of decisions

Refusal rates vary widely but are not a measure of the accuracy of decisions

2.20 In 2002-03 UKvisas staff refused 250,000 out of 1.94 million applications, which represents a refusal rate of 13 per cent. The global refusal rate has almost doubled in the last two years, having previously been steady at six to seven per cent (Figure 14). A combination of factors are likely to have contributed to this increase, including UKvisas' increased emphasis on fraud detection (paragraph 2.7) and changes to working practices. For example, many posts no longer undertake a preliminary check of applications which means that applicants who might previously have been advised that the supporting documentation was insufficient would now have their papers accepted and the application refused. UKvisas does not set a target for the proportion of applications that should be refused since each case is considered on its own merits.

2.21 Refusal rates vary widely between different regions, with significantly higher refusal rates in African and Asian posts (Figure 15). 19 posts had a refusal rate above 20 per cent, compared with 10 posts the previous year. The highest refusal rate was in Accra, where 52 per cent of applications were refused in 2002-03. There were also wide variations in refusal rates between different types of applicant; for example; 29 per cent of student applications were refused compared to 6 per cent of working holidaymaker applications.

14 The proportion of applications refused



Source: UKvisas' statistics

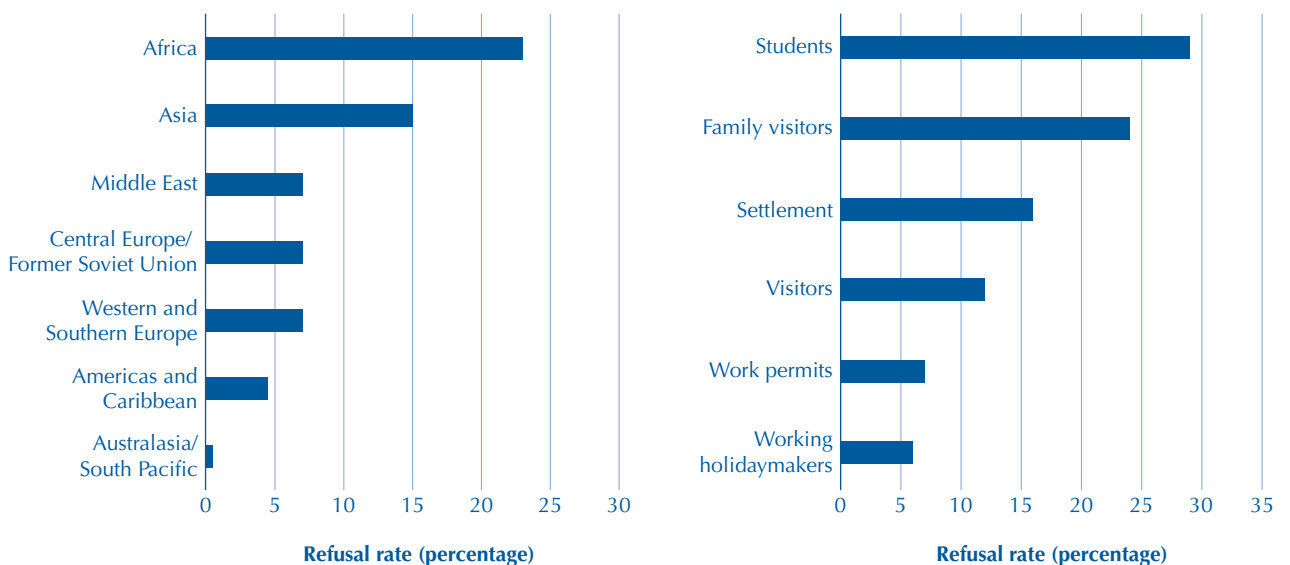
2.22 The refusal rate at each post is a measure of the perceived risk that applicants applying at that post will fail to comply with immigration rules once in the United Kingdom. It will also depend on country circumstances, including political and economic stability, and the affluence of the population. Inevitably, different nationalities present a different level of risk and there can be no objective measurement of what the "correct" refusal rate should be. There are significant variations between similar posts; for example, in 2003 the refusal rate in Accra was 52 per cent compared to 22 per cent in Lagos. Some of the variation may be due to different approaches to processing applications (paragraph 1.12) but it is not possible to establish whether each refusal rate is too high or too low. Accra attributes its high refusal rate to its efforts to detect forged documentation. We believe there is scope for UKvisas to analyse more closely variations over time and between posts to explore further the consistency of decision-making and the robustness with which controls are being applied.

2.23 The main reasons for refusal include doubts over the applicant's intention to leave the United Kingdom and concerns over the applicant's financial ability to support themselves whilst here (Figure 16 overleaf). The reasons for refusal vary between posts and reflect the profile of applicants in each country.

There is limited information on the quality of UKvisas' decision-making

2.24 UKvisas has established procedures for reviewing the quality of its decisions. Entry clearance managers are required to review all applications that are refused and 10 per cent of applications that have been issued. We found that these checks were being conducted at the posts we visited, but only one per cent of decisions were overturned following review. The nature of the decision, which is based on the balance of probabilities, means that the entry clearance manager would need strong grounds to request a decision to be reversed. Reversing a decision is more difficult for visas that have been issued, as management reviews are often conducted after the applicant has left the post. The pressure of work faced by entry clearance managers can also reduce the effectiveness of quality checks. Large posts with high refusal rates can create a heavy workload, particularly in peak periods; for example, up to 250 refusals per day in Accra have to be reviewed by three entry clearance managers.

15 Variations in the refusal rate between regions and application type, 2002-03



Source: National Audit Office analysis

16 The main reasons why applications are refused

Reason	Percentage of cases
1 Doubts over intention to return to home country/insufficient economic or family ties in home country	65
2 Inadequate funds for trip	54
3 Doubts over credibility of applicant	47
4 No evidence of financial circumstances	33
5 Lack of knowledge of United Kingdom/course	22
6 Forged documentation	14

NOTE

Results are based on an analysis of 561 refusals. The large majority of refusals include more than one reason for the refusal.

Source: National Audit Office analysis

2.25 UKvisas' quality control procedures aim to provide assurance that decisions are being made on a consistent and fair basis, but cannot provide a measure of the quality of decision-making. UKvisas collects performance information on the quality of its decisions from three sources:

- a Public Service Agreement target which requires the percentage of visa holders subsequently refused entry at United Kingdom ports should not exceed 0.04 per cent of the number of visas issued each year. UKvisas has met this target in each of the last three years. However, the Home Office's decision in October 2000 to devolve the main focus of immigration controls to visa-issuing posts (paragraph 2.3) means that on-entry checks no longer constitute a review of the original decision and, as a result, the target does not provide a reliable measure of the quality of decision-making;
- a correspondence team deals with enquiries about individual decisions and complaints from applicants who believe their claim has been inappropriately handled (paragraph 3.17). The team seeks to identify trends in the nature of issues raised and provides feedback to posts and central UKvisas' teams. But a rapid increase in the volume of correspondence has meant that there has been insufficient resources to undertake systematic analysis of enquiries to identify potential quality issues at different posts; and

- an Independent Monitor provides feedback on the quality of refusal decisions which do not attract the right of appeal. The Monitor reviews an annual sample of 800-1000 such refusal decisions and considers the fairness and consistency of procedures used to reach those decisions. In 2002 the Independent Monitor concluded that most decisions complied with the immigration rules, and made a number of recommendations for improving UKvisas' operation and the delivery of the visa service.

2.26 We consider that there is scope for UKvisas to improve the coverage and extent of performance information to assess the quality of its decision making. This would require the collation of existing management information and the collection of new data. The nature of the decision means that it is not possible to establish a single measure of accuracy, but the use of a suite of indicators would improve UKvisas' ability to form a judgement on the quality of decision-making (Figure 17). It is for UKvisas to consider what information would be most practical and appropriate to collect, given its resource constraints and service delivery commitments.

There are lessons to be learned from appeals

2.27 Some categories of visa applicant have the right to appeal against the original entry clearance decision, including family visitors, students who are enrolled on courses of more than six months and people who have applied to settle in the United Kingdom. The appeal constitutes an independent judicial review which considers both the original decision, and any subsequent additional information provided. Appeals are heard by adjudicators appointed to the Immigration Appellate Authority, which is part of the Tribunals Group within the Department for Constitutional Affairs.

17 UKvisas could improve its performance information on the quality of decision-making

In future years there is scope for UKvisas to improve the range, design and level of performance information on the quality of its decision-making. This might include:

- an analysis of refusal rates year on year; between posts and categories of application;
- a report on the number of decisions that are overturned following management review;
- an analysis of enquiries to identify whether decisions at individual posts are leading to a disproportionate number of enquiries, and to identify trends in the nature of enquiries;
- a review of the quality of refusal notices;
- an analysis of the outcome of appeals - including trends, the success rate by post and an analysis of the reasons for decisions being overturned; and
- results from tracking exercises.

Source: National Audit Office

2.28 Over the last three years, 50 per cent of family visit cases reaching appeal have led to the original decision being overturned in the appellant's favour. Whilst this represents a high success rate for appellants, and may raise questions over the quality of the original decision, a relatively small number of applicants appealed against their decision. In 2002 the number of family visit decisions overturned at appeal represented only five per cent of applications that were refused (Figure 18). UKvisas does not routinely collect statistics on appeal outcomes for other categories of application with the right of appeal, but our analysis of statistics collected locally at posts showed that 70 per cent of settlement cases were decided in the appellant's favour compared with 24 per cent of appeals by students.

2.29 The most common reasons why the original decision was overturned were the provision of additional evidence to address the reasons for the original refusal and the support of the sponsor (Figure 19). In these cases, the adjudicator has the benefits of both considering additional evidence, which may not have been available to the entry clearance officer, and of meeting the applicant's sponsor. The decision to rule in the appellant's favour does not necessarily mean the original decision was incorrect. The sponsor's evidence can add credibility to the appellant's case and confirm the veracity of the information provided at the time of the initial decision. Our analysis showed that 84 per cent of cases at which the sponsor attended the hearing were decided in the appellant's favour.

