

The Independent Monitor for Entry Clearance



Overview report on my visit to Bangkok: November 2007

Background information

- **Application processes:** Bangkok handles applications from people resident in Thailand, Cambodia and Laos. There is no facility in Laos for biometrics to be completed and all applicants - typically 50 a year - are required to travel to Thailand. Cambodians - typically 325 a year - can provide biometric data in Cambodia and complete an on line application form which is sent to Bangkok. Thai and Laotian applications are lodged at a Visa Application Centre run by VFS, UKvisas' commercial partner. VFS takes biometric data and forwards the paper application form and supporting documents to the British Embassy.
- **Demand:** In financial year 2006-07, Bangkok received 42,365 UK applications a slight, 0.1%, increase over the previous year. In the current financial year to September, there was an annual increase of 7.8%. 62% of applications are for non-family visits and 13.7% are from people wishing to study in the UK.
- **Refusal Rates:** In 2006-07, the overall refusal rate was 12.6%, falling to 11.1% so far this year. I found that visit visa applications (excluding children) for August to October had a refusal rate of 11.3%. Business Visits are included in the general visit statistics but I noted a very low refusal rate of just 0.28%, and that following biometric roll-out, long term visas are once again being issued to business travellers.
- **Staffing:** UKvisas noted that there are 2 full time Entry Clearance Managers, 7.4 Entry Clearance Officers, a Risk Assessment Manager and a Risk Assessment Officer. I think that its account omitted a further Entry Clearance Officer as there are 9 in all. There is also a complement of administrative support staff.
- **Surplus and Deficit:** In 2005-06, the most recent figures available, the visa operation showed a surplus of £421,018.

The programme

On arrival I issued instructions for the file samples I wished to assess and they were provided with efficiency and courtesy, for which my thanks and compliments. I talked with Entry Clearance Officers and Managers and the Deputy Director Visa Services about their roles and work. I reviewed the information available to applicants on websites and on paper. I visited the International Organisation for Migration, The British Council and VFS, the commercial partner, and met with visa officers from other Embassies.

The Independent Monitor team

I normally undertake monitoring visits on my own but for the next six months I shall be working with two members of UKvisas' staff on each of 5 visit or thematic reports. Many formal inspectorates use a similar model with staff seconded from the mainstream business for short periods. This has the advantage of a steady flow of fresh eyes, and the team member takes learning points from his or her participation back into the business. At my request, UKvisas

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asked its regions and HQ projects to nominate people on the basis of excellent performance. From the applications submitted to me I selected 10 people of varying grades. For my Bangkok visit, one team member worked with me on the file sample and the other looked at complaint handling.

Information

Visa Application Centre: There continues to be concern that the Visa Application Centre run by UKvisas official outsource partner can be confused with private visa agencies operating close by, and which have deliberately mimicked the VAC appearance. Given that consumers often buy by price, I wondered whether large window signs “advertising” the application handling fee might be effective. For a visit visa the official partner’s price would always be £63 (local equivalent) but the opportunist agent will want to add on their own fees.

The appearance of the Visa Application Centre was excellent, spotlessly clean with smartly dressed staff and a smooth path for the applicant to go through. I made some minor comments on the **noticeboards** which contained a great deal of information, suggesting that blocking into topics (a separate Student board, for example) and organising information on a What Happens First . . . basis, might make the information more accessible and useful. I was concerned that applicants seem to be forced into buying a bank draft at more than bank rate, and **recommend** that UKvisas looks into fee acceptance as I understood that cash should be allowed.

UKvisas’ response

Recommendation accepted. VFS and the Bangkok visa team will redesign notice boards along the lines the IM has suggested. Whilst there are currently no surcharge free payment options for applicants, arrangements are under way to provide one. Under a deal being negotiated by VFS with a large national banking partner, applicants will be able to obtain bankers drafts free of charge. According to VFS the bank estimates it will take a further two months to put the requisite systems in place.

We were impressed by the current delivery of service and noted that VAC staff were attentive to customers. The average time spent by applicants delivering their application and biometrics was about 30 minutes, though I noted that when the system was first introduced there were complaints about long waiting times. The VAC introduced a recording in and out log in July which allows accurate data on waiting times for easy monitoring.

I recommended that Bangkok consider starting an Entry Clearance Officer “surgery” at the Application Centre on a regular basis. This works well in a number of Posts, such as Beijing: it confirms and cements the good working relationship between the VAC and UKvisas, provides expert information and advice to applicants, and allows Entry Clearance Officers to meet high quality applicants outwith the more formal and intimidating interview setting.

UKvisas’ response

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UKvisas accepts the potential benefits of this type of activity. However there are resource and staff security implications for Bangkok and other Posts. UKvisas will review the position and issue guidance.

