

The Independent Monitor for Entry Clearance



Report on my visit to Colombo: December 2006

Background information

UKvisas provided a helpful advance pack of briefing information, including a Post Report, Operational Visit Report of November 2005 and Audit from October 2004.

Demand

In financial year 2005-06, Colombo received 28,221 applications a decrease of 2.5% on the previous year. From April - September 2006, there have been 16,625 applications, an increase of 1.1% over the same period in 2005-06. In 2005-06, applications divided into the following main categories:

Visits	42%
Family	26.5%
Students	14%
Work Permits	2%
Settlement	6%
Working Holidaymakers	0.03% (currently suspended)
Other	10%

Turnround times

From April to September 2006, Colombo met the PSA targets which are all related to turnround times. I note a significant improvement in the target for straightforward applications in that 94.3% are resolved within 24 hours, compared with 52.2% last year.

Refusal Rates and appeals

For 2005-06, the overall refusal rate was 30.3%. From April – September 2006 the rate is almost unchanged at 30.2%. In the second quarter of 2006-07, 53% of appellants whose cases were handled in Colombo won their appeals against refusals to issue visas, compared with a global average of 48%.

Independent Monitor's assessment in the Report for 2005

In my Report for 2005, I saw 31 cases from Colombo. I thought that the decision was perverse given the evidence in 5 cases, in 1 case the use of the Immigration Rules was incorrect and I was concerned about use of judgement in 2 cases. I also noted 1 case where the applicant had been provided with incorrect information about appeal rights. This gave a reasonableness rating of 71%, compared with a global rating of 77%. I class that as **fair** performance.

The programme

On arrival I issued instructions for the file samples I wished to assess and they were provided efficiently despite the visa office worrying whether its filing system was good enough to cope. I talked with Entry Clearance Assistants, Entry Clearance Officers, the Risk Assessment Officer and the Entry Clearance Managers about their roles and work. I reviewed the information

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available to applicants at the Deputy High Commission, the Commercial Partner's offices and on the FCO website. I observed interviews, with the applicants' consent.. I visited the British Council. I do note that the overall programme was on the muddle side of flexible and there were a number of versions flying around with some uncertainty over which was the current one.

I visited the offices of VFS, the Commercial Partner but I make no comment on my impressions, nor did I at the time, because they are in the late stages of the global tendering exercise with UKvisas. It would, in my view, be inappropriate for me to express a view on one of the competitors but not on the others.

Information

The High Commission website does not have the UKvisas' logo and it is rather hard to track through various screens to get to the visa information. Once there, the information was plain and simple. I do note that the notice warning that the Working Holidaymaker scheme was suspended on 1 April 2005 says that the decision would be reviewed in six months time, but there is no information about the outcome of that review, if indeed one took place.

At street level the High Commission has a large, and accurate, metal notice with opening hours. That good impression was rather spoiled by a mismatched collection of sellotaped A4 notices on a window and glass door. Some needing updating as they notified a future change now long past, others needed simple rewording, all should have the UKvisas' logo, and they needed to be tidied up into one place. That was done the same day. **I also recommended** that the visa office should have a formal translation policy and then make sure that all information was in accord. It seemed to me that in the current very sensitive political situation that to translate some information into Sinhalese but very little into Tamil might give an inappropriate impression of bias.

[UKvisas response:](#)

[Recommendation accepted and implemented. All notices are now in Sinhala and Tamil.](#)

General correspondence.

Most of the general correspondence relates to potential visa applications, but I was concerned that a straightforward begging letter to the High Commission and a request for a scholarship were answered on UKvisas' headed paper. It was hard to see who replied as letters are generally noted Visa Section and I think that they should include the name and job title of the writer. Someone had a catch up blitz on 6 November and that cleared a number of replies that had been outstanding for some time, including from the end of August. Overall, I thought that the response to these initial enquiries was often abrupt saying simply that "we cannot help" without explaining why.

