

Summary of Independent Monitor's Recommendations: Tokyo, Seoul & Ulaanbaatar – July 07

Recommendation	Comment	Date of Implementation
Overview Report:		
<p>Ulaanbaatar does not use the Short Term Student category on Proviso and it was not possible to lift out a firm refusal rate for Short Term Students, though the overall student refusal rate is 39%. I recommend that UKvisas issues guidance on how student categories of varying lengths should be recorded.</p>	<p>UKvisas acknowledges the importance of collecting data on Students applying to study for 6 months or less (those who intend to take employment or extend their visas) who are refused with limited rights of appeal. However, all Students (except Student Visitors), whether they are following a course of more or less than 6 months, are considered under para 57 of the Rules and will fall into Tier 4 of the new Points Based System (PBS). In light of this the Borders & Immigration Agency has advised that we should no longer differentiate between the two groups and has discarded the Short Term Student endorsement. The new Student Visitor category opened up a new route for those who want to undertake short courses whilst visiting the UK. These are considered under the new para 56K and will remain outside of PBS. UKvisas appreciates that the Independent Monitor will want to identify Students of less than 6 months considered under para 57 who are only given limited rights of appeal under Section 91 of the 2002 Immigration Act. We shall consider whether there is a way to identify them on Proviso short of re-instating the STS endorsement.</p>	
<p>I discussed the marked change in refusal rates with the Entry Clearance Manager, who thought it likely that the change was linked to a change in Entry Clearance Officer. My predecessor recommended that <i>checks needed to be made where Posts which deal with a significant number of</i></p>	<p>UKvisas is addressing this issue. We are committed to introducing Structured Decision-Making (SDM) processes for all non-Points Based System routes. SDM is based on the principles of PBS and is designed to ensure that ECOs reach decisions based solely on the evidence, risk analysis and the</p>	

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<p><i>applicants have dramatic rises or declines in their refusal rates</i> and UKvisas accepted that recommendation. I doubt that smaller Posts, such as Ulaanbaatar met the criteria of significant numbers, but I have noted in my own visits to single Entry Clearance Officer Posts that there can be a marked change - normally a fall - in refusal rates when staff change. I recommend that UKvisas takes steps to assess if this is a wider problem, and takes corrective action if it is.</p>	<p>requirements of the Immigration Rules. It will result in greater objectivity in the decision making process and is aimed to address the inconsistencies that can sometimes arise between ECOs when assessing similar applications. In addition, a Quarterly Checklist covering 10 minimum requirements will be introduced for all visa-issuing posts from December 2007. This will provide a focus for ECMs on the need to act on feedback from decisions, address inconsistencies between ECOs and report any issues that have arisen in the decision making process to both regional management and UKvisas, London.</p>	
<p>The Tokyo website was, overall, well designed and attractive. There was, however, one highly significant problem, in that it had no information for visit visa applicants, being firmly focused on the categories of application that would be made by Japanese nationals. I recommend that this is corrected without delay.</p>	<p>Accepted.</p>	<p>Implemented</p>
<p>I was also concerned that information on returnability for third country nationals was buried very deeply and would probably be tripped over by accident rather than found by someone who wanted to know. It is vital that there is accessible information and I recommend that is arranged without delay.</p>	<p>Accepted.</p>	<p>Implemented</p>
<p>In Ulaanbaatar, I recommended a visa section direction arrow and opening hours notice on the Embassy main door as without that, applicants needed to get through to reception on an intercom to be pointed further down the street.</p>	<p>Accepted.</p>	<p>Temporary sign in place. Permanent sign in place by end October.</p>