18 A breakdown of family visit applications, 2002

Total number of applications:	260,000
Number of applications refused:	61,000
Number of appeals:	7,200 (12 per cent of refusals)
Number of appeals in favour of applicant:	3,300 (5 per cent of refusals)

Source: National Audit Office analysis

2.30 Our analysis also showed that adjudicators reached different judgements and overturned decisions which they considered were not in accordance with the immigration rules. To some extent this is because decisions made by both the entry clearance officer and the adjudicator are subjective. But adjudicators had concerns regarding a lack of evidence to substantiate the refusal; insufficiently robust evidence that does not

19 The main reasons why decisions are overturned at appeal

Reason included in adjudicator's determination	Percentage of cases
1 Additional evidence. The appellant provided new evidence not available to the entry clearance officer, for example, evidence of available funds.	34
2 Role of the sponsor. The support of the appellant's sponsor can substantiate the credibility of the applicant's claim and provide confirmation of family ties.	23
3 Different judgement. The adjudicator formed a different view of the same evidence; in particular, the adjudicators disagreed with the entry clearance officer's view on the appellant's credibility or intention to return to their home country.	20
4 Decision not in accordance with immigration rules. The adjudicator concluded that the original decision was not framed within the immigration rules.	14

NOTE

Results are based on a sample of 180 appeals from the posts that we visited. The table shows only the most common reasons. More than one reason may be given in each case.

Source: National Audit Office analysis

stand legal scrutiny or is not well-grounded in immigration rules; and a poor standard of refusal notices. The findings were supported by discussions with adjudicators and suggest that UKvisas could do more to ensure that only strong cases reach appeal. We consider that there is scope for UKvisas to:

- ensure that there is a robust and objective re-consideration of the original decision when notice of the appeal is received, with specific attention to the quality of the evidence. Evidence from our post visits indicates that just eight per cent of family visit cases were reversed on review in 2002-03, most often due to the provision of additional evidence rather than concern over the accuracy of the original decision; and
- undertake a more detailed analysis of the reasons why decisions are overturned and explore variations between posts. Lessons learned should be disseminated to posts and included in training courses.

2.31 UKvisas believes that there is scope to improve the quality of appeal hearings. For example, a presenting officer is provided by the Home Office to represent UKvisas in court and to explain the entry clearance officer's decision. However, staff shortages mean that many cases are heard without a presenting officer. There are no reliable statistics but anecdotal evidence indicates that at least one third of cases are heard in the absence of a presenting officer. This can harm UKvisas' case as there is no counter-argument to the appellant's explanation and no further rationalisation of the original decision. The Home Office is seeking to improve the level of representation, and appointed an additional 81 presenting officers between April 2002 and April 2004, with plans to recruit a further 70 officers during 2004. The large number of asylum cases in recent years has also meant that some adjudicators and presenting officers have relatively little experience of immigration cases, although the Home Office provides a programme of refresher training on non-asylum immigration cases.

There are potential savings from reducing the number of appeals

2.32 We have estimated that the total cost of hearing an entry clearance appeal is approximately £2,500 per case. Improving the quality of decisions and the handling of appeal cases could reduce the number of cases that reach appeal. This has the potential for cost savings for UKvisas by reducing the time posts spend preparing unnecessary appeals submissions and for the Immigration Appellate Authority by reducing the number of hearings required. There would also be consequential benefits for posts in terms of being able to free resources to concentrate on processing applications or carrying out additional checks to strengthen controls. The National Audit Office believes that UKvisas should work towards a reduction in the number of borderline cases that reach appeal. A 10 per cent reduction in the number of hearings would save some £6 million a year.

The lack of information available on the actions of visa holders after they have entered the United Kingdom means that it is not possible to form a definitive judgement on the quality of decision-making

2.33 Determining the incidence of wrong decisions is difficult. The nature of the decision means that it is not possible to establish conclusively, at the time, whether the original decision is right or wrong. To form a definitive judgement on the quality of entry clearance decisions would require information on the actions of visa holders after they enter the United Kingdom and, in particular, the number of visa entrants who subsequently overstay. The Home Office does not collect this information. Establishing the true extent of

illegal immigration is challenging as, by definition, such people fall outside official statistics and are motivated to stay hidden. In 2003 the Home Affairs Select Committee (HC654) highlighted its concern that the Government was unable to estimate with any accuracy the number of visa entrants that overstay and recommended the evaluation of the case for the re-introduction of embarkation controls at United Kingdom borders. The Home Office told us that a return to a routine embarkation control on a permanent basis would have considerable resource implications in terms of staff, accommodation and administrative back-up. It estimates that the cost of reintroducing embarkation controls and establishing new ones at ports within the Common Travel Area would be in excess of £26 million per year. This is not considered a cheap option, especially where there is no evidence that this requirement would contribute greatly to the overall effectiveness of the control, but would be likely to cause significant passenger congestion at ports. However, the option for embarkation controls is being kept under review whilst the Home Office explores the extent to which new technology could provide more efficient ways of checking those leaving the country.

2.34 As the Comptroller and Auditor General's recent Report: Asylum and migration: a review of Home Office statistics (HC625) noted, "perhaps the major statistical challenge that every country faces relating to international migration is how to estimate the number of illegal migrants working in, or entering, the country. There are neither data sources nor estimates of the number of people living illegally in the United Kingdom". By definition it is hard to measure the number or movement of such individuals. For similar reasons, the Home Office is unable to collate official statistics on the number of asylum seekers or illegal workers who have entered the United Kingdom using a visa, due to a high incidence of asylum claimants who use false names or destroy or conceal documentation so that they cannot be traced to visa applications. In addition, some asylum seekers enter clandestinely and so do not have visas. Measurement is also hampered by the fact that the Home Office and UKvisas have two different processes and information technology systems, without a common identifier, although long-term work is underway to identify a solution. The collection of fingerprint data at the time of the visa application will provide a key source of data; this data is now collected at six posts when applications are made (paragraph 3.21) and placed on the Immigration and Asylum fingerprint system. The Home Office undertakes research into a wide range of immigration and asylum related topics to provide information to Ministers and inform its policy decisions. The current priorities include research on managed migration, citizenship issues and the illegally resident population.

2.35 The Home Office's e-Borders programme offers the potential for tighter controls over entry to the United Kingdom and the collection of better information on the potential abuse of the visa system. Improvements in information technology will enable departments and agencies involved in immigration and national security in the United Kingdom to carry out a wide range of real-time security checks on travellers before they depart from their country of origin. The programme should also help foster better co-ordination between these authorities and UKvisas is closely involved in its development.

The case of the European Community Association Agreements (ECAA) in Bulgaria and Romania illustrates the importance of co-ordination, guidance and feedback in making decisions

2.36 The European Community Association Agreements, the first of which were signed in 1994, provide for nationals of countries who are shortly to negotiate entry to the European Union to be treated on a par with European Economic Area nationals for the purpose of establishing themselves in business. Applicants from Bulgaria and Romania also require a visa to enter the United Kingdom. Entry clearance staff in Bulgaria and Romania refer applications to the Home Office in the United Kingdom, who decide whether applicants qualify under the Agreements. This decision is communicated to the entry clearance officer who then issues the visa. In March 2004 a member of staff at the Embassy in Romania sent David Davis MP material which indicated that applicants were being accepted under the Agreements by Home Office staff despite concerns of entry clearance staff that many did not meet the required criteria. An inquiry has been undertaken by a team led by a Home Office official, Mr Ken Sutton. His report is expected to be published in June 2004. We also examined the operation of the Agreements in this study in so far as it impacted on the issuing of visas. Our observations, which we have made available to Mr Sutton, are set out below and at Appendix 7.

Entry clearance officers and Home Office staff did not have a common understanding of the standards that should be applied

2.37 Entry clearance staff believed different criteria and standards should be applied when assessing applications to those applied by the Home Office. Home Office staff applied entry standards that reflected their understanding of European Union law and legal precedents. They considered they could not treat Bulgarian and Romanian nationals differently to United Kingdom nationals in setting up businesses. On the other hand entry clearance staff recommended that an

application should be refused if they thought applicants did not possess suitable skills or if they considered the business plan was not convincing. Entry clearance officers told us that had their standards applied, they would have issued visas to less than 10 per cent of the applicants that did actually receive them.

Communication was incomplete or ineffective in resolving difficulties

2.38 Although there was regular communication between staff on individual cases and some communication on the wider picture, the lack of a shared understanding on the standards required for a visa to be issued was not resolved and there was little feedback from the Home Office. Entry clearance officers in Bulgaria and Romania did not generally receive explanations from Home Office staff when their recommendations not to approve the application were not acted on. Instead they received a standard letter instructing them to issue the visa. In addition they did not receive feedback when they had issued visas to Bulgarians and Romanians as tourists, students or seasonal workers but these visa holders 'switched' to the European Community Association Agreements when they were in the United Kingdom. They found out about 'switching' when dependents of those that had switched applied for a visa to join their relatives. This issue was important as there was a suspicion that applicants were obtaining a tourist or other visa by deception and really wanted to enter the United Kingdom to apply under the European Community Association Agreements. In addition, entry clearance staff did not receive any feedback on what had actually happened once applicants had reached the United Kingdom. For example, there was no information on what had happened when the visa ran out after one year ie whether that applicant had successfully established a business. Concerns were raised with senior officials when they visited Bulgaria and Romania. But we found that in many cases the communication did not achieve effective results and staff remained unclear on key issues relating to the Agreements. All applications from Bulgarians and Romanians in the United Kingdom to be considered under the Agreements have been suspended while Mr Sutton carries out his investigation.

Using risk analysis to help address the problem

2.39 Risk analysis techniques might have helped address the problems with the operation of the European Community Association Agreements in Romania and Bulgaria. For example, Appendix 7 indicates that applications in those countries were increasing significantly; this together with concerns from entry clearance officers about the way the Agreements operated, could have flagged up earlier how significant the problems were.



Part 3

Providing a quality visa service

- 3.1 In accordance with Government commitments on service delivery, UKvisas seeks to provide visa applicants and other stakeholders with a high quality service. Home Office research has shown that legal migration can be beneficial to the United Kingdom (**Figure 20**) and UKvisas has a key role to play in supporting the Government's managed migration policies¹¹. For many visa applicants, their contact with the visa-issuing post represents their first impression of the United Kingdom and is thus important in establishing a positive image.
- 3.2 UKvisas is committed to delivering a high quality visa service. Its streamlining initiatives, primarily designed to achieve efficiency gains, also aim to provide a faster, easier and more timely service for applicants. This Part evaluates the quality of service which UKvisas is providing to visa applicants and other stakeholders, such as family members, businesses and educational institutions. We assessed UKvisas' performance against key criteria for delivering a high quality visa service (**Figure 21 overleaf**).