First impressions

The visa offices are in an ageing building and there are plans for a replacement. There is a large, shabby though clean, waiting area. Although a bit faded round the edges, I thought that it was a pleasant and welcoming space because of the lively display of children's' paintings obtained after the High Commissioner ran a competition for pictures of UK life. They were far more vibrant than the usual set of UK tourist posters and it would be good if at least some of

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them could be retained and framed to protect them. This is an idea that could be copied by other Embassies and High Commissions.

I was pleased to see the full range of UKvisas' information leaflets neatly displayed on a board, and there was a quantity of rather indigestible looking but tidy notices. I did note that applicants spent their time walking round looking at the children's' paintings!

Interviews

The interview counters are off the waiting room but there is a dividing glass wall with doors which protects privacy. The area immediately in front of the counter in use had been roped off so that interviews were unobserved by waiting applicants. I was also pleased to see that the blinds were down on the unused counters.

I thought that the interviews were of high quality. The Entry Clearance Officer had a quietly courteous style and I was pleased to see clear focus on gaps in the paper evidence. Once the gap had been filled, the interview was ended.

Entry Clearance Officers need Entry Clearance Manager authorisation to invite the applicant for interview. From what I saw, I am satisfied that the discretion is being exercised properly though **I recommended** that the Entry Clearance Managers commit their criteria to paper so that there is a known policy.

UKvisas response:

Recommendation accepted and implemented. Written guidance was circulated to ECOs.

Process

I noted some duplication of work as the initial assessing Entry Clearance Officer notes were not always detailed enough to pinpoint the area of concern so the interviewing Entry Clearance Officer had to review all of the papers. I noted a similar issue when an application is deferred for whatever reason; inadequate notes meant more work for whoever picked the case up later on. **I recommended** that Entry Clearance Officers provide a fuller note when a decision cannot be made on the day. I was concerned to see a case that had been deferred on 30 October and was only being called up again on 12 December. Entry Clearance Managers undertook to find out the cause of the delay. In other cases, previous linked applications could not be found and that hampered thorough decision making.

UKvisas response:

Recommendation accepted and implemented. Written guidance was circulated to ECOs.

File sample

I reviewed 42 files where visas had been refused; 25 had full rights of appeal and there was no discernable difference in the quality of decision making in cases with and without full appeal rights. I had some problems making an adequate assessment of all of the evidence as current practice seems to be to return supporting documents without keeping a copy. I do understand

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restrictions on filing space, but **recommended** that the Entry Clearance Managers should seek UKvisas' advice on best practice in this regard.

UKvisas response:

Recommendation accepted and implemented. UKvisas Best Practice adopted at Post.

All of the Refusal Notices correctly stated the category of the proposed visit but very few included confirmation of the length. **I recommended** that that was included straightaway, e.g. "You have applied for a visa to visit the UK for a 10 day holiday". Most, but not all, set out the evidence base by summarising the information that the Entry Clearance Officer had taken into account. Ensuring this is included in all Refusal Notices will improve consistency of style and structure in neatly presented Notices. There was a higher level of typos and errors than is reasonable, and I explained how a simple error - describing a place as being on the West, rather than the East coast, can completely undermine the applicant's faith in fairness or reasonable knowledge of Sri Lanka.

UKvisas response:

Recommendation accepted and implemented. Written guidance circulated to ECOs.

I noted a few tricky words such as inextricably and contemporaneous, and ran a brief exercise to explain how easy it is to use simple words rather than long ones. In a country where English is a common second language, it is all the more important to ensure that the applicant can understand the Refusal Notice as they will not arrange a formal translation. I awarded Colombo the "prize" for the longest Refusal Notice sentence that I have seen recently, all 79 words of it.