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<p>I also noted some confusing signs, in that the entrance is marked Consular and Visa, but once inside a small courtyard, the only door is marked Consular. This dated from the days when the visa section was in an outbuilding accessed through a further gate, and is a good example of little thought being given to applicant information when a pathway changes. I recommended a simple additional sign.</p>	<p>Accepted</p>	<p>As above</p>
<p>Ulaanbaatar had had only one complaint this year. I recommended, nevertheless, that there should be a formal record kept.</p>	<p>Accepted</p>	<p>Implemented.</p>
<p>In my recent Report on visits to China. I recommended that there was urgent work to do in ensuring accurate information for applicants and their agents in respect of changes to the Immigration Rules for Short Term Students. I repeat that recommendation, and note that UKvisas' lukewarm response to my previous recommendation related to Posts providing general student information, rather than as I had recommended, specific information about these imminent changes to the Immigration Rules.</p>	<p>Accepted</p>	<p>Implemented</p>
<p>In assessing the statistics, it was not possible to extract accurate figures for the Short Term Student category. I recommend that UKvisas issues guidance on how student categories of varying lengths should be recorded.</p>	<p>UKvisas acknowledges the importance of collecting data on Students applying to study for 6 months or less (those who intend to take employment or extend their visas), who are refused with limited rights of appeal. However, all Students (except Student Visitors), whether they are following a course of more or less than 6 months, are considered under para 57 of the Rules and will fall into Tier 4 of the new Points Based System (PBS). In light of this the Borders & Immigration</p>	

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	<p>Agency has advised that we should no longer differentiate between the two groups and has discarded the Short Term Student endorsement. The new Student Visitor category opened up a new route for those who want to undertake short courses whilst visiting the UK. These are considered under the new para 56K and will remain outside of PBS. UKvisas appreciates that the Independent Monitor will want to identify Students of less than 6 months considered under para 57 who are only given limited rights of appeal under Section 91 of the 2002 Immigration Act. We shall consider whether there is a way to identify them on Proviso short of re-instating the STS endorsement.</p>	
<p>In a country such as Mongolia, with rising wealth and aspirations, it is unsurprising that demand has grown, and grown more rapidly than anticipated. Resources have not kept up and Ulaanbaatar is under significant pressures. Whilst I am concerned that applicants experience slower than normal turnaround times, in terms of quality of service, applicants would be less concerned if they had adequate and firm information on how long the decision will take and I recommend that is done on the website, and by a notice in the visa section.</p>	<p>Accepted</p>	<p>Implemented.</p>
<p>Seoul:</p>		
<p>The waiting room was tidy and organised, giving a high quality impression. I recommended that there was the normal notice to say that the fee is for the application process and cannot be refunded once an application is lodged.</p>	<p>Accepted</p>	<p>. Implemented.</p>

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<p>I noted that a high proportion of applicants had not brought the correct fee, or had assumed that credit card payments would be accepted. This suggests that the current fee information is inadequate and I recommended that there is a specific focus on that when moving to the Application Centre.</p>	<p>Accepted</p>	<p>Implemented.</p>
<p>Tokyo: I thought that the Tokyo website was, overall, well designed and attractive. There was, however, one highly significant problem, in that it had no information for visit visa applicants, being firmly focused on the categories of application that would be made by Japanese nationals. I recommend that this is corrected without delay.</p>	<p>Accepted</p>	<p>Implemented</p>
<p>I was also concerned that information on returnability for third country nationals was buried very deeply and would probably be tripped over by accident rather than found by someone who wanted to know. The visa section had only recently found formal guidance that applicants are expected to have 2 months remaining on a Japanese residence permit after a proposed visit to the UK ends. As applicants are being refused on those grounds, it is vital that there is accessible information and I recommend that is arranged without delay.</p>	<p>Accepted.</p>	<p>Implemented</p>
<p>Ulaanbaatar:</p>		
<p>In assessing the statistics, the largest student category is Other, which Ulaanbaatar interprets as a period other than 1, 3, 6 or 12 months exactly. This is not the way I have seen other Posts record length of stay. Ulaanbaatar does not use the Short Term Student category on Proviso and it</p>	<p>UKvisas acknowledges the importance of collecting data on Students applying to study for 6 months or less (those who intend to take employment or extend their visas) who are refused with limited rights of appeal. However, all Students (except Student Visitors), whether they are following a course</p>	