In general, UKvisas provides a high quality of service to applicants

UKvisas seeks to ensure that applicants are aware of the documentation needed to support their application

- 3.3 Applicants must provide appropriate information to support their application, including evidence of their financial means and employment details, and documentation to support the reason for their visit. Entry clearance officers can refuse applications due to a lack of supporting evidence and, therefore, it is important that UKvisas provides clear information on the documentation that applicants need to provide. The failure to provide the necessary documentation has

20 Examples of the beneficial impacts of immigration

Tourist revenue: In 2002, overseas visitors spent £11.7 billion in the United Kingdom, a proportion of which was from people requiring visas to enter the United Kingdom. For example, information from the International Passenger survey suggests that there were 205,000 visits from Indian nationals, who spent an estimated £142 million in the United Kingdom.

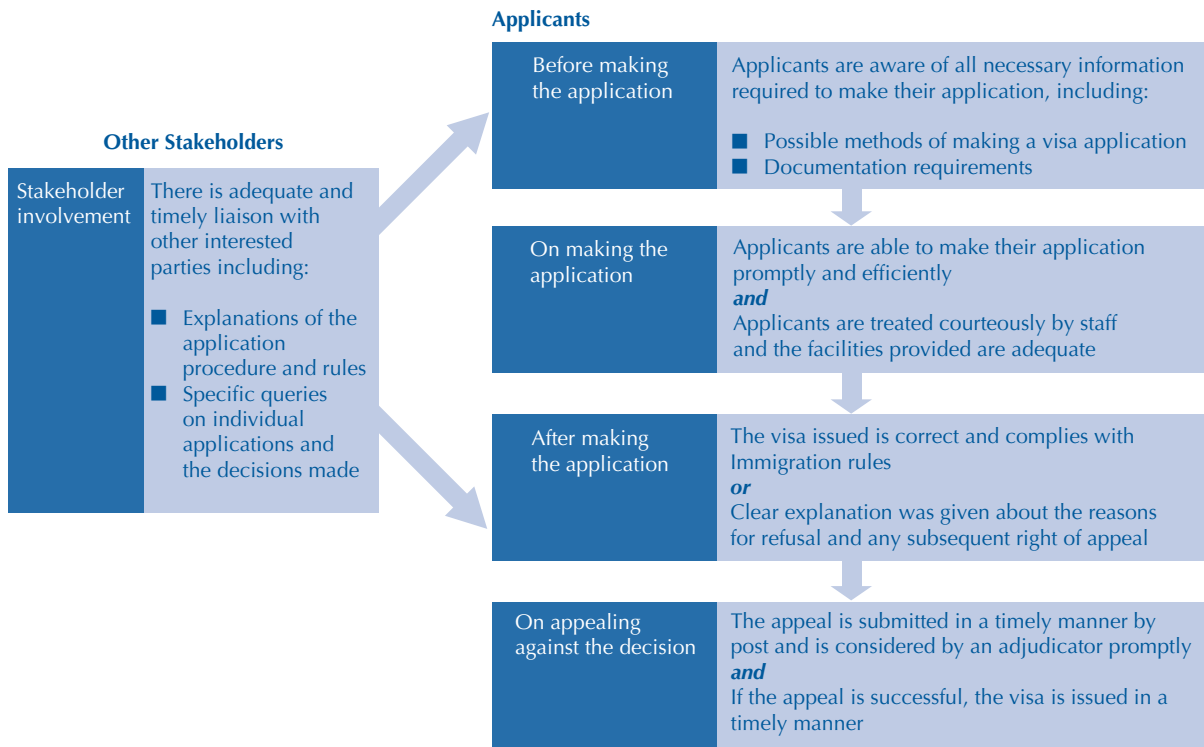
Revenue from international students: Financial benefits arise from international students through the course fees paid to institutions and, indirectly, through students' living costs. In 2001-02 international tuition fee income from international students (non-European Union) provided £875 million, 6 per cent of the United Kingdom higher education sector budget. A Universities UK report found that the total off-campus personal expenditure of international students in higher education was £1.3 billion in 1999-2000. In addition, significant benefits accrue from students studying at English language schools and other colleges.

Business opportunities and investment: Business visits and investments promote increased trade and benefits to the British economy. For example, in 2002-2003, UK Trade and Investment reported that there were 709 new overseas investments from 35 countries, creating 34,000 new jobs in the United Kingdom. All investors require a visa to establish themselves and settle in the United Kingdom.

financial implications for applicants who are refused after paying the application fee, and can be wasteful of entry clearance officer time. Centrally, UKvisas has sought to improve the information available through its website and central enquiry service. Posts provide information to applicants using leaflets, websites and through telephone enquiry services. Some posts have also introduced more innovative methods, such as displaying examples of completed applications, press releases and outreach programmes. Several posts we visited also drew up locally produced information sheets listing the documentation needed to support different categories of application.

¹¹ Includes the Prime Minister's initiative to encourage more foreign students to come to the United Kingdom and employment schemes for seasonal and skilled workers.

21 The main elements of a high quality visa service



Source: National Audit Office

3.4 We examined applicants' awareness of the required documentation on our post visits. This showed that the large majority of applicants believed they were aware of the supporting documentation needed but, in all but one post, a lower proportion of applicants actually supplied the requisite information (Figure 22). This indicates a mismatch between the perceived and actual awareness of documentation requirements, although in many posts, the difference was not great. In four of the posts we visited, we found that over 30 per cent of applicants did not provide the requisite information to support the application. The dissemination of information on visa requirements can prove difficult, particularly in countries with a low literacy rate or in countries where those requiring a visa are a minority population. There is scope for posts to consider more targeted initiatives to promote awareness, such as wider use of the local media.

3.5 Our consultation exercise identified concerns over inconsistencies between posts in the documentation requested to support applications. For example, there were differences in the level of detail that students were asked to provide about the content of their course. Some students reported that they were asked for documentation which was not available to them at the time of the application. Whilst posts have discretion to tailor documentation requested to reflect differing levels of risk and the specific circumstances of different countries,

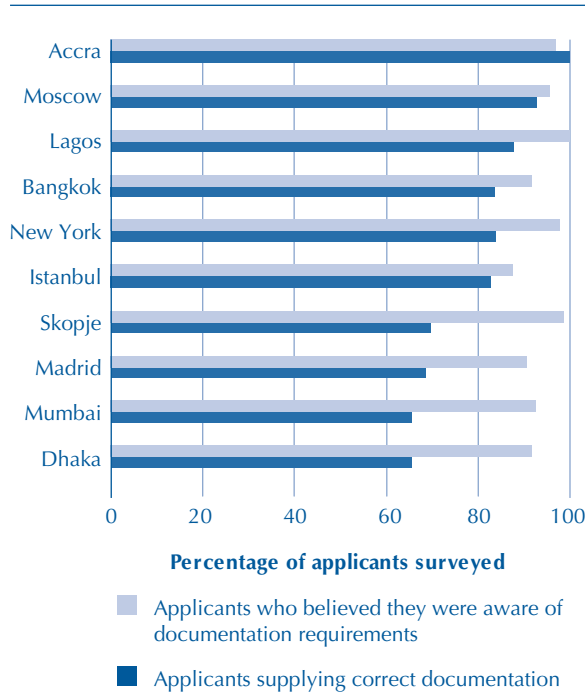
there is scope for UKvisas to encourage posts to consider further what evidence is reasonable in different circumstances. Supporting documentation forms part, but not all, of the assessment of the veracity of an application and UKvisas has encouraged posts to make appropriate use of interviews in considering applications, to reduce the reliance on supporting documentation.

Many posts have achieved improvements in the timeliness of the visa service

3.6 The high level of demand at posts can mean that applicants have to queue for several hours before making an application which, on occasions, has led to crowd control problems. There are also related security concerns. UKvisas has sought to reduce the queues outside British missions by reducing the number of applications made in-person, including options for submitting applications online, postal applications or the provision of 'drop box'¹² facilities at posts. Many posts have also been proactive in addressing problems caused by visa queues. For example, Rome introduced a courier service to address crowd problems caused by the increasing number of visa applicants, and Beijing and Lagos have introduced an appointment system for applicants. As a result, UKvisas told us that crowd control problems now occur only in Nairobi, although queues inevitably remain at many posts.

¹² 'Drop box' facilities normally consist of a fast track counter or box where certain low risk categories of applicant can submit their application forms without queuing to be seen by an entry clearance officer.

22 Perceived versus actual awareness of the documentation required to support applications



NOTES

- 1 We surveyed all applicants visiting the visa offices over a one or two day period.
- 2 Data for Mumbai was collected at the outsourced visa application centres.

Source: National Audit Office surveys

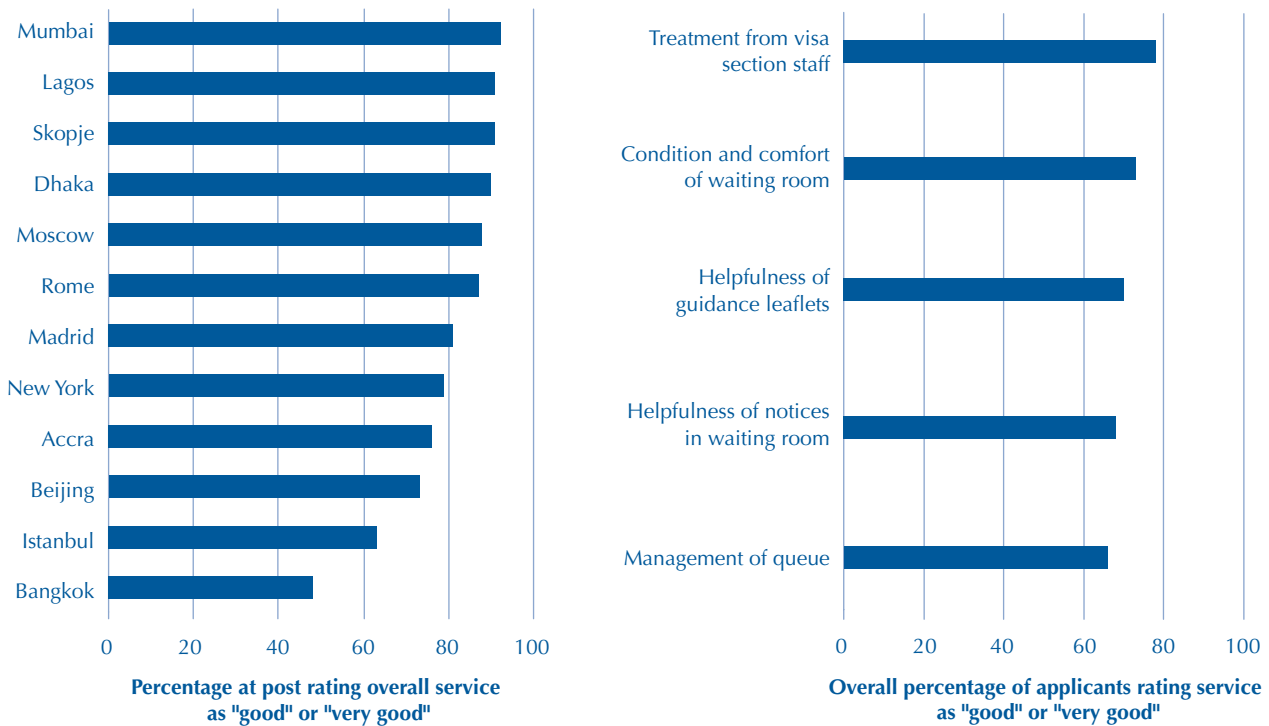
3.7 Some posts have to turn people away each day as demand for visas exceeds the number of applications that can be processed, mainly due to staffing or accommodation constraints. In October 2003, an assessment carried out by UKvisas showed that the demand for visas exceeded processing capacity at 35 posts (22 per cent). Some posts reported that this problem occurred only during months of peak demand whilst, for others, the problem was more consistent throughout the year. For example, Abuja, Kinshasa and Kampala have to turn away over 100 applicants on some days at peak times. UKvisas plans to undertake an operational review at the posts where problems are most severe, as changes to working practices can increase staff productivity (Figure 11). Some posts, such as Dhaka, have schemes to offer priority entry the next day for applicants who are turned away.

