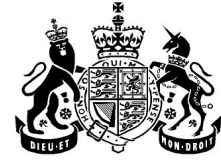


# The Independent Monitor for Entry Clearance



## Overview Report on my visit to Lagos: March 2007

### Background information

The British Deputy High Commission in Lagos is a full-service visa issuing Post handling applications from part of Nigeria. UKvisas provided a helpful advance pack of briefing information, including a Post report, a UKvisas visit report of January 2005, an Internal Audit report of October 2006 and background information on Nigeria.

### Application process

Applicants are expected to lodge an application with a VFS, commercial partner, who has two offices in Lagos and one in Port Harcourt. There is no facility to prepare applications on line. Lagos considers that it calls around 5% of applicants for interview and the remaining applications are determined on the basis of the papers provided by the applicant along with the application form.

### Demand

In financial year 2005-06, Lagos received 142,109 UK applications a decrease of 19.7% on the previous year. In April 2005, UKvisas suspended visa applications in Nigeria for first-time visitors aged 18-30 in response to high levels of abuse; the suspension was lifted in March 2006. From April - December 2006, there were 134,621 UK applications an increase of 14.7% over the same period in 2005-06.

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

Visits	57%
Family visits	27%
Students	11%
Work Permits	0.2%
Settlement	1%
Working Holidaymakers	0.2%
Other	3%

### Resourcing

There are 9 Entry Clearance Managers and 43 Entry Clearance Officers. A Risk Assessment Unit is staffed by a Risk Assessment Manager and two Risk Assessment Officers.

### Turnround times

From April to December 2006, Lagos met the PSA targets which are all related to turnround times, apart from a very close 89% for handling straightforward applications within 24 hours of them arriving at the visa section - the target is 90%

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### **Refusal Rates and appeals**

For 2005-06, the overall refusal rate in Lagos was 51%. From April to December 2006 the rate rose to 56%. In the second quarter of 2006-07, 70% of appellants whose cases had been handled in Lagos had appeals against refusals to issue visas upheld, compared with a global average of 48%.

### **Independent Monitor's assessment in the Report for 2006**

I saw 131 cases from Lagos in the global file sample for my soon to be published Report for January to September 2006. I thought that the use of the Immigration Rules was incorrect in 2 cases and I was concerned about use of judgement in 2 cases. I also noted 12 cases where the applicant had been provided with incorrect information about appeal rights. This gave a reasonableness rating of 89%, compared with a global rating of 86%. I class that as **good** performance.

### **The programme**

This was the first time I have had a small team to work with me on a monitoring visit and it was also a joint venture in that one team member had been nominated by the Immigration and Nationality Directorate; the other two were from UKvisas Independent Monitor Liaison team. I am pleased to record that the venture worked well because it was a practice run for monitoring visits to the larger Posts where my model will be to draw together a small team for that piece of work. There was enthusiasm on all sides to try this approach and Lagos's open minded willingness to be the test Post helped make this work.

Unusually, the visit was managed by the two Deputy Directors of Visa Services West Africa and the Director of Visa Services Africa, all of whom are based in Lagos. I note that they put significant time and effort into designing a programme and I record here my appreciation.

On arrival I issued instructions for the file samples I wished to assess and they were provided very efficiently. I commend in particular the head of the registry section who was unfailingly helpful and efficient, despite the Lagos office looking overburdened by paper. Files I wished to see were provided within minutes and Entry Clearance Officers also reported the same level of service on a day to day basis.

The monitoring team and I talked with Entry Clearance Assistants, Entry Clearance Officers, the Risk Assessment Officer, the forgery team and the Entry Clearance Managers about their roles and work. I reviewed the information available to applicants at the Deputy High Commission, the Commercial Partner's offices and on the FCO website. We observed interviews, with the applicants' consent. I visited the offices of VFS, the Commercial Partner, and a team member spent a full day there. The Director of Visa Services hosted a useful working lunch with a representatives of visa sections from other countries. I visited the US Consulate's visa office, the British Council and UKTI. At the end of the visit we attended a delightful and useful dinner, hosted by the High Commissioner, with a range of guests who represented Nigeria's vibrancy and achievements.