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<p>was not possible to lift out a firm refusal rate for Short Term Students, though the overall student refusal rate is 39%. I recommend that UKvisas issues guidance on how student categories of varying lengths should be recorded.</p>	<p>of more or less than 6 months, are considered under para 57 of the Rules and will fall into Tier 4 of the new Points Based System (PBS). In light of this the Borders & Immigration Agency has advised that we should no longer differentiate between the two groups and has discarded the Short Term Student endorsement. The new Student Visitor category opened up a new route for those who want to undertake short courses whilst visiting the UK. These are considered under the new para 56K and will remain outside of PBS. UKvisas appreciates that the Independent Monitor will want to identify Students of less than 6 months considered under para 57 who are only given limited rights of appeal under Section 91 of the 2002 Immigration Act. We shall consider whether there is a way to identify them on Proviso short of re-instating the STS endorsement.</p>	
<p>I discussed the marked change in refusal rates with the Entry Clearance Manager, who thought it likely that the change was linked to a change in Entry Clearance Officer. My predecessor recommended that <i>checks needed to be made where Posts which deal with a significant number of applicants have dramatic rises or declines in their refusal rates</i> and UKvisas accepted that recommendation. I doubt that smaller Posts, such as Ulaanbaatar met the criteria of significant numbers, but I have noted in my own visits to single Entry Clearance Officer Posts that there can be a marked change - normally a fall - in refusal rates when staff change. I recommend that UKvisas takes steps to assess if this is a wider problem, and takes corrective</p>	<p>UKvisas is addressing this issue. We are committed to introducing Structured Decision-Making (SDM) processes for all non-Points Based System routes. SDM is based on the principles of PBS and is designed to ensure that ECOs reach decisions based solely on the evidence, risk analysis and the requirements of the Immigration Rules. It will result in greater objectivity in the decision making process and is aimed to address the inconsistencies that can sometimes arise between ECOs when assessing similar applications. In addition, a Quarterly Checklist covering 10 minimum requirements will be introduced for all visa-issuing posts from December 2007. This will provide a focus for ECMs on the need to act on feedback from decisions, address</p>	

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<p>action if it is.</p>	<p>inconsistencies between ECOs and report any issues that have arisen in the decision making process to both regional management and UKvisas, London.</p>	
<p>I recommended some simple updating, such as re-wording the information that says that something will happen in April, when April is long past.</p>	<p>Accepted</p>	<p>Implemented</p>
<p>I recommended a visa section direction arrow and opening hours notice on the Embassy main door as without that, applicants needed to get through to reception on an intercom to be pointed further down the street.</p>	<p>Accepted</p>	<p>Temporary sign in place. Permanent sign in place by end October.</p>
<p>I also noted some confusing signs, in that the entrance is marked Consular and Visa, but once inside a small courtyard, the only door is marked Consular. This dated from the days when the visa section was in an outbuilding accessed through a further gate, and is a good example of little thought being given to applicant information when a pathway changes. I recommended a simple additional sign.</p>	<p>Accepted</p>	<p>Temporary sign in place. Permanent sign in place by end October.</p>
<p>In the file sample I saw a number of interview records which added to what I had seen in person. The Entry Clearance Officer tended to ask a standard set of questions, and I suspect that these have become known and there is some coaching by agents. In one case, the only spontaneous and animated response was to the question on sources of information, which had been added in at my prior request. I recommended that although standard topics need to be covered, there should be</p>	<p>Accepted</p>	<p>The ECO is implementing this change in his interview procedure.</p>

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variation to reduce learnt responses.		
I recommend that care needed to be taken to record a visit for business purposes on Proviso if the application was refused - the amendment is made correctly if a visa is issued.	Accepted	Implemented
Ulaanbaatar had had just one [complaint] this year, and did not have a formal register. I recommend that it should, in line with UKvisas' policy.	Accepted	Implemented
I found that the Entry Clearance Officer did not know how to access CRS, for example, and spent time emailing and faxing other Posts for background information that he should have been able to access from the Reference System. I recommend that he is provided with information on how to do that, and that the basic Entry Clearance Officer course should cover that as well as using Proviso.	Accepted	Implemented. ECO now has access to CRS and is using it.
Whilst I am concerned that applicants experience slower than normal turnaround times, in terms of quality of service, applicants would be less concerned if they had adequate and firm information on how long the decision will take and I recommend that is done on the website, and by a notice in the visa section.	Accepted	Implemented