3.8 UKvisas conducts interviews when doubts are raised over the genuineness of the application, where the application is more complex or the applicant is seeking to settle in the United Kingdom. Our consultation exercise raised concerns over delays in conducting these interviews and the detrimental impact that this can have for the individual concerned and family members, businesses and educational establishments in the United Kingdom. UKvisas' statistics show that in 2002-03, 90 per cent of posts achieved the target of interviewing non-settlement applicants within 10 working days, compared with 78 per cent of posts in 2000. 16 posts missed the target and the longest delay was 43 days in Lusaka, Zambia (paragraph 1.5). UKvisas has achieved a significant reduction in the waiting time for interviews at many posts. For example, Lagos eliminated a wait of 101 days for interview between September 2002 and March 2003 by bringing in extra resources and changing working procedures. UKvisas' streamlining initiatives have contributed to these improvements and the large majority of posts make a decision for most applicants on the day that the application is made. But complex applications do require more time: the target for interviewing settlement or family reunion applicants is 12 weeks except in New Delhi, Mumbai, Dhaka and Islamabad, where certain categories have a target of nine months, due to the high number of settlement applications received.

Applicants were content with the quality of service at the posts we visited

3.9 We conducted a customer satisfaction survey at the 12 posts we visited. Overall, 80 per cent of applicants rated the quality of service provided by UKvisas as good or very good. These results ranged from 48 per cent in Bangkok to 92 per cent in Mumbai (Figure 23 overleaf). The most highly rated aspect of service was the treatment of applicants by UKvisas' staff. Our survey was limited to the 12 posts we visited and, therefore, does not provide complete or fully representative feedback on UKvisas' performance. It is difficult to obtain more general information on customer satisfaction as UKvisas does not keep a register of complaints reported to UKvisas in London. Such a register would assist UKvisas in monitoring complaints about staff or service, and in establishing trends.

23 Applicant responses on the quality of service



NOTE

We found no significant variation in customer satisfaction, regardless of whether or not the application was successful.

Source: National Audit Office survey

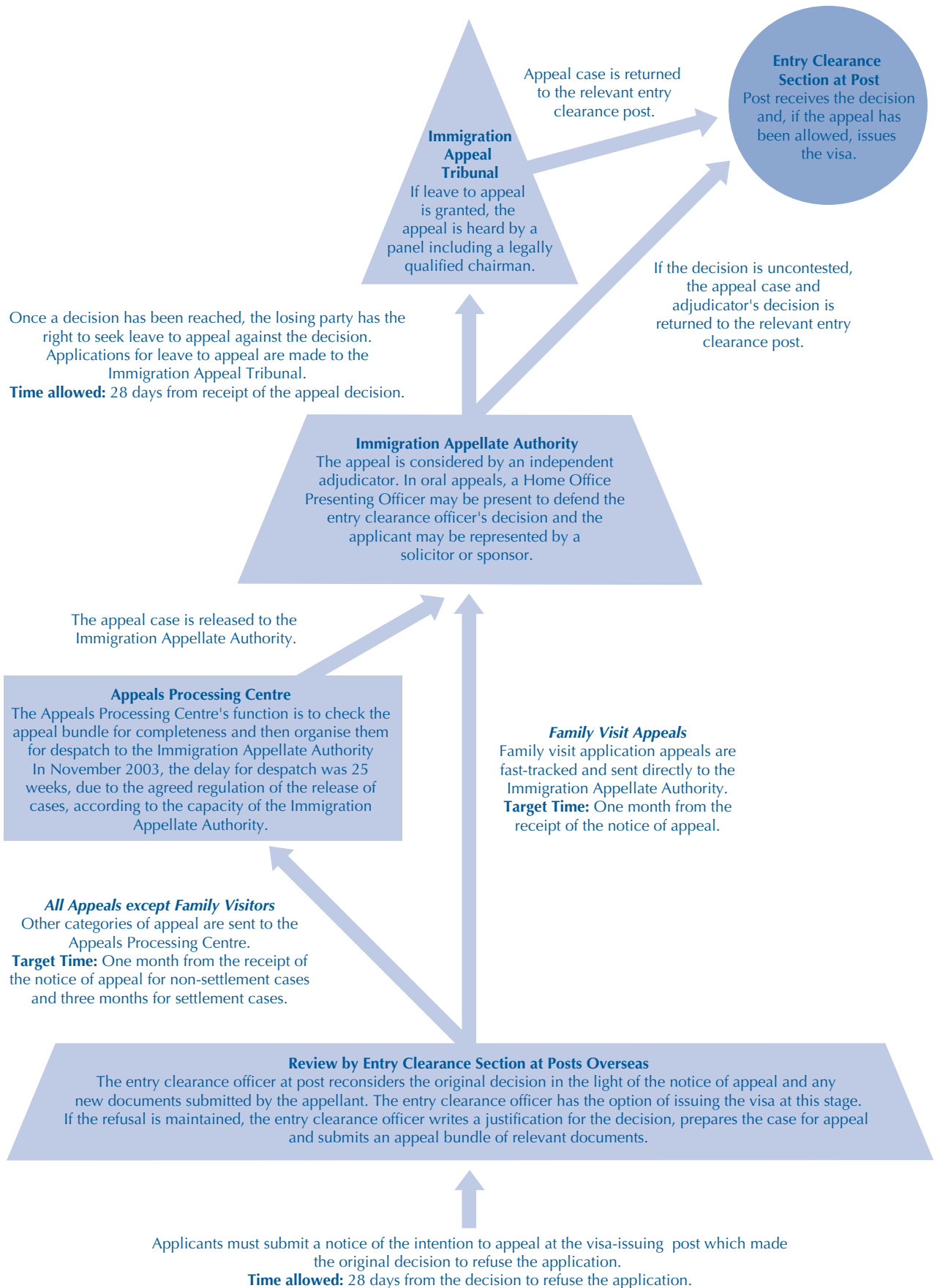
Processing mistakes can cause subsequent difficulties for visa holders

3.10 Our stakeholder consultation raised concerns over errors in visas issued to applicants. Examples included errors in the endorsement on the visa or the length of its validity. The wrong endorsement on a visa can have serious consequences for visa holders, by restricting the individual's ability to work or have recourse to public funds. It was not possible to establish the prevalence of such errors during our examination but research undertaken by one university found that of 285 international students surveyed at their establishment, only 30 per cent were granted their full entitlement in the duration of their visa. UKvisas has sent instruction to posts on this issue but accepts that mistakes are still made, although, in some cases, these may result from the applicant's lack of clarity of the course dates or of whether the student's position is dependent on passing examinations. There is scope to improve the liaison between UKvisas and educational establishments on this issue, particularly given the Home Office's introduction of a minimum fee of £155 for visa holders who wish to extend their visa whilst in the United Kingdom. A system of redress has recently been agreed with the Home Office.

The increasing number of appeals has led to delays at all stages of the appeals process

3.11 The Immigration Appellate Authority is responsible for hearing appeals against entry clearance decisions. A decision is taken on each case by an independent adjudicator, and potentially, by a tribunal (Figure 24). The number of appeals against entry clearance decisions is increasing. The right of appeal for family visitors was re-introduced in October 2000 and these cases are fast-tracked. Statistics show that the number of family visit cases heard by the Immigration Appellate Authority increased from 4,300 in 2001 to 13,800 in the first 10 months of 2003-04. In addition, approximately 1,100 appeals on entry clearance cases are heard each month for other categories of applicant, such as students or those seeking settlement.

24 The key stages in hearing appeals



3.12 Our analysis of appeals indicated that the average length of time between the original decision and the appeal hearing was 15 weeks for family-visit cases and 43 weeks for other categories of visa applicant (Figure 25). The elapsed time is dictated by the resources available in the appeals system, particularly by the capacity of the Immigration Appellate Authority which is responsible for hearing all immigration cases. By November 2003 the Government's priority to reduce the backlog of asylum appeals had led to a build-up of some 7,000 non-family-visit cases awaiting despatch from the Appeals Processing Centre to the Immigration Appellate Authority. This equated to a delay of 25 weeks. Although family visit appeals are fast-tracked, the number of appeals, the judicial listing policy, and the time allowed for parties to prepare means that there remains an average period of eight weeks between the Immigration Appellate Authority's receipt of the case and the hearing. The reduction in the number of asylum appeals has enabled the Appeals Processing Centre to pass a greater number of entry clearance cases to the Immigration Appellate Authority in recent months and the backlog of entry clearance appeals had fallen to 1,500 in May 2004.

3.13 But there are also delays at posts in sending appeal cases to the Appeals Processing Centre or, for family visit cases, direct to the Immigration Appellate Authority. UKvisas sets targets for despatching appeals of three months for settlement cases and one month for non-settlement. Analysis of UKvisas' data indicates that there were some substantial delays in sending appeals and significant variations between posts. In 2002-03, UKvisas records show that one third of all appeals at the posts we visited were not despatched within target times. As at August 2003, five of the posts we visited had over 100 appeals outstanding but the proportion which had been outstanding for more than one month varied from two per cent in Dhaka to 64 per cent in Accra. A backlog of 880 cases has developed in Accra, the longest of which has been outstanding 16 months. Delays can occur in

some posts when the pressure to cope with the daily demand for visas and to meet processing targets takes precedence over the requirement to respond to appeals.

