

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

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 clearance ³ .	

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.	

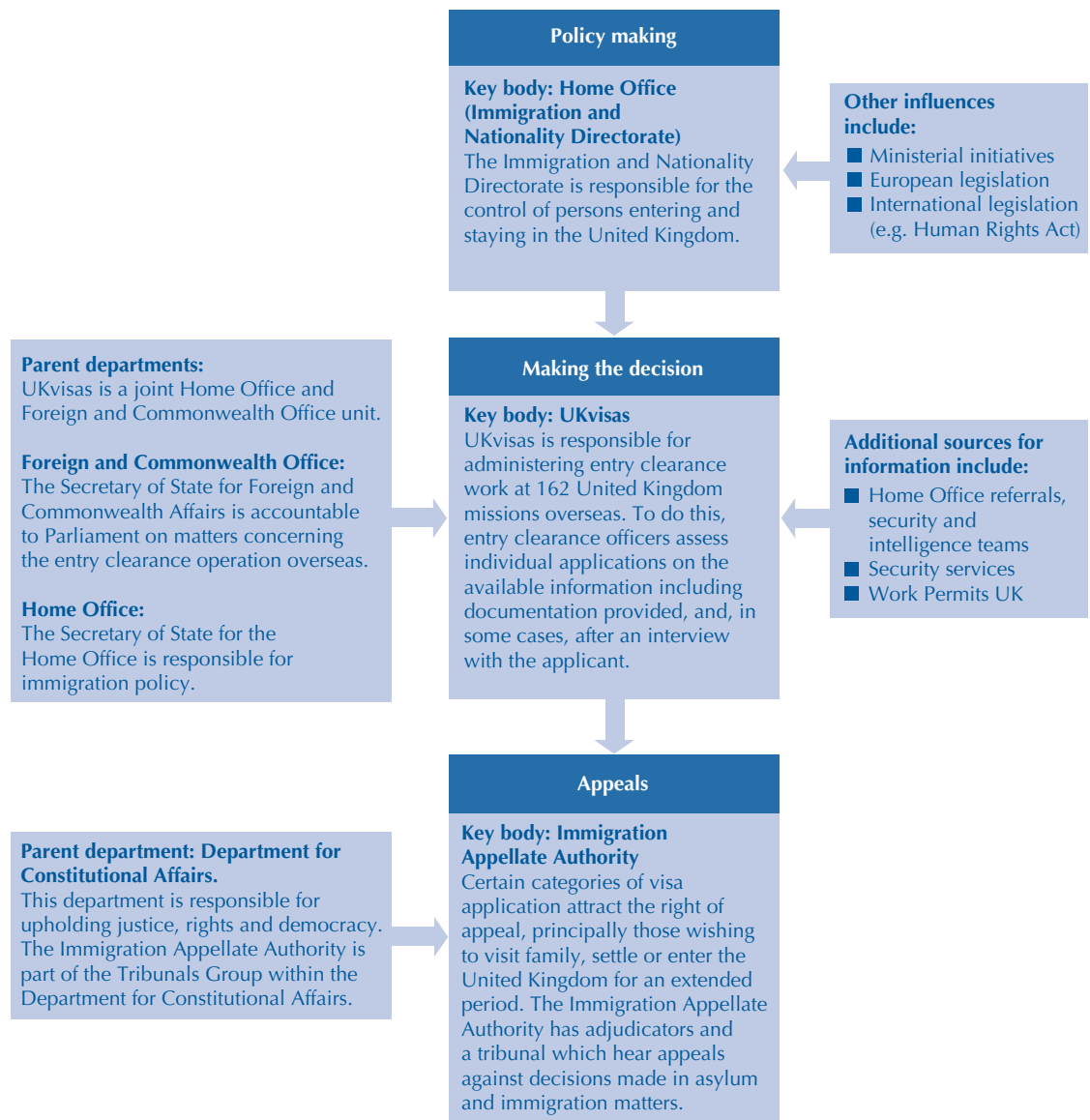
NOTES

- 1 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.
- 2 The total number of admissions of non-European Union citizens also includes an estimated 27,000 admissions granted on lodging an asylum application.
- 3 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)

- 3 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

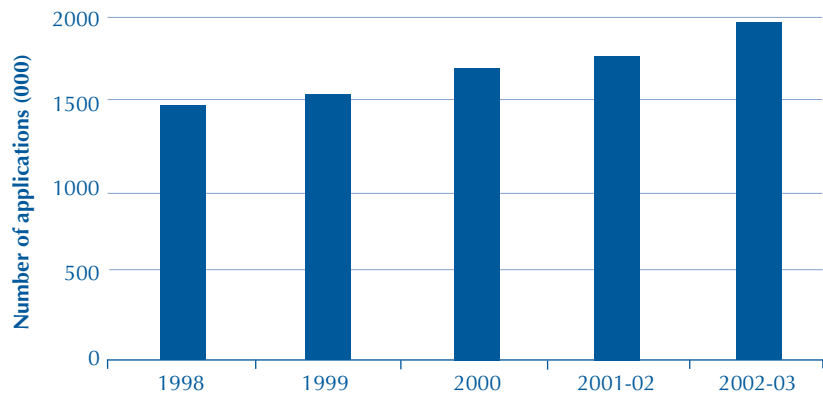


Source: National Audit Office

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.