### **Information**

**Website** information is not as useful as it should be. Although a search engine has UKvisas website as the top unsponsored link, the local website has not been updated for almost a year.

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As I first raised concerns about out of date website information last July, it was disappointing to find that Lagos had paid no attention to my comments until my visit was imminent, finding at the last minute that the person who could update it was away. I note that in a recent Customer Satisfaction Survey that applicants are concerned about out of date information and I can see why.

Neither VFS nor the Lagos visa section had UKvisas **leaflets** on display. **I recommend** that there should be the full range of UKvisas' information leaflets in a purpose made rack in both VFS's office and in the visa section's waiting room. Only if there is confirmed abuse should they be removed, but there should also be the poster I recommended last July to show the covers of the leaflets with an invitation to ask for a free copy.

*[UKvisas' comment: In the case of Lagos, local experience shows that leaflets put on open display are rapidly taken away for resale on the street. However we agree that it is still important to give prominence to the leaflets, and the poster, to ensure they are available either directly or on request. We have asked Lagos to review the arrangements accordingly.]*

Visa staff had updated roadside and internal **noticeboards** before my visit and it was good that they had made the effort to do that. Little thought had, however, been given to the information needs of applicants at a point in the process and **I recommended** a review. Given UKvisas achievements in turnaround times, the roadside noticeboard, for example, could provide information that shows the UK in a good light compared with other nearby visa offices.

*[UKvisas' comment: UKvisas accepts this recommendation and will review noticeboard content at the Visa Section.]*

Although VFS had good noticeboards, I was concerned that there was no separation between UK Parliament law, UKvisas' policies and VFS information. I recommended that plain paper notices should be reprinted on the appropriate headed paper and that boards had separated sections to show what was what. I noted a comment that some applicants prefer to pick up an application form from the British Deputy High Commission as they were not certain that forms from VFS were genuine. More needs to be done by way of notices and public information to make it clear that VFS is a trusted partner, but does not make the rules.

### **First impressions: VFS**

I thought that VFS's offices were very pleasant and there was positive feedback from our discussions with waiting applicants who commented that the offices did not look like "official" offices tend to look; there were helpful signs and a good security process. Having commented that applicants struggled to fill out forms propped on their knees, on the next day we found that VFS had provided clipboards. I note in particular the favourable impression given by open desks, in that VFS staff check the application with the applicant sitting on the other side of a desk, with no barriers at all. This might seem like a brave move, but there is plenty of evidence that removing barriers lowers levels of aggression, and there have been no problems. The overall impression was of a clean, uncluttered and professional operation where applicants were treated as valuable customers. One commented that going to VFS was far better than "being pushed around in the heat at the British Deputy High Commission."

### **First impressions: British Deputy High Commission**

On the road side there is an unwelcoming looking railed queuing area with benches, now almost unused. **I recommended** removing signs that no longer applied, and that the guardhouse

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windows were cleaned of sticky tape remains. I was concerned by two aspects of efforts to tidy up ready for my visit. There was a plethora of How to Complain notices and that gave a poor impression, almost as if complaints were likely. I was more concerned by a number of identical pictures in the clean and tidy waiting room, all of a British Airways plane which was the only decoration that could be found at short notice; it gave an inappropriate impression of a close tie between BA and visas and applicants might think that their chances of success were higher if they had bought a BA ticket. I contrasted that with the US visa section waiting room where there was an interesting selection of images giving a truly US feel to the waiting area.

*[UKvisas' comment: UKvisas accepts this recommendation.]*

### Interviews

The interview booths are directly off the waiting room and although small and cramped for the Entry Clearance Officer, were clean and uncluttered. I liked the attention to privacy and noise reduction shown by a wall of cabinets being placed between the Entry Clearance Officer's door, (which most left open) and the open plan office behind, though the area was used as a corridor and passing traffic could be distracting to applicants. **I recommend** that the tops of the cabinet wall are not used to store miscellaneous boxes and papers so that there is a tidy appearance.