British Embassy: Standing on the pavement watching behaviour showed that people calling at the Embassy were uncertain as to what they should do. On Monday I drew attention to untidily sellotaped out of date notices, misleading signs, and shabby barriers. I was most impressed that the Entry Clearance Manager and Senior Management Officer took these points on board and by Wednesday there were smart queue management bollards and a matching noticeboard which callers were reading. Notices were translated but I thought the Thai equivalent should not be in brackets. My observations are being taken into account for the permanent signage and this was an excellent example of the simple improvements that can be made by standing in the applicant's shoes and seeing things from their point of view.

Once within the Embassy, there is a pleasant outdoor waiting area with a drinks machine and phone booths. This makes a welcome alternative to waiting inside and must have been especially useful when applications were made at the Embassy; applicants now only call at the Embassy by appointment and the days of visa queues and crowds are over. I **recommended** that the rows of seats next to the interview booths should be removed to improve privacy because interviews could be clearly overheard by those waiting. There is also no longer a need for the other seat rows to be quite so closely packed. Local policy, shared by the VAC, is that UK sponsors cannot accompany an applicant. This is a significant cause of complaint and, given the change in application process the visa team should re-assess if it is still necessary.

UKvisas' response

The two seats in the waiting areas will be moved. The visa accommodation including the waiting areas will be extensively reconfigured next year after the DFID office closes. Due to the significant numbers of requests by sponsors to discuss cases with ECMs, UKvisas' current practice in Bangkok is that sponsors' representations should normally only be accepted in writing. Post believes this arrangement is well publicised. The visa receptionist is well versed in dealing with any sponsors who do gain access to the visa section waiting area and refers to an ECO/ECM if appropriate. Post will review policy with VFS regarding sponsors being allowed into the VAC. There are overcrowding (at peak times) and security implications to be considered.

Waiting room **Notices** were smartly presented with UKvisas' logo and a matching translation. I **recommended** some minor changes to improve wording and accuracy, for example updating the Ambassador's name and referring to *non-genuine* documents rather than *forged*. Visa information leaflets were not on display, nor was there UKvisas leaflet poster. I **recommended** that the leaflets should be out on display rather than people being expected to ask for something they do not know exists. I was concerned to note that both the VAC and the Embassy visa section were still handling out the UKvisas Visitor **leaflet** as I understood it had been withdrawn following my comments (report on Copenhagen) on inaccuracies.

UKvisas' response

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Changes will be made to the notices. The UKvisas leaflet poster is on order and will be displayed. Revised guidance is being issued to Posts as per UKvisas response to the recommendations in the Copenhagen visit report.

The British Council

I had a useful meeting with the British Council where we talked about the September 2007 changes to the Immigration Rules relating to students. Despite a recent briefing by visa staff, I was not convinced that there was in depth understanding of the changes relating to short term study, typically for English Language. The VisitBritain representative made a helpful suggestion to use the travel agent network newsletter to minimise the risk of visitors being stopped on arrival in the UK if part of their visit would include language training. **I recommend** that UKvisas explores this offer as it seemed an excellent way of disseminating information. We then talked about changes to the decision making process due to be implemented in April 2009 when students will be assessed under a Points Based System. I was especially interested in an expert view of the information lead-in time that would be necessary. The British Council thought that as many students intend to study at post-graduate level and plan well ahead, it would be useful to have information on the Points Based decision process around a year in advance.

UKvisas' reponse

Bangkok was surprised to receive the feedback about the lack of knowledge about the recent changes relating to short term study. British Council was briefed prior to, at the time and subsequent to the changes. The briefing included a recent presentation at the Embassy for a number of their staff at which many appropriate questions were asked. The British Council confirmed they were content with the Embassy's briefing arrangements on visa matters at a joint co-ordination meeting on 13th December. Post will however follow this up with a further visit to the Council to refresh. Post will discuss with Visit Britain the use of the travel agent network newsletter to publicise changes. On PBS, comments on lead in time noted and British Council will be briefed accordingly.

The International Organisation on Migration

The IOM is contracted to provided the mandatory tuberculosis testing for Thai applicants intending to stay in the UK for more than six months. Such cases are not, at present, within my remit but will be included once decision making moves to a points based system. I thought that the IOM operation was a shining example of how to organise a process so that user needs and anxieties are taken into account. They also have formal user feedback reporting mechanisms which presumably go to UKvisas' headquarters. It would be helpful if Post specific feedback could be sent to the relevant visa section.

File sample

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With assistance, I reviewed 166 files where visas had been refused with limited appeal rights: all but 3 related to applications within my remit. This is far more than I can cover when I visit on my own, though I used some careful measures to make sure that the gradings are all in accord with the way I exercise judgement. Compared with the most recent global file sample, Bangkok does not do well. Using a 10 point quality scale, Refusal Notices scored an overall 80%, placing Bangkok in the **Fair** band, the same as South East Asia as a whole.

