

Independent Monitor Table of Recommendations: New York and Ottawa Visit October 2007

| Recommendation  | Page                    | UKvisas' Comments  |
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| <p><b>Application Processes: Visa fee</b></p> <p>" There is strong use of on-line applications in both Posts. It is mandatory in New York and Ottawa has 95% of its applications made on-line. Applicants in person in New York can collect the decision later that same day if the decision is reasonably straightforward. That is not allowed in Ottawa, where all applicants have to wait for the decision to be posted to them, and have to pay a mandatory additional fee for postage.</p> <p><b>I recommend that Ukvisas confirms if a mandatory additional handling fee is allowed under the Consular Fees Order."</b></p>   | <p>1<br/>(Overview)</p> | <p>A mandatory additional handling fee is not allowed under the Consular Fees Order. UKvisas is reviewing the way in which applications are returned to applicants in N. America. In Toronto, applicants have the option to collect their returned applications free of charge.</p>  |
| <p><b>New York Public Area: Reception</b></p> <p>"I spent two periods in the entrance hall of the multi-tenanted office block observing the way applicants navigated their way in. I thought that there were significant problems. A small queue appears before the 9:00 opening and that is handled reasonably efficiently but, thereafter, a high proportion of applicants by-pass the first security guard, report to the second guard and are sent back outside. I was impressed that my suggestion that guard 1 should have a vest that indicated <i>UKvisas</i>, rather than just <i>Security</i>, was acted on immediately but concerned to see that it made no difference. <b>I recommended that visa staff should review the reception process as applicants who had appointments were, quite reasonably ruffled and annoyed at being turned back. One applicant was shuttled back and forth 2 or 3 times and she was, quite reasonably, a bit more than ruffled and annoyed."</b></p> | <p>2<br/>(NY)</p>       | <ul style="list-style-type: none"> <li>• The process has been reviewed since the IM visit. In preparation for the collection of biometric fingerprints (from 2 December) we have removed the option for the majority of applicants to apply in person as they will be required to attend a DHS Application Support Centre to provide biometrics in advance of submitting their application.</li> <li>• Following this change, there will still be an opportunity for some applicants to apply in person (e.g. Diplomats and emergency/compassionate cases). Because no appointment will be required, they will no longer need to check first with the external guard. All applicants will be directed to the security counter inside the building and instructed to proceed through the security checks and up to the 10<sup>th</sup> floor visa section.</li> </ul> |

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| <p><b>Ottawa: Waiting Room</b></p> <p>"In Ottawa, the <b>waiting room</b> was attractive, though information leaflets were placed round the corner in the consular section and the required visa notices were not easily seen. <b>I recommended that the notices were moved.</b>"</p>   | <p>3<br/>(Ottawa)</p>   | <p>Ottawa has been aware of this issue for some time and has sympathy with this recommendation. As 95%+ of applicants have already applied online and there is no walk-in access to the visa section for customer information purposes the cost of building a new leaflet counter in the awkwardly shaped waiting room was postponed awaiting the FCO Investment Board's decision on refurbishing the Ottawa High Commission building. This refurbishment will now not take place and all front office functions are transferring to the Commercial Partner on 29 November 2007.</p> |
| <p><b>File Sample</b></p> <p>"I thought that the major weakness in both New York and Ottawa was that only a tiny percentage of Refusal Notices made any positive comments, demonstrating balance [Global = 17%, New York =10% and Ottawa = 6%] If a detailed Refusal Notice is simply a list of "you don't qualify because", applicants can quite reasonably conclude that no notice was taken of good points. It's easy to add in simple points to give a more balanced feel, such as "Whilst I am satisfied that your friends in the UK can provide accommodation and that they have the funds to pay for your stay I am not satisfied that ....." or "I note that you have travelled to the UK before and returned to this country, but your circumstances have changed since then and ....."". In some applications, there may be no positive points to make but as a reasonable target, <b>I recommended that 90% of Refusal Notices should have at least half a sentence to record a positive.</b>"</p> | <p>4<br/>(Overview)</p> | <p>UKvisas does not accept this recommendation. UKvisas acknowledges the need to achieve a balance and present objective refusal notices - existing Best Practice guidance (sent out with AECIP 11 of 2007) makes this clear. UKvisas remains committed to raising the quality of refusal notices but does not believe that such a prescriptive approach would be beneficial in this regard.</p>   |

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| <p><b>Training For Locally Engaged Staff</b></p> <p>"It was very apparent during my time with an engaging team of Officers in Ottawa that they were thirsty for guidance and help with decision making. I noted that none of the Entry Clearance Officers had undertaken the normal 3 week UK based Entry Clearance Officer course but rather had had shorter regional training. Whilst locally engaged staff bring significant benefits, <b>I recommend that UKvisas should set out clear expectations that all Entry Clearance Officers should have to attend, and pass satisfactorily, an identical training course no matter where it is held.</b> "</p>   | <p>4<br/>(Ottawa)</p>   | <ul style="list-style-type: none"> <li>• Following the introduction of the pass/fail system, it has now been agreed that in future all new ECOs should attend the full ECO training course in the UK, or an equivalent course delivered overseas.</li> <li>• A regional training event for staff in North America is scheduled to take place in the first quarter of 2008. The DVS will discuss course content with the UKvisas training unit in the light of these comments.</li> <li>• There are a significant number of UK based ECOs who were trained prior to the introduction of assessed courses. It would be impractical to require all of these to re-sit the training and to be assessed. The managers of such officers have a duty to manage their performance and address any developmental needs. In addition these ECOs will roll off over the next three years due to the nature of the cycle of overseas tours.</li> <li>• UKvisas will determine the number of locally engaged ECOs, who are not subject to a fixed tour of duty and who have not attended an assessed course and examine the practicalities of having them do so, either in the UK or as part of a regional training event. Any developmental needs identified during this process would be fed back to their managers.</li> </ul> |
| <p><b>Appeal Handling</b></p> <p>"I note here my disagreement with UKvisas' view on the information on how to appeal that should be provided to applicants with limited appeal rights. My concern at the way New York and Ottawa have responded to UKvisas' view is, however, a separate matter. On receipt of a completed Asylum and Immigration Tribunal Appeal form in a case where rights are limited, local policy is to tell the applicant that they have raised no Human Rights nor Race Relations grounds, rather than forward the form to the Asylum and Immigration Tribunal for it to determine whether the appeal is valid. Suppressing a completed appeal form is a very different matter from not treating a</p> | <p>5<br/>(Overview)</p> | <p>UKvisas acknowledges the fact that the Independent Monitor has correctly identified errors in the processing of received appeals with limited rights. UKvisas has previously issued guidance on how to process all appeals: AECIPs 38, 77 and 94 of 2006. Chapter 27 of DSP, which has recently been revised and published, clearly states that all appeals must be forwarded to the AIT, irrespective of whether the ECO considers the grounds of the appeal to be valid. A reminder will be sent to posts by the end of November.</p>   |

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| <p>letter as an appeal and I recommend that UKvisas should issue guidance on how to treat completed appeal forms in such circumstances.”</p> |  |  |
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