*[UKvisas' comment: UKvisas accepts this recommendation.]*

I noted that when receiving passports after the applicant had had an appeal upheld 2 people at a time are in the booth, presumably to save a few seconds between applicants. I find that to be inappropriate as there is no privacy yet there might be the need to disclose personal data or sensitive personal data.

Generally, Entry Clearance Officer interviews observed were of high quality. Officers were courteous with a sound focus on gaps in the paper evidence. They need Entry Clearance Manager authorisation to invite the applicant for interview and from what I saw, I am satisfied that the discretion is being exercised fairly reasonably though **I recommended** that the Entry Clearance Managers commit their criteria to paper so that there is a known policy. I noted 2 cases out of a 100 where I thought that there should have been an interview and wonder if the pressure of numbers has cut the interview rate down lower than it should be. 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 Officer had to review the papers in detail.

*[UKvisas' comment: UKvisas is not convinced of the need to have written criteria on who should be interviewed, as this could never address every possible circumstance in which an interview could be required and would run the risk of being unnecessarily prescriptive. The policy is to interview where the application cannot be decided on paper.]*

### File sample

A team member and I reviewed 101 files where visas had been refused in the week before the visit. I noted that the Refusal Notices were of good quality with a consistent layout and few typing or spelling errors. They do not yet comply with recent guidance on structure and style but are based on standard paragraphs with applicant specific detail. I noted clear financial calculations where there are issues of funding. I was pleased to see that each applicant had a separate notice in all but one of the cases we looked at.

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I was also pleased to see that care is being taken over student applications in that none were refused on the grounds that “there is adequate opportunity to study in Nigeria” -I have seen that in the past. I saw helpful notices reminding Entry Clearance Officers and data input staff that short term students were eligible for visa conditions that give permission to work if the applicant indicated s/he wished to.

I commended the team for appropriate use of the Immigration Rule relating to children introduced in 2006. The sample showed that in almost all cases, Entry Clearance Officers had used the requirements of Rule 46A which is designed to protect child visitors whether accompanied or not

Overall, using a 12 point scale to assess each Refusal Notice, the Lagos file sample scored an average of 86%, placing it as **Good**. I highlighted areas for the Lagos team to focus on to improve performance to Very Good and Excellent, pinpointing a recent misinterpretation of the Immigration Rules relating to accommodation.

Falsification of documents is a significant problem in Nigeria and Lagos needs to devote adequate skills and resources to checking each application and supporting documents. I had some concerns that the various verification and risk checks had been developed one at a time and wondered if there was room for more coherence. 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. UKvisas view is that in such cases, family visit applicants should be notified of a full right of appeal, with the evidence being included in an explanatory statement to the Asylum and Immigration Tribunal if the applicant appeals. **I do recommend** that forgery officers should have the benefit of formal qualifications, perhaps at NVQ level as that would increase public, and judicial, confidence in their opinions.

- As an example of good practice I noted a case where the applicant had indicated a family visit but the Entry Clearance Officer had evidence that the family member sponsor’s passport had been cancelled and the check digits altered. This was adequately covered in a good Refusal Notice.
- As an example of poorer practice I noted that the applicant had indicated a family visit to a sister-in-law but that was not clarified and the family visit was not mentioned in the Refusal Notice. The visa was refused on the grounds of doubts to authenticity of immigration stamps in the applicant’s passport, but the applicant should have been notified of full rights of appeal.

*[UKvisas’ comment : UKvisas will consider this recommendation further. The key issues are whether an existing formal qualification is a practical proposition and whether it would impact a) on confidence and b) on detection rates.]*

### The British Council

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

### UKTI

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I was interested to learn that it is UKTI which recommends companies for inclusion in the visa section's Business Express scheme and commend this as good practice.