Of most concern is that 10% (global 5%) of Refusal Notices were not in accord with the **Immigration Rules**. Child visit applications are, with a few exceptions, being refused under Rule 41 without considering Rule 46A. The team lacked a general awareness of guidance from UKvisas and of my own comments on quality pointers. There are still **joint Refusal Notices**, despite UK visas accepting, that this is inappropriate because each applicant pays a handling fee, different applications may attract different appeal rights, and there is the risk of disclosing personal data. 11.3% of Refusal Notices included comments that contradicted **evidence** provided in the application, compared with 3% globally. Not all of the material supporting evidence is, however, retained on the file and the failure to read evidence carefully is probably greater than I found.

The overall **appearance** of Refusal Notices is not good. In 4% of the Notices there was a routine paragraph on *your circumstances in Thailand* for applicants who live in Cambodia or Laos. There was poor English, such as *do not commensurate*. There was unplain English, such as *liquidity, prerogative, embryonic, substantive*. There was the day's date instead of a birthdate. There were incomplete standard paragraphs that made no sense. Finally, on the negative side, UKvisas' Best Practice says that there should be a single font size. That is being followed in most Refusal Notices, but one Entry Clearance Officer puts a single paragraph in **bold**, and another uses a very small font for the standard information on appeals. I am concerned that that gives the impression that appeal information is, literally, in the small print and thus less accessible and less important.

As evidence that Bangkok are capable of better, I commend its routine paragraph where a biometric match has uncovered an **undisclosed immigration history**. It covers, with applicant specific detail, all of the relevant points: 1) You said you have not been to the UK. 2) You signed that the Application Form is correct. 3) We have found that you were in the UK on such and such a date. The Refusal Notice continues to say that failing to declare the immigration history undermines the credibility of the whole application and the Entry Clearance Officer cannot be satisfied that the applicant is a genuine visitor. It seems to me that that is all that is needed in such circumstances. There is no need to add point after point commenting on funds, sponsors, employment etc. If someone has failed to be honest in a key part of the form, that does indeed undermine credibility full stop.

Bangkok also does better than average by including positive points in 19% of Refusal Notices (global 17%), mostly that the UK based sponsor has the means to support a visit. It is important that there is the impression of **balance** and fairness so commenting, even briefly, on something that meets a requirement of the Immigration Rules goes a long way to demonstrate that all of the evidence has been taken into account. **I recommended** that as a general aim, 90% of Refusal Notices could have at least one sentence of positive comment. I note that Bangkok's performance at appeal is lower than expected and ensuring a better balance in all Refusal Notices may impact on that too.

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UKvisas' response

UKvisas does not accept this recommendation. UKvisas acknowledges the need to achieve a balance and present objective refusal notices - Best Practice guidance (sent out under AECIP 11 of 2007) makes this clear. UKvisas remains committed to raising the quality of refusal notices but does not think that setting an arbitrary target of this sort would help achieve this.

As there is a Risk Assessment Unit in Bangkok, I was surprised to see so little **verification and risk related evidence** on the files. I also noted inconsistent recording of risk information and referral on the case management system. I am, however, satisfied that the newly appointed Manager will be working constructively with the visa team.

Complaints

Application process: At the Visa Application Centre, every applicant has a feedback form in the information package. Each applicant signs a book upon entry and signs out when leaving and there is an adjacent column in the register for comments regarding the service they have experienced. This is a new practice and was introduced in July 2007 along with a complaint log, following concerns that the VAC was under-recording problems. The outcome is fed back to the visa section on a monthly basis and this mechanism shows that there is a good working relationship between Post and VAC with appropriate levels of responsibility and oversight.

Most complaints or feedback are sent by e-mail to VFS or in returned feedback forms. The major issues recorded have been:

- Waiting time at the VAC and number of mistakes made by verification staff.
- No ability for the applicant to track applications via website.
- Poor call-centre service- waiting time and content accuracy.
- Security guards being rude and unhelpful.

I am satisfied that VFS is aware of these issues and has, or is, taking corrective action.

Applications that are refused: In my decision quality file sample, 6.9% of cases had post decision correspondence on the file (global 4.4%) of which 2% were complaints. In my 300 strong complaint handling file sample, the figure was higher at 8.7%, and the difference is accounted for by some correspondence being found elsewhere and not being attached to the file. The higher than average figures are also reflected in complaints to me, because Bangkok is the most complained about Post. There are good reasons to explain that which have no connection with the quality of service or decision making. A significant proportion of visit visa applicants are Thai women who have met a UK man and who apply for a visit visa to continue a holiday relationship. It is not surprising that the UK sponsor is concerned, confused, outraged or appalled when an application is refused because many UK citizens are not familiar with the strength of entry control. This is the reality that Bangkok work with, and I wanted to see if the visa section in Bangkok welcomes feedback and uses it to improve services and performance and if it ensured that lessons learnt from complaints contribute to providing a better service. My

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team member undertook a standalone piece of work on this topic and I am satisfied that it fairly and thoroughly describes and analyses Bangkok's performance.