3.14 Our consultation with legal representatives of appellants also raised concerns over the time taken to issue the visa after a hearing has been decided in the appellant's favour. Posts are not able to issue the visa until copies of the adjudicator's decision and the Home Office's decision not to appeal are received. The Home Office has up to one month to consider whether the decision should be appealed before sending the documentation via diplomatic bag to post. In response to these concerns, UKvisas is considering the scope, including the use of electronic confirmation, for issuing visas in a more timely manner.

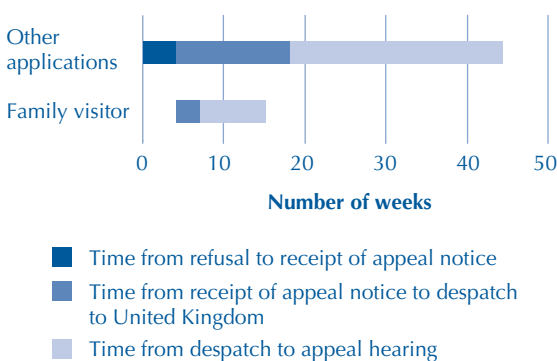
Overall, stakeholders reported that the quality of service was improving

3.15 UKvisas has a range of stakeholders, including applicants' families and friends in the United Kingdom; legal bodies who represent applicants at appeal hearings; MPs; lobby groups with a wide spectrum of views on immigration; consumer bodies; and bodies in specialist areas, such as educational establishments and businesses. UKvisas has established a user panel to provide a forum through which stakeholders can raise concerns and discuss current issues. UKvisas also liaises directly with stakeholders and applicant representatives on matters ranging from queries on individual applications to policy issues. Our consultation exercise showed that key stakeholders considered that the quality of service had improved in recent years and had become more integrated with other government departments responsible for related immigration issues. A common theme was that liaison with UKvisas in London was better than with posts, and bodies told us that they often encountered difficulties in seeking information from posts. UKvisas also conducted a survey of stakeholders and found that specific elements of the service were rated highly, including:

- UKvisas' website, which receives around 15,000 visitors each day;
- information leaflets, which are sent out on request to sponsors; and
- the call centre enquiry line, which provides information to sponsors.

3.16 It is the responsibility of UKvisas' staff to understand the Government's managed migration policies and interpret immigration rules, which are wide-ranging and make detailed provisions for a large number of sub-groups of applicants. Our consultation exercise revealed that a number of stakeholders believed there is scope for UKvisas to establish more specialist teams dedicated to specific sub-issues, either in London or at selected posts.

25 The average waiting time to hear appeals as at November 2003



Source: National Audit Office analysis

For example, Universities UK raised concerns over the level of understanding of the British education system and the interpretation of relevant immigration provisions. Educational establishments also considered that there was scope to improve communication with the bodies which enrol large numbers of international students to promote better co-ordination and understanding of processes and problems faced.

- 3.17 In 2002-03 UKvisas received over 8,000 letters from the public and 10,000 letters from MPs. UKvisas has established a dedicated correspondence unit and responded to 98 per cent of letters within government-wide target times, although nearly one third were sent as holding replies. The consensus of the feedback from stakeholders was that UKvisas considers their issues seriously and is generally prompt and helpful in dealing with enquiries.

UKvisas needs to consider further the implications for service delivery in the future

UKvisas faces increasing demand and works within a fast-moving policy environment

- 3.18 Across all posts, demand for visas has increased by 33 per cent over the last five years and 11 per cent in the last year. Some individual posts have experienced much higher levels of increase; for example, in three of the posts we visited - Lagos, Accra and Rome - the number of applications received in 2002-03 was 35-40 per cent higher than the previous year. Demand for visas is expected to continue to increase. But each post has a finite capacity for the number of applications that can be processed each day, often due to the physical constraints imposed by the visa building. To-date, UKvisas has coped with increasing demand by increasing resources and seeking to process applications more quickly (Part 1). However, there are limitations in the scope for further reductions in processing time given the need to apply robust immigration controls. UKvisas' analysis shows that 35 out of 162 posts (22 per cent) cannot meet the daily demand for visas (paragraph 3.7). The rising number of applications means that more posts are likely to encounter increasing difficulties in the future which raises implications for the quality of service that UKvisas will be able to deliver.

- 3.19 UKvisas also has to respond to changes in immigration policy and to Government initiatives to attract tourists, students and workers to the United Kingdom (Figure 26). These initiatives, which involve a range of government departments, illustrate the changing environment within which UKvisas delivers the visa service. The Government's managed migration policy and an increasing emphasis on strengthening immigration controls mean that UKvisas is likely to face greater pressures in the future.

26 The impact of the changing immigration policy

The introduction of new schemes, or the extension of existing initiatives, can impact on the number of visa applicants. For example, the Prime Minister's initiative to attract more international students to the United Kingdom has contributed to an increase in student applications from 94,000 in 1999 to 188,000 in 2002-03. In particular, Chinese posts have experienced rapid increases. New schemes such as the working holiday makers scheme and work permits have also been introduced.

Extension of the visa regime to include new nationalities. The visa regime was extended to include nationals from Zimbabwe in 2002 and from Jamaica in 2003, and involved UKvisas establishing new offices in Harare and Kingston.

Changes to immigration rules. For example the introduction of the new European Union residence permits will impact significantly on UKvisas' workload.

Source: National Audit Office

More attention needs to be given to future demand management

- 3.20 Managing future demand is a key strategic issue and UKvisas is seeking to exploit a number of options to cope with increasing numbers of applicants (Figure 27). In the short-term, posts should ensure they make use, where appropriate, of the range of available options for encouraging applicants to submit applications without attending in person. UKvisas also offers the option to apply in advance of the travel date but this is not widely understood or exploited. This may be beneficial for students, who may wish to apply early to avoid queues. In the long-term, there is potential to establish an

27 Options for managing the increasing demand for visas

An increased use of outsourcing. UKvisas has outsourced the application process in India, Pakistan and a number of other countries. To date, feedback indicates a high level of satisfaction with the service. An important feature is that applicants have been willing to forgo a quicker application time for convenience, which offers posts more flexibility in managing their workflow.

Exploiting options for submitting applications remotely. Posts are making increasing use of postal, on-line, and drop box facilities for submitting applications, which reduces the number of applicants that need to come in-person to the post. There is scope to extend this further to appropriate sub-groups.

Identifying applications that are not time critical. UKvisas provides a same-day service for the majority of applicants. Our post visits showed that this encourages many applicants to apply very close to the date of their proposed visit. However, many applications are not time critical.

A greater use of long-term visas for low risk applicants. The majority of visitors are issued with a six month visit visa although posts can issue one, two, five and ten year visas for low-risk applicants. Where appropriate, a greater use of longer-term visas would reduce the number of repeat applicants.

Source: National Audit Office

electronic authority to travel as part of the Home Office's e-Borders programme, which will offer advantages in simplifying the visa application process. The Home Office believes that this will also provide a cheaper solution to the requirement to increase levels of scrutiny of passengers entering and leaving the United Kingdom than would be possible by expanding existing processes. UKvisas recognises that more work is needed to assess potential demand, the drivers of demand and the implications for service delivery in the future.

3.21 The Government is considering the wider use of biometric data in visa applications. Biometrics are used to identify people through biological traits and information is digitalised and held electronically, usually through face, fingerprinting or iris recognition.

The collection of biometric data provides a definitive link between the individual and the visa application, and would enable a range of checks against immigration and other databases. This would provide better evidence on the level of abuse of the visa system and would help identify the true identity of people who make asylum or immigration applications, or are caught working illegally. UKvisas has successfully trialled the collection of biometric data in Sri Lanka and has since expanded biometric collection further, to five visa-issuing posts in East Africa. Its introduction on a wider scale would strengthen controls against immigration and asylum abuse. But there are significant cost and operational implications for UKvisas' operations and UKvisas has commissioned a consultancy to evaluate the implications for its business.



Appendix 1

The Immigration Rules

Immigration legislation is formulated by the Home Office and is based on two legal provisions:

- Immigration Acts: the most recent is the Nationality, Immigration and Asylum Act 2002.
- The Immigration Rules - these are the Rules provided for in the Immigration Act 1971. The Immigration Rules constitute a statement of practice, as laid down by the Home Secretary before Parliament, to be followed in regulating entry into, and stay of persons in, the United Kingdom. The Rules are kept under review and revised statements come into effect periodically.

Who requires a visa?

Visa nationals:

(a) Nationals or citizens of the following countries or territorial entities require a visa for the United Kingdom:

Afghanistan	Eritrea	Niger
Albania	Ethiopia	Nigeria
Algeria	Fiji	Oman
Angola	Gabon	Pakistan
Armenia	Gambia	Peru
Azerbaijan	Georgia	Philippines
Bahrain	Ghana	Qatar
Bangladesh	Guinea	Romania
Belarus	Guinea-Bissau	Russia
Benin	Guyana	Rwanda
Bhutan	Haiti	Sao Tome And Principe
Bosnia-Herzegovina	India	Saudi Arabia
Bulgaria	Indonesia	Senegal
Burkina Faso	Iran	Serbia And Montenegro
Burma	Iraq	Sierra Leone
Burundi	Ivory Coast	Somalia
Cambodia	Jamaica	Sri Lanka
Cameroon	Jordan	Sudan
Cape Verde	Kazakhstan	Surinam
Central African Republic	Kenya	Syria
Chad	Kirgizstan	Taiwan
China, People's Republic Of	Korea (North)	Tajikistan
Colombia	Kuwait	Tanzania
Comoros	Laos	Thailand
Congo	Lebanon	Togo
Republic Of Croatia	Liberia	Tunisia
Cuba	Libya	Turkey
Democratic Republic Of The Congo (Zaire)	Macedonia	Turkmenistan
Djibouti	Madagascar	Uganda
Dominican Republic	Mali	Ukraine
Ecuador	Mauritania	United Arab Emirates
Egypt	Moldova	Uzbekistan
Equatorial Guinea	Mongolia	Vietnam
	Morocco	Yemen
	Mozambique	Zambia
	Nepal	Zimbabwe

- (b) Persons who hold passports or travel documents issued by the former Soviet Union or by the Former Socialist Federal Republic of Yugoslavia
- (c) Stateless persons
- (d) Persons who hold non-national documents

Note: This information is accurate as at March 2004.