### Complaints and post decision correspondence

UKvisas Best Practice guidance says that a complaints register should be maintained to monitor performance. I have, however, been wholly dissatisfied that UKvisas globally is recording complaints adequately and it is not using them as a means to improve performance. I disagree with UKvisas narrow definition of what constitutes a complaint because that means that valid concerns about service and conduct can be filed away or answered with a standard response. In any event, I prefer the term Post Decision Correspondence as that allows positive feedback to be captured and used. If the complaint is solely on the grounds that the applicant thinks the decision was wrong, with no comment as to why, then that should be recorded as a complaint about the decision, and the response will provide information about appeal rights and the possibility of a further application. I have not yet seen any post decision correspondence that is as simple and straightforward as that.

One of my main aims in the Lagos visit was to examine how it handled complaints and post decision correspondence. I prepared for their benefit a detailed report in which my overall assessment was that I was not satisfied that Lagos is handling complaints and post decision correspondence adequately and I class its current performance as **Poor**.

It is

- missing the opportunity of recording low cost customer feedback
- lacking in control over the management of complaint handling
- carrying the risk of an allegation of malpractice not being brought to the immediate attention of the appropriate staff
- failing to highlight themes in post decision correspondence in order to address and improve performance.

**I recommended** that Lagos reviews and refreshes customer correspondence and makes sure that there is adequate recording, handling, and managerial oversight. I made specific recommendations on simple actions that could be taken to remove the commonest cases of complaint;

- Make sure that VFS has the correct information on turnaround times.
- Make sure that Asylum and Immigration Tribunal determinations are not subject to processing delays.

*[UKvisas' comment: Lagos is reviewing the operation of its correspondence unit in the light of the Monitor's comments.]*

### Entry Clearance Manager review

UKvisas expects Entry Clearance Managers to review 100% of Entry Clearance Officer decisions to refuse to issue a visa to applicants with limited rights of appeal and in Lagos to review 100% of Entry Clearance Officers decisions that attract full rights of appeal. I do have concerns about whether the review requirement is achieving what it set out to do. My concerns are not limited to what I found at Lagos, where the process gets more attention than I have seen elsewhere, so my recommendation is to UKvisas more widely.

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It seems to me that the instruction that Entry Clearance Managers review all refused with limited rights of appeal cases mixes up 2 separate processes.

- Managers should be assessing the quality of work undertaken by staff for whom they have line management responsibility, as part of performance appraisal and development.
- Organisations should be assessing the quality of their outputs by sampling mechanisms that are fit for a particular purpose.

I think it does little for Entry Clearance Officers' sense of responsibility for their own work if the organisational sample is 100%. That suggests that all Entry Clearance Officers are such poor performers that all of them have to have all of their work checked - and from my experience that is not true. From the quality assessment perspective, the focus on Entry Clearance Manager review is a narrow process and means that UKvisas is not capturing an adequate breadth of quality indicators.

As evidence that the current process meets neither aim, I note that in a sample of 2500 cases reviewed on this visit, Entry Clearance Managers changed the decision in only 0.5% (though their input may have improved overall quality); that in other Posts the review happens some considerable time after the decision has been issued; that a number of Entry Clearance Managers do not review the papers and make a decision based on what is recorded on Proviso; that if it was working well, I would not see the mistakes and poor quality work that is sent to me in the global file samples.

I recommend therefore, that the Entry Clearance Manager review requirement is removed. It should be replaced by 2 different mechanisms with different aims;

**A line manager's assessment of competence.** This would be risk and development based so the Entry Clearance Manager for a new or temporary duty officer would review all decisions before issue until such time as s/he was confident in the Entry Clearance Officer's abilities. That period would, of course, vary according to the officer's speed of development. The Entry Clearance Manager would include in the *assessment of competence basket* observations of interviews, handling of correspondence etc, to give a rounder picture of the Entry Clearance Officer's abilities.