Bangkok, handling a larger proportion of feedback correspondence than most Posts, has more developed practices than I have seen elsewhere. The introduction of a Visa Application Centre has made it review how complaints are handled and that shows that it is responsive to change. I think it is time for a further step-back in order to gain an overview so that complaints are used to improve the quality of service delivery, and that may also reduce complaints in the longer term.

- **I recommend** that the assessment of a complaint relating to a decision should be done by someone who is a qualified decision maker so that issues which may undermine the fairness of the decision are not overlooked.

UKvisas' response

These will be carried out by ECMs/ECOs only.

- **I recommend** that routine letter wording should be refreshed to make sure it complies with UKvisas' guidance, especially in disclosing the outcome of an application to a sponsor. Neither the Data Protection Act nor the legislation on appeal rights should be described as "unfortunate".

UKvisas' response

These will be updated as recommended

- Contact of whatever type should always be recorded on the case related paper and electronic files and **I recommend** that Bangkok ensures consistency of practice in this regard.

UKvisas' response

This is already standard practice. A reminder will be sent out to staff.

- Feedback, good and bad, is kept and recorded in a number of different places and that makes analysis of trends difficult. **I recommend** that Bangkok reviews and refreshes the practical management of correspondence, phone calls and in person visits so that an overview is possible.

UKvisas' response

A review of procedures will be undertaken.

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Although there is a Best Practice direction that there should be complaint notices in visa sections, most consumer focussed organisations will also have leaflet information that users can take away and think about, with contact information set out in full. I think that the Australian Government's Compliments and Complaints leaflet is excellent **and I recommend** that UKvisas develops one of its own.

UKvisas' response

UKvisas agrees fully with the need to give customers information through appropriate channels on how to provide feedback. UKvisas is currently working to do this, including by preparing clearer information on its own and its commercial partners' websites, at Visa Application Centres and by revising its customer satisfaction survey. These measures will be in place by March 2008. However UKvisas does not consider that a hard copy leaflet is the most appropriate means of disseminating information about how to provide feedback, given the cost of production and distribution and the need to maintain and revise such information. UKvisas will review the currently planned information to ensure that it can be easily printed by customers if required.

Overview

Information at the Application Centre was Good. Though there were fewer signs at the Embassy that the needs of applicants and sponsors were being thoughtfully addressed, staff acted quickly on my observations. Performance in the file sample was Fair. Complaint handling was Fair to Good. Adding all these components together, my overall assessment is that Bangkok's performance is **Fair**. It could, and should, be much better.

I am pleased to note that significant differences in Entry Clearance Officer output quantity have recently been addressed by a fairer work allocation system but attention now needs to turn to quality. Entry Clearance Officers should be responsible for the quality of their work, and Entry Clearance Managers should expect a Refusal Notice to be re-done if is not up to standard, whatever the fault. The team needs to find out why refusal rates per Entry Clearance Officer vary from 6% to 15%, and **I recommended** that they find out the reason and, through greater practice consistency, cluster the rates closer to the average. **I recommended** that there should be regular policy and practice meetings built into the work timetable so that they are an integral part of the work not an added burden or optional extra. Entry Clearance Managers, in turn, could give greater responsibility to Officers to own and spread guidance and directions.

UKvisas' response

UKvisas accepts these two recommendations. Team meetings and briefings have been taking place but in an informal and on an irregular basis. A new system of structured weekly and monthly meetings where policy and practice will be discussed is now in place to ensure that the ECOs are kept fully up to date with changes. On the differing refusal rates, ECMs will investigate this matter further to find the reasons underlying the statistics, but part of the

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explanation may be that currently ECOs do not all cover the same categories of applications under the current system of work allocation, this arrangement will be reviewed.

For follow up, I thought that the team were ready and keen for change but I would like to give them a target to aim for. **I recommend** that UKvisas Independent Monitor Liaison team should (from the UK) assess a small sample of Refusal Notices in 3 months time to check if quality has improved. I may ask for evidence to confirm what topics have been discussed at the team meetings. I thought that there were some communication blocks which people wanted to clear and **I recommend** that UKvisas sees if those can now be eased.

UKvisas' response

The IM Liaison team will carry out a follow up assessment as recommended in consultation with the Decision Quality team. Plans are underway to arrange a visit to Post by the UKvisas Decision Quality team to provide further guidance and training. A review of internal communications will be carried out by senior management at Post and the Deputy Director of Visa Services.

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