Non-visa nationals:

Nationals of other countries do not need a visa to enter the United Kingdom unless entry clearance is a requirement of the category in which they are seeking entry. From November 2003, applicants of some nationalities who seek entry to the United Kingdom for a period in excess of six months will also need to obtain prior entry clearance. This requirement will eventually apply to all nationalities, but currently applies to nationals of the following countries:

- Australia
- New Zealand
- United States Of America
- Canada
- Japan
- Malaysia
- Hong Kong
- Singapore
- South Korea
- South Africa

How is entry clearance given?

Entry clearance takes the form of a stick-in vignette which is placed in the travel document (normally the passport). There are different types of entry clearance:

- Visa (for visa nationals, stateless persons and refugees);
- Entry clearance (for non-visa nationals); and
- Family permit (for dependents of European Economic Area nationals).

The 'entry clearance' stipulates the length, terms and conditions of entry. Conditions imposed may include:

- restriction of employment in the United Kingdom;
- requirement to maintain and accommodate applicant and dependents without recourse to public funds; and
- requirement to register with the police on arrival.

How are the rules applied?

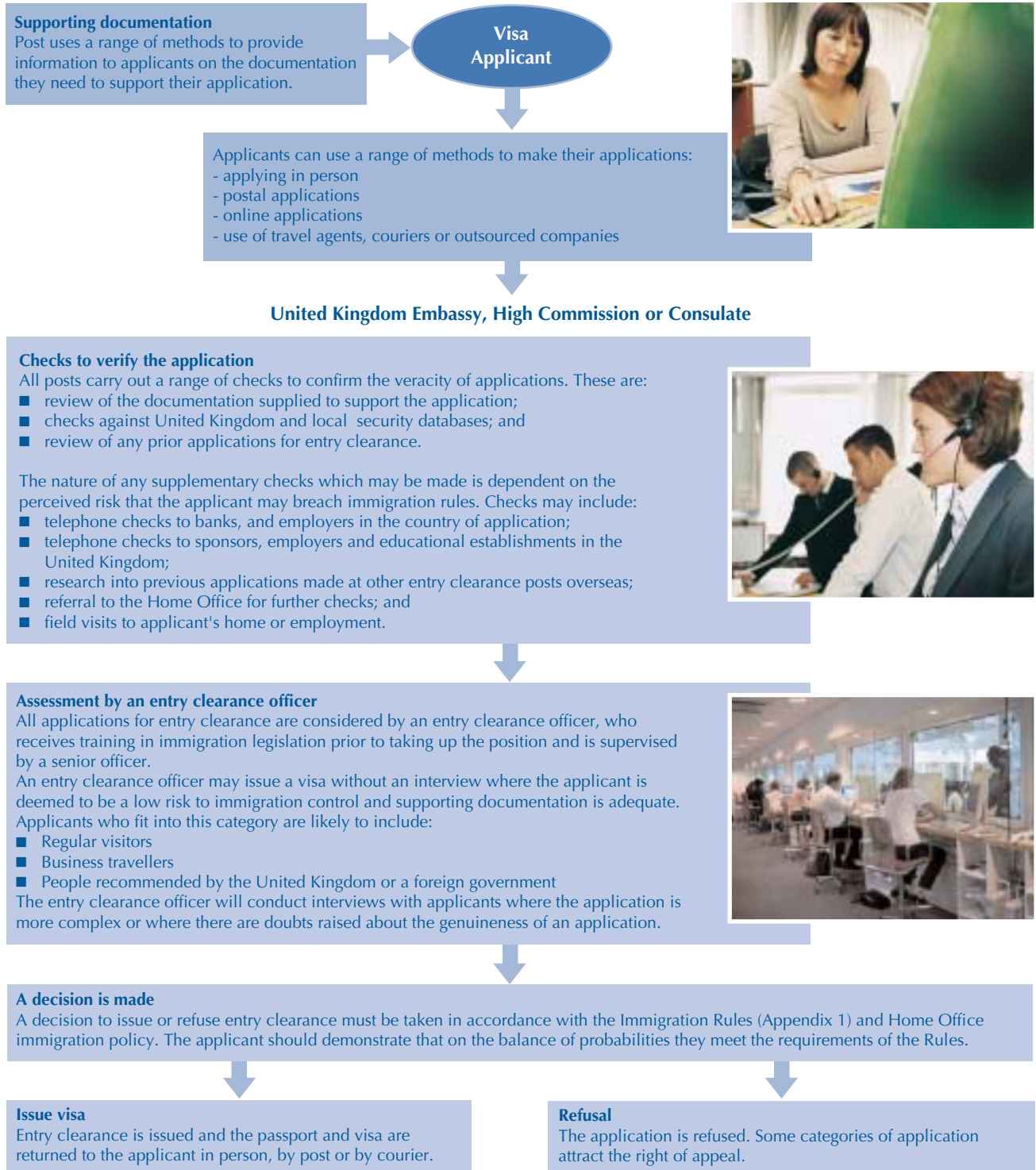
The Immigration Acts and associated Statement of Changes in Immigration Rules provide the framework within which entry clearance officers at posts overseas make decisions on individual applicants. The detailed entry clearance rules are complex, and entry clearance officers must make their decision based on reviews of documentation, additional checks and possibly an interview with the applicant. The decision is based on an assessment of the balance of probabilities that the applicant will comply with the conditions of the visa. Specific categories of visa applicants must meet different requirements, but common criteria include:

- intention to leave the United Kingdom at the end of the visit/studies (except for settlement visas);
- evidence of sufficient money to support and accommodate adequately without help from public funds;
- intention to live permanently with the spouse in a subsisting marriage (settlement cases only);
- intention to comply with the conditions of the visa (e.g. not to engage in employment or study if applying for a visit visa); and
- acceptance at a valid and appropriate course of study or place of employment in the United Kingdom, and the capability of the applicant to undertake this course or employment (for students and work permit applicants).

If the entry clearance officer believes that on the balance of probabilities, an applicant does not meet one of these criteria laid out in the Immigration Rules, then the application for a visa will be refused.

Appendix 2

The visa application process



Appendix 3

Study methodology

Evaluation of UKvisas' performance measurement information

We analysed UKvisas' performance information to establish its performance against the Public Service Agreement targets, on both a global basis and for individual posts. In particular, we assessed performance against the agreed targets for the time taken to process different types of application. We also reviewed performance against other established targets such as for the quality of decision making and for correspondence replies. This information came from a range of data sources, including the Departmental report, annual and monthly returns from individual posts, and information collected by the central correspondence section. We also considered the reliability of the data collected and the use made of it by UKvisas. We sought to establish whether best use had been made of the available information in managing the business, and whether there were any gaps in management information collected.

Survey of 100 visa-issuing posts

We sent a questionnaire to 100 posts worldwide, including all posts receiving more than 2,000 visa applications per year and a selection of smaller visa issuing posts. This sample achieved a very wide coverage of UKvisas' operation. We asked posts to provide a rating and comments on a range of issues concerning the resources available including staffing, accommodation, equipment and information technology. We also sought their views on the support offered to posts from UKvisas and other bodies centrally, including training, guidance and communication. We received a 100 per cent response rate.

Fieldwork visits to posts overseas

Another key component of our fieldwork was visits to posts overseas. The purpose was to develop a better understanding of circumstances in each country, and the approach of the post to delivering an efficient and high quality visa service, often in difficult circumstances. It also enabled us to supplement our analysis through collection of information not available at the centre on a number of issues. We visited 12 posts during our fieldwork: Accra, Bangkok, Beijing, Dhaka, Istanbul, Lagos, Madrid, Moscow, Mumbai, New York, Rome, and Skopje. These posts were chosen, in agreement with the Foreign and Commonwealth Office, because they comprised a broad range of sizes, circumstances and approaches to managing a visa operation. During each visit we:

- conducted structured interviews with key staff including entry clearance officers, entry clearance managers and locally engaged staff. Where appropriate, we also talked to other embassy staff, including Airline Liaison Officers and staff engaged in trade and investment promotion activities;
- reviewed performance information collected by posts. We also collected additional statistics not held centrally including on the number, type and outcome of appeals;
- reviewed the correspondence and complaints received at post including the subject matter and the time taken to respond;
- conducted a customer satisfaction survey to seek views on the facilities provided at the post, the courtesy of staff and whether the applicants knew which were the requisite documents to support the application;
- examined whether applicants were bringing the correct documentation to support their applications;
- reviewed a sample of 30 refusals to collect new information on the common reasons for refusing applications;
- analysed information on a sample of appeals (30 appeals at each post where possible) to collect new information on reasons for the decisions made at appeal, and to establish the time taken for the appeal process; and
- where possible, we also visited visa sections of other countries (including the United States and Germany) to compare their approach to that of UKvisas, and visited the British Council to obtain views on co-ordination.

We also carried out short fieldwork visits to Bucharest and Sofia in response to the allegations made regarding applications made under the European Community Association Agreements at these posts. We spoke with key officials including entry clearance staff and their managers, and reviewed correspondence and case files.

Semi-structured interviews with UKvisas and other government departments

In the course of the study we conducted a number of interviews within UKvisas and its parent departments: Foreign and Commonwealth Office and Home Office. Interviews at UKvisas and the Foreign and Commonwealth Office included those with responsibility for implementing policy issues, operational reviews, performance measurement, estates management and correspondence. We sought to establish UKvisas' central initiatives, how it monitors its activities and deals with constraints.

At the Home Office we met staff from the Immigration and Nationality Directorate, including its Intelligence Service, border control staff and research units. We discussed the security and control elements of entry clearance work including the use of biometric data, the available information on compliance with visas, the formulation of policy and dissemination of associated guidance, and liaison issues.

We also met staff involved in the appeals process. This included staff from the Immigration Appellate Authority which is part of the Tribunals Group within the Department for Constitutional Affairs and from the Appeals Processing Centre, Home Office Presenting Officers and some adjudicators who hear entry clearance appeals. We reviewed the available information and analysed appeals statistics collected by the Appeals Processing Centre and from the Immigration Appellate Authority to establish information about the timeliness and outcomes of appeals.

Documentation review

We reviewed a large body of departmental guidance and other available documentation on the entry clearance process. This included:

- key documents, including the memorandum of understanding, strategic plan, business plans and annual reports;
- immigration legislation, the Immigration Rules and Diplomatic Service Procedures which provide the framework and guidance within which entry clearance officers must operate;
- annual entry clearance, immigration and appeal statistics;
- research relating to entry clearance obtained from internet and library searches, including the UKvisas and Home Office website;
- guidance on UKvisas streamlining initiatives and i-visas intranet site; and
- minutes from UKvisas User Panel meetings.