**An organisational Quality Assurance programme.** This would be a basket of measures covering the ground that I do on a monitoring visit. Entry Clearance Managers would need to review a sample of decisions setting a risk based percentage that would vary according to the Post's circumstances and staff capabilities. As a minimum it should be 5%, and for some Posts it might be 100%. The Balanced Scorecard would be a useful indicator to help Posts set an appropriate sample based on appeal outcomes, Independent Monitor assessments and control factors. In addition, the Entry Clearance Manager would review a sample of Port Queries, Facilitations, pre-application correspondence, post decision correspondence (whatever the source) once again setting a sampling rate that was appropriate for the Post's circumstances.

**I recommend** that UKvisas replaces the current Entry Clearance Manager review instructions with separate oversight mechanisms that allow more flexibility according to levels of risk, and that are broader in their scope.

*[UKvisas' comment: UKVisas accepts the recommendation. UKvisas plans to pilot a*

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*revised ECM review process, based on clear and robust assurances, in a limited number of posts later this year. The scope of the pilot is being defined. If the pilot is a success, we hope to roll-out a revised ECM Review process more widely, after addressing Parliamentary and Stakeholder obligations.]*

### Responsiveness

Being responsive, being open minded to change and influence, is one of the key benchmarks of a high quality service sector business. The UKvisas team member looked at Lagos's responsiveness as part of her role to check how well Posts are implementing Independent Monitor recommendations that have been accepted by UKvisas. I thought that her findings were positive for Lagos given that it is overburdened by a relentless grind of paper and that can often lead to closed thinking.

- **Learning from appeals:** The team member looked at 81 Asylum and Immigration Tribunal determinations from 2005-6 and found that in most cases the appeal was allowed on issues of decision quality rather than policy. We identified the commonest reasons for the appeal being allowed and found that a year on, Lagos had addressed most of them. I commend Lagos for the efforts it has made to improve decision and Refusal Notice quality.
- **Problem files from my 2005 and 2006 samples:** When reviewing the global file sample, I return cases to UKvisas if I think that the applicant has not been informed of the correct appeal rights. From the 2005 sample, UKvisas returned 12 cases to Lagos. The team member noted that in 5 cases the applicant had already been issued a visa, or been refused with notification of the correct rights of appeal. I was seriously concerned to find, however, that Lagos had written to 7 applicants to say that the decision had been - *incorrectly refused* - and that the applicant could re-apply without paying a further visa handling fee. I have no power to say whether a decision is right or wrong and I am worried by this misinterpretation of my role. Lagos undertook to correct these cases immediately. There was also a bit of a muddle about cases that Lagos did not send to me as they thought they were outwith my remit. In 8 cases it appeared that applicant had been notified of the correct, limited, rights of appeal, but for some unexplained reason the Entry Clearance Manager had decided to re-issue the refusal notice with information on full right of appeal. I was not convinced that that was the right thing to do.
- I can confirm that action will be taken as directed for 8 of the 10 cases returned from the 2006 file sample, inviting applicants to re-apply without charge. The remaining 2 cases had already re-applied and been notified of full rights of appeal.

### Overview

From Day One, I found myself mentally writing a snappy phrase to advertise Lagos because the reality was far removed from the image the visa Post has back in the UK. I am concerned that poor image means that vacancies remain unfilled for 8 months at a time when there should be an eager queue of well qualified Officers and Managers wanting to work at this well performing Post. It is busy and stretched, but I suspect that the introduction of biometric testing later this year may reduce demand if the US experience is typical. There are problems with climate, health and security but almost all Entry Clearance Officers enjoy the work, finding it satisfying, challenging and interesting, and they also find plenty to do in their non-work lives.

I thought that Lagos's overall performance was **Good** and that it has the capability to develop further. Refusal Notices and decisions were satisfactory though there is a need to improve

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information for applicants and an urgent need to improve the handling of post decision correspondence.

I was bothered by an over emphasis on resourcing when I thought that paying more attention to getting it right first time would save time and trouble later on. Doing *the best with what you've got* tends to be a better frame of mind that *we can't because*. Nevertheless, I was pleased to see that additional Entry Clearance