

The Independent Monitor for Entry Clearance



Report on my visit to Chennai: December 2006

Background information

UKvisas provided a helpful advance pack of briefing information, including a Post Report.

Demand

In financial year 2005-06, Chennai received 95,354 applications an increase of 15.7% on the previous year. From April - September 2006, there have been 62,690 applications a increase of 26.7% over the same period in 2005-06.

In 2005-06, applications divided into the following main categories:

Visits	39%
Family visits	18%
Students	9%
Work Permits	10.5%
Settlement	1%
Working Holidaymakers	1%
Other	21%

I understand that a high proportion of visit applications are for business visits connected with Chennai's thriving IT software industry.

Turnround times

From April to September 2006, Chennai met, and exceeded, the PSA targets which are all related to turnround times.

Refusal Rates and appeals

For 2005-06, the overall refusal rate was 14.8%. From April – September the rate has risen to 15.6%.

In the second quarter of 2006-07, 42% of appellants whose cases were handled in Chennai 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 40 cases from Chennai. I thought that the decision was perverse given the evidence in 4 cases, in 3 cases the use of the Immigration Rules was incorrect and I was concerned about use of judgement in 9 cases. I also noted 1 case where the applicant had been provided with incorrect information about appeal rights. This gave an reasonableness rating of 58%, compared with a global rating of 77%. I class that as **poor** performance.

The Independent Monitor for Entry Clearance

The programme

On arrival I issued instructions for the file samples I wished to assess and they were provided efficiently. I talked with Entry Clearance Assistants, Entry Clearance Officers, the Risk Assessment Officer and the Entry Clearance Managers about their roles and work. I accompanied visa staff who were conducting risk checks of local businesses and visited a Government Girls School.

I reviewed the information 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.. The Deputy High Commissioner hosted a useful working lunch with a good range of guests and I visited the visa offices of the German and US Consulates and the British Council.

I visited the offices of VFS, the Commercial Partner, but 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.

First impressions

The visa offices are in a new and very stylish building. There is a large and pleasant waiting area which is probably bigger than is now needed given the change in policy about the appropriate number of interviews.

Information

There is little or no reading material in the waiting area and I was especially concerned to see that it did not have the required notice on complaints. The response was that it is in the Commercial Partner's office but my view is that one should also be displayed in the visa office's waiting room. **I also recommended** that there should be the full range of UKvisas' information leaflets in a purpose made rack.

UKvisas response:

Recommendation accepted. The complaints and consular fees notices have been placed in the waiting area. Leaflets are available now, and Post will be working with the British Council on rebranding the area, which will involve different displays.

Interviews

The interview counters are directly off the waiting room and there is also a separate interview room. Although few applicants are interviewed, there does need to be some adjustments to improve the experience. The waiting room is all hard surfaces which means that sound travels and Entry Clearance Officers' voices are harshened, sounding unpleasantly metallic to waiting applicants. As a short term measure, I suggest that applicants are directed to seats at the back where they are less likely to overhear the preceding interview. In the longer term, I suggested that a glass wall and doors at the point of the support pillars would retain the pleasant open airiness but improve privacy. Having made that suggestion I was interested to see that arrangement in Colombo where I thought it worked very well.

The Independent Monitor for Entry Clearance

There were three unused counters to one side, and **I recommended** cosmetic work to prevent the impression that staff have not opened up yet.

UKvisas response:

Recommendation accepted. Building works have now been completed to reclaim office space from the waiting area. The number of guichets have been reduced and each now has a roller blind that can be deployed to address this issue.

I thought that the interviews were of high quality. Entry Clearance Officers had a quietly courteous style and I was pleased to see a sharp 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. I also 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 in detail.

UKvisas response:

Recommendation accepted. Guidance was circulated and will be included in the ECO induction pack.

File sample

I reviewed 21 files where visas had been refused; just one had full rights of appeal and there was no discernable difference in the quality of decision making. All of the Refusal Notices correctly stated the category and length of the proposed visit. 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 provide full consistency of style and structure in neatly presented Notices. My view is that a document verification check, if the application is refused on those grounds, should be included in the summary of evidence. What exactly that check revealed should be part of the supporting reasons, using appropriate discretion about the level of detail.

I was satisfied that use of judgement was reasonable in all of the cases I assessed, there was good use of evidence and sound knowledge of the Immigration Rules. I class that performance as **excellent**.

UKvisas is currently working on a detailed guidance framework for Refusal Notices and I am confident that the team in Chennai will easily make the few adjustments necessary to comply with the guidance. 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. The team will need to work on a tighter link between evidence and conclusions but, given the overall quality of their work, they should achieve that without difficulty.

The Independent Monitor for Entry Clearance

UKvisas response:

Recommendation accepted and implemented.

The British Council

The visa office has a good working relationship with the British Council. Both they and the visa office staff recognise that they have different, but overlapping, roles and I was pleased to see the level of mutual respect. **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.

UKvisas response:

Recommendation accepted and implemented.

Complaints

Best Practice guidance says that a complaints register should be maintained to monitor performance. Chennai now has a register, starting in May 2006, and it helpfully includes a note about the nature of the complaint. I reviewed a small sample of files, and the team later confirmed policy on who is responsible for the reply. Now that a register exists, Entry Clearance Managers will need to review it on a formal basis at intervals, so that any overall conclusions can be used to improve performance.

Administrative review

The Entry Clearance Managers do not keep a separate register of decisions overturned though a record is kept on Proviso. It looks as though only cases overturned at a later date are recorded in that way, and there may not be a record of how many preliminary Entry Clearance Officer decisions are amended on the day of issue. I saw plenty of evidence that Entry Clearance Officers discuss cases with the Entry Clearance Managers in a relaxed and supportive manner.

Overview

From the 2005 file sample, I found that only 58% of Refusal Notices from Chennai were reasonable, but by the time of this visit review at the end of 2006, that had risen to 100%. Chennai has, therefore, achieved a remarkable turnaround in the quality of its work and I have tried to assess the underpinning reasons so that lessons can be learnt for elsewhere.

- **Resources** A new Entry Clearance Manager arrived in 2005 and was soon joined by an additional Entry Clearance Manager. Adequate managerial resource and ability has meant that there has been time for innovation and change. I do note that the effort to achieve that as well as run the day to day business, has placed heavy demands on the Managers.
- **High quality work environment** The offices are excellent and I do not underestimate the importance of this for promoting well-being. The design has also allowed a smooth and efficient operational process.

The Independent Monitor for Entry Clearance

- **Teamwork** The two Entry Clearance Managers work well together; they are not in competition with each other and they have different, and complimentary, styles. The support staff are seen as an integral part of the business and work to high standards.
- **Leadership and good management** The two are not the same, and the combination of Entry Clearance Managers provides both.
- **Risk management programmes** The office has special risk assessment programmes, such as Business Express and the Student Scheme. The relevant Entry Clearance Officers described them to me with passion and real enthusiasm. The programmes improve the quality of decision making, target resources where they are most needed, and also energise staff whose work becomes more focused and varied in pace.
- **Respect for leadership and management** Good leadership has allowed and encouraged Entry Clearance Officer staff to develop, be innovative and take responsibility.

I think the team were a bit taken aback by my very complimentary assessment. I confirm, however, that they deserve the compliments for a noteworthy improvement in the quality of their work, and for the high quality itself.

L M Costelloe Baker
Independent Monitor