Consultation exercise with stakeholders

We consulted a variety of stakeholders with different specialist interests in the entry clearance process through both written consultation and interviews. Interviews with other bodies active in the sector included the National Association of Citizens Advice Bureaux, UKCOSA: the Council for International Education, Immigration Advisory Service, the Immigration Law Practitioners Association and several umbrella organisations for educational establishments. We also observed a UKvisas User Panel meeting where a wider group of stakeholders expressed their views. The User Panel meets with UKvisas regularly and includes representatives from law centres, immigration lawyers' associations, educational establishments and welfare organisations.

Expert advice

We employed a consultant, Dr Heaven Crawley, to act as reference partner. Dr Crawley has expertise in entry clearance and migration issues and has previous experience in conducting research for the Home Office. She gave advice on study methodology and provided an expert view on the findings reached.

Appendix 4

The Public Service Agreement targets

UKvisas has four Public Service Agreement targets, as listed below:

Efficiency

90 per cent of non-settlement applications not requiring interview to be decided within 24 hours

90 per cent of interviews for non-settlement applications to take place within 10 working days

Posts to interview applications for settlement within target times in 90 of the 100 largest visa-issuing posts (target of 12 weeks for all but 4 posts)

Control

The number of visa holders whose leave to enter the United Kingdom is cancelled on arrival is not to exceed 0.04 per cent of the number of visas granted.

Appendix 5

A comparison of the service provided by UKvisas to selected other countries

We compared the visa service offered by UKvisas with those of selected other countries. We found that differences between the countries reflect a number of factors, including the immigration legislation and the procedures followed by each country. In addition, entry clearance work in many countries is funded by public taxation, unlike the United Kingdom, where the costs must be met entirely from its visa income, which places additional limits on available funding for the operation. Some of the main features of each service are highlighted below.

A comparison of the visa service provided

Country	Price of a visa	Turnaround time	Immigration rules	Other factors
United Kingdom	Visit: (6 month) £36	24 hours for straightforward applications. 10 days for applications requiring interviews.	There is a right of appeal for some categories of application.	
United States	Visit: £53	Depends on queue in country.	<ul style="list-style-type: none"> Once an applicant has been rejected, (s)he may be barred from making a second application. There is no right of appeal 	New immigration procedures require that all applicants are interviewed.
Australia	Visit (3 month) £27	7 working days		
Canada	Visit: (single entry) £35	In person: same day Mail or courier: 10 days		Applications from 44 countries take longer.
Germany	Visit: £21	7 days	<ul style="list-style-type: none"> Germans are part of the Schengen agreement and as such, must check all visa applications to a co-ordinated database. Wide rights to appeal 	<ul style="list-style-type: none"> Appointment system 14 day turnaround for 25 countries. German policy relies heavily on documentation in assessing applications, and only interviews settlement cases.

We found that the turnaround time for a visa varied according to the country in which the visa application was to be made, depending on demand and local circumstance. This is illustrated by the tables overleaf which give some examples of waiting times and prices in three sample countries in different regions on a randomly chosen date.

Prices and turnaround times at selected missions in Accra, Bucharest and New Delhi, January 2004.

Accra, Ghana:

Mission	Number of standard visit visa applications per year	Turnaround time
United Kingdom	40,000	24 hours
United States	32,000	8 to 12 weeks from application
Australia	No mission	Not applicable
Canada	3,000	Same day (unless a medical is needed)
Germany	12,000	4 working days

Bucharest, Romania:

Mission	Number of standard visit visa applications per year	Turnaround time
United Kingdom	24,000	24 hours
United States	14,000	15 day wait for interview
Australia	1,000	2 - 4 weeks. (Processed in Belgrade)
Canada	14,000	Same day
Germany	No visas issued	Not applicable

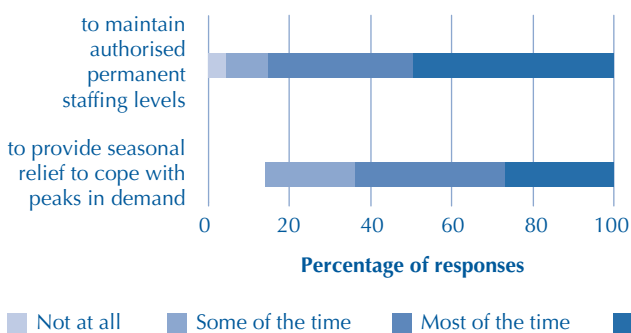
New Delhi, India:

Mission	Number of standard visit visa applications per year	Turnaround time
United Kingdom	72,000	24 hours
United States	45,000	2 - 3 days
Australia	14,000	3 days
Canada	30,000	24 hours
Germany	23,000	24 hours

Appendix 6 National Audit Office survey of 100 visa-issuing posts

In July 2003, we surveyed 100 of the 162 visa issuing posts worldwide, covering all posts which process more than 2,000 applications per year and a sample of smaller posts. We received a 100 per cent response rate. We asked posts to provide a rating and views on a range of questions concerning their ability to deliver the visa service.

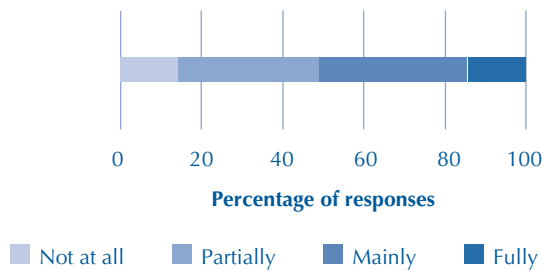
To what extent have you been able to obtain sufficient staff of the necessary quality?



Additional Information

- 36 per cent of posts considered that their allocation of permanent staff was not sufficient to meet demand.
- 26 per cent of posts encountered difficulties in filling vacancies at posts.
- 42 per cent of posts thought that staffing arrangements were not sufficiently flexible to cope with increasing demand and changes in Immigration Rules.

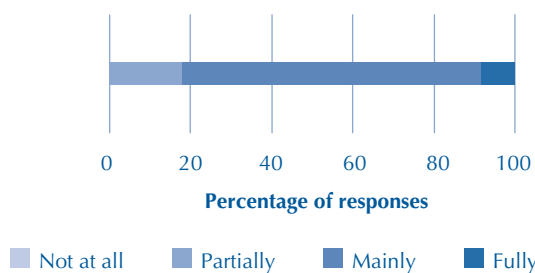
To what extent does the visa section accommodation meet your needs?



Additional Information

- Common accommodation constraints included the physical size of the visa section, the desk space for officers, the number of interview booths and storage space.
- 57 per cent of posts reported that there had been an upgrade to their accommodation within the past five years, ranging from new buildings to minor refurbishments.
- 46 per cent of posts anticipated problems with accommodation in the future if demand continued to increase.

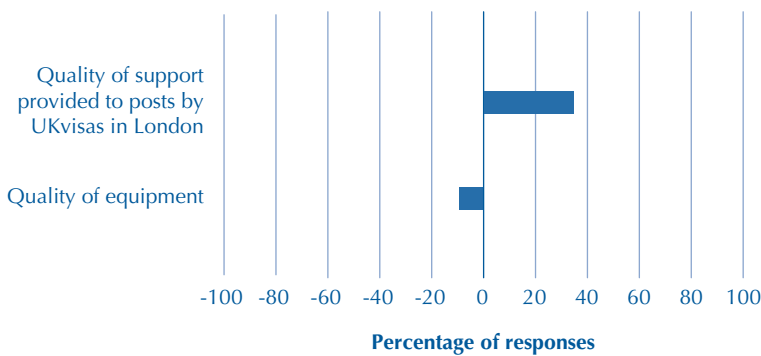
Does the information technology provided meet your needs?



Additional Information

- There was a high level of satisfaction with the information technology, although complaints included:
 - Slow delivery of updates to the security databases; and
 - Difficulties in generating reliable statistics from the visa issuing software system.

Net satisfaction ratings¹: support provided to posts by UKvisas and the quality of equipment



Additional Information: Quality of support provided to posts by UKvisas in London

- Highly rated elements of the support provided by UKvisas in London were the correspondence section and the entry clearance officer support line.
- Posts frequently refer to the guidance on Immigration Rules, but some commented that this is not updated sufficiently often to keep abreast of policy developments.
- Posts highlighted the potential benefits of regional workshops and operational reviews, but the lack of coverage meant that 40 per cent of posts had no recent experience of these.

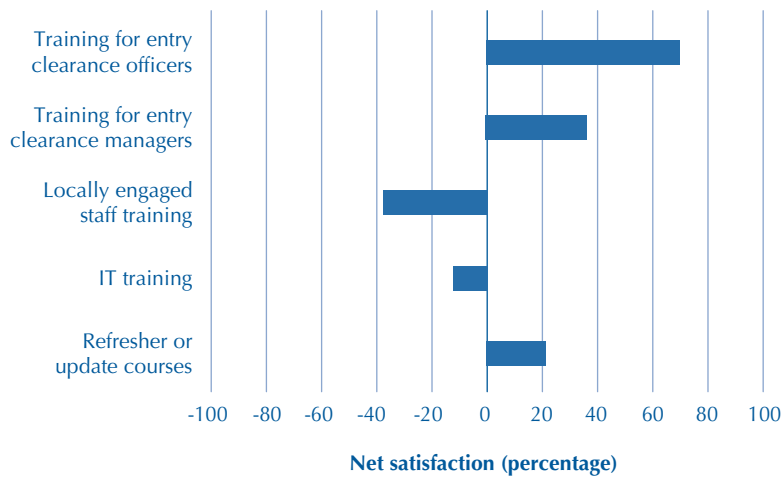
Additional Information: Quality of equipment

- Posts were particularly dissatisfied with the reliability of printers and cash tills. 57 per cent of posts commented that the visa printers were not reliable and 52 per cent were dissatisfied with the cash tills.
- Maintenance and repairs were reported to be slow, although new equipment is to be rolled-out.

NOTE

1 Net satisfaction graphs indicate the net satisfaction rating arising from the responses of individual posts to the questions included in our survey. Net satisfaction is calculated by subtracting negative responses from positive ones. For example, if 60 per cent of respondents rated a service as good and 40 per cent rated it as poor, the net satisfaction rating would be 20 per cent.