I was satisfied that use of judgement was reasonable in all of the cases without full rights of appeal, though there were others where I thought the applicant had a very good chance of winning an appeal if one is made. There was some good use of evidence and knowledge of the Immigration Rules but only a small proportion of the Refusal Notices had sufficient detail to link the evidence with the Entry Clearance Officer's reasons. There was much use of dull standard paragraphs which would give applicants little confidence that the Entry Clearance Officer had read all the supporting papers. For example, "you have not provided satisfactory evidence of means" in a case where the applicant had sent in 6 savings account passbooks, which were thought to be genuine. The Refusal Notice would lead the applicant to think that the pass books had been overlooked or had gone missing, when what should have happened is that the Refusal Notice should have continued with a because, e.g. "because the savings books are in your parents' names and there is no evidence that their money will be available to you." I was also concerned at a standard statement that "you have been unable to explain" when the VAF does not ask the question and the applicant had not been interviewed and given the chance to explain. The High Commissioner and the British Council both said that many of the concerns they receive are about the Entry Clearance Officer looking at the wrong papers. I can see why that belief occurs because Entry Clearance Officers do not generally indicate the evidence taken into account. Given the unthinking use of standard paragraphs with little specific detail, I class Colombo's current performance as **fair**.

UKvisas is currently working on a detailed guidance framework for Refusal Notices and I am confident that the team in Colombo will enjoy developing practice to comply with the guidance.

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In the meantime, **I recommended** that each applicant should have a separate Refusal Notice as some, such as a married couple and child, were grouped together.

UKvisas response:

Recommendation accepted and implemented.

The British Council

I was impressed by the number of English learners using the British Council building and by the evidence of serious study there. The visa office is developing a good working relationship with the British Council and **I recommended** that the visa office should provide the Council with copies of the key visa information leaflets. It should also make use of the specific poster provided by the Council and refer to the Council's student advice leaflet. I was concerned about the level of advice on visa matters that may be being provided and one of the Entry Clearance Managers will be following that up.

UKvisas response:

Recommendation accepted and implemented.

Although long term students are not currently within my remit, I was interpreted to learn that a group of local British Education Representatives is trying to get its existence and code of conduct adopted in law through a Private Member's bill. Its aim is to ensure high professional standards in student recruitment and that forms an excellent base for co-operative work.

Complaints

Best Practice guidance says that a complaints register should be maintained to monitor performance. Colombo has both a paper and e register and I reviewed a small sample of files. I thought that the standard of reply from one Entry Clearance Officer and from the Office Manager was excellent, both having researched the background and obtained relevant evidence. Others had briefer and less specific responses which would be less re-assuring. Entry Clearance Managers need to review the complaints register on a formal basis at intervals so that any overall conclusions can be used to improve performance. They should also develop office practice in responding to complaints from whatever the source.

Administrative review

The Entry Clearance Managers do not keep a separate register of decisions overturned though it looks as though the appropriate record is kept on Proviso. I asked for these files to be provided, along with a print out of the note, but they could not be arranged in time. It does look as though only cases overturned at a later date are recorded on Proviso and there may not be a record of how many preliminary Entry Clearance Officer decisions are amended on the day of issue.

Overview

My impression of the Colombo visa office is that it struggled to manage within its resources in 2005 and early 2006 given consular demands on the then lone and part time Entry Clearance

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Manager. It felt misunderstood and unappreciated in UKvisas 2005 Operational Review, and has resented being told to be like India by regional management. Having seen how adequate managerial resource has turned Chennai around, I think that something similar can be achieved in Colombo, from a higher base, now that there is a full time Entry Clearance Manager in addition to the split duties one. **I recommend**, however, that more thought is given to the functional split between the Entry Clearance Managers as the initial version seemed to be time based, rather than skill and aptitude. The Deputy Head of Mission is aware of the work that needs to be done on that and I am sure that UKvisas' regional management can give advice.

UKvisas response:

Recommendation accepted. Regional Management will look at how the division of duties might better improve efficiency.

I describe Colombo as "ready to go". From what I saw of the support team I am confident that it can provide high quality assistance and add a great deal to the quality of the team's work by making sure that there is a truly Sri Lankan emphasis. The team can use the combination of additional management resource, imminent UKvisas' guidance and the impact of my own visit to kick start a programme of modernisation, with project based risk assessments that apply to Sri Lanka rather than being copies from elsewhere. Fidel Castro once said of Cuba that it is not in anyone's backyard. Neither is Sri Lanka and in UKvisas' commendable efforts to improve consistency there is a real need to understand and work with national difference. The visa section in Colombo needs pride of ownership in how it moves forward.

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