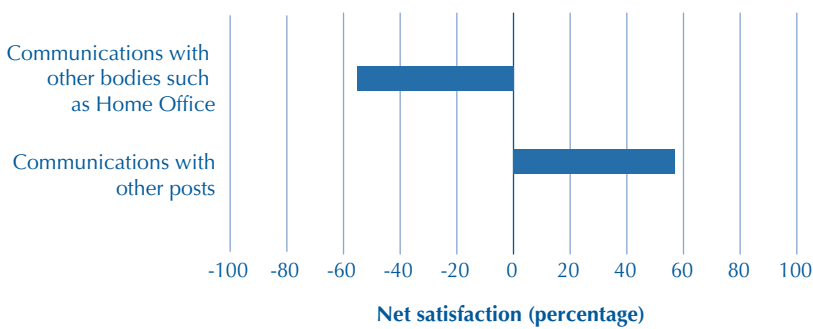
Net satisfaction ratings for quality of training:



Additional Information

- Posts were content with the quality of training courses for entry clearance officers and managers although some posts highlighted a need to focus management training more on monitoring and resource issues;
- Posts would like more refresher training to update skills and to concentrate on specific technical issues;
- Many posts rated locally engaged staff training as high quality, but 46 per cent of posts believed that the number of courses provided is insufficient. Training for locally engaged staff was thought to be particularly needed on United Kingdom immigration laws and information technology systems; and
- 29 per cent of posts commented that there is insufficient information technology training, for both United Kingdom and locally engaged staff.

Net satisfaction ratings for the strength of communications



Additional Information

- Many posts commented that better links with other posts would allow them to gain from shared information and lessons learned. Some suggested that this could be achieved by more regular regional meetings and entry clearance manager conferences.
- Posts reported significant delays from the Home Office when requesting information about a visa application. Posts often found it difficult to establish a point of contact within the Department when queries arose.

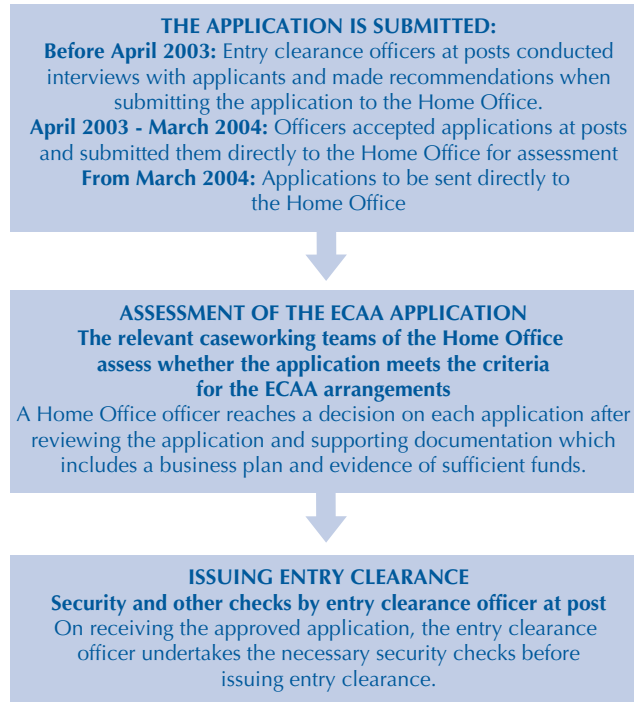
Appendix 7

The operation of the European Community Association Agreements in Bulgaria and Romania

The European Community Association Agreements

The European Community Association Agreements (ECAA) with Poland and Hungary came into force on 1 February 1994. Agreements with Bulgaria, the Czech Republic, Romania and Slovakia came into force on 1 February 1995 and the agreements with Lithuania, Latvia, Estonia and Slovenia provided establishment clauses which came into force on 31 December 1999. The Agreements, which have been extended to all Member States of the European Economic Area (EEA), provide for nationals of these Central and Eastern European (CEE) countries to be treated on a par with EEA nationals for the purpose of establishing themselves in business in the Member States.

These nationals may only benefit from the Agreements for the purposes of establishing themselves in business. An applicant will have to show that he has the means under his control to set up a viable business that will support him and any dependents without recourse to other employment or public funds.



Entry clearance is required by some nationalities under the Agreements

Most nationalities included under the ECAA arrangements do not need visas to enter the United Kingdom. The exceptions are nationals of Bulgaria and Romania, where entry clearance is mandatory and must be issued in addition to approval of the ECAA application. Around 20 per cent of ECAA applications in the period required entry clearance. In these cases, individuals must apply from a British mission overseas. Applicants who do not require a visa may make their application after entry into the United Kingdom.

The application (where entry clearance is required)

The application process has been modified in recent years to reduce the role of the entry clearance officer. Originally, entry clearance staff at post were conducting detailed interviews of applicants, and then making recommendations when submitting their application for assessment by the Home Office. This practice was discontinued in April 2003 as a review team decided that the value of such interviews was often nugatory. From this point, entry clearance staff merely passed applications to the Home Office for assessment. From March 2004, this was taken one step further and applications were to be sent directly to the Home Office. Entry clearance staff continue to carry out checks on receipt of approved applications prior to issuing entry clearance.

Individuals are entitled to "switch" their visa status to make an application under the ECAA arrangements after entry to the United Kingdom

The ECAA regulations allow individuals to apply after entering the United Kingdom with a different category of visa. In these cases individuals apply directly to the Home Office. The total number of applications made in the United Kingdom (see table) comprises both people who wish to switch in this way, and people who do not require a visa before entering the United Kingdom.

Entrants can apply for further leave to remain after one year

Applicants who meet the criteria under the Agreements are issued a visa to reside in the United Kingdom for a period of one year. After one year, they can make an application to the Home Office for further leave to remain under the ECAA arrangements. In doing so, the applicant must provide evidence that a genuine business has been set up in the United Kingdom.

Total Number of ECAA Applications

A total of 27,000 applications were made under the Agreements in 2003-04, the majority of which were made in the United Kingdom, although 8,300 applications were made at entry clearance posts, the large majority from Bulgaria and Romania.

Country	Number of ECAA applications made at posts overseas 2003-04	Number of ECAA applications made in the United Kingdom 2003-04
Romania	1,375	1,738
Bulgaria	6,659	2,181
Poland	72	8,444
Latvia	21	950
Estonia	1	186
Czech Republic	8	156
Lithuania	167	5,102
Hungary	7	95
Slovenia	2	5
Slovakia	6	222
Total number of applications made at post/ in the United Kingdom 2003-04	8,318	19,079
Refusal Rate	1.6 %	4.1%

NOTES

- The number of applications received from applicants who are in the United Kingdom includes visa nationals (from Bulgaria and Romania) who switch from other categories of visa after entry to the United Kingdom, in addition to non-visa nationals.
- The figures shown represent applications, rather than individuals. The figures show new applications only and do not include extensions where applicants are granted further leave to remain.

Source: UKvisas and Home Office statistics (These figures, from UKvisas' and Home Office's internal information systems, have not been subject to management validation)

Communication regarding the Agreements was not always effective

There was communication between entry clearance staff and staff in the United Kingdom on a range of issues raised by the ECAA arrangements. These centred around the standards and criteria to apply when assessing applications. There was regular communication between staff on individual cases including, before April 2003, letters from entry clearance staff at posts detailing the reasons for their recommendations for refusal. Posts generally received only a standard letter in response, instructing them to issue the visa. There was a range of other correspondence on the wider issues with UKvisas policy section staff and Home Office staff. This included two visits from Home Office and UKvisas staff in March 2003 and August 2003, and concerns about the Agreements being raised by more senior staff at post and by visiting officials. These actions resulted in changes to the application procedure as described above.

Interpretation of European Union law differed

A lack of common understanding remained because the changes did not resolve the essential issue of the interpretation of European Union law and court judgments. The Agreements were part of a wider European Union initiative and as such, were subject to European Court of Justice judgments. Based on the objectives of the Agreements and several court judgments, Home Office staff believed that they were not able to make it any more onerous for Bulgarian or Romanian nationals to set up business in the United Kingdom than for British nationals. Many applicants applied to set up business as self-employed in either the building or cleaning trades, and it is relatively easy for United Kingdom nationals to be self-employed in these occupations even with few skills or little experience. Home Office staff were conscious of these factors when assessing applications, and how they were reflected in the Agreements and in the immigration rules. Entry clearance staff, on the other hand, were more conscious of the entry clearance standards applying to other types of applications and how they were reflected in the Immigration Rules. The two resulted in different understandings of the appropriate criteria for assessing applications.

An allegation was made in March 2004 regarding the operation of the Agreements in Romania and Bulgaria

In March 2004, a member of staff at the Immigration and Nationality Directorate claimed that key checks for ECAA applications were being waived with respect to migrants from the eight Eastern European countries who were due to join the European Union in May 2004. Following this, a member of staff in Romania sent material to David Davis MP which suggested that ECAA applications were being granted in Romania and Bulgaria on the instructions of the Home Office, despite grave concerns that applicants did not meet the relevant criteria and would not therefore qualify for entry under United Kingdom immigration rules. The member of staff alleged that some applications were being made using forged or dubious documents, but that warnings from entry clearance staff were being ignored.

Applications were approved against the advice of entry clearance staff

Many applications under the ECAA arrangements were approved against the advice of entry clearance staff. Entry clearance staff strongly recommended refusal for many cases. They raised the following concerns:

- Some applicants had no appropriate skills in their chosen business and had no basic understanding of the trade. The new business was often not related to previous employment;
- Some business plans did not appear to be either credible or based on realistic figures;
- Applicants had no idea of what was in their business plan which created suspicion that the application was not genuine. Many applicants submitted very similar business plans completed on a proforma basis. At one post over 150 virtually identical business cases were all submitted via the same agent;
- Many applicants could speak little or no English;
- Some applicants were accepted who had previously entered the United Kingdom illegally or had unsuccessfully claimed asylum; and
- Checks made at post on documentation such as employment and financial records cast doubt on the genuineness of some applicants.

In their view, many applications amounted to 'disguised employment' and should therefore not have been accepted under the Agreements.

The investigation by Mr Sutton is looking into the Home Office's handling of these cases.

Many visa holders switched from other categories of visa to an ECAA application once in the United Kingdom

There were many examples of Bulgarians and Romanians obtaining a tourist or student visa and then applying to 'switch' once in the United Kingdom under the ECAA regulations. Some applicants applied to switch very shortly after entering the United Kingdom. This raised doubts over the initial intention for the visit had been as stated, or whether in effect, a visa had been obtained by deception.

The number of applications at posts has increased rapidly, partly due to the role played by agents

Applications under the Agreements have been increasing rapidly in the last three years. Agents have in many cases played a key role in promoting and facilitating applications. Entry clearance staff believe that some agents guarantee the provision of visas for fees of around £1,500 per case.

Financial Year	Applications Received at Sofia	Applications Received at Bucharest
2001-02	23	40
2002-03	890	184
2003-04	6,659	1,375

Source: UKvisas' statistics (These figures, from UKvisas' internal information systems, have not been subject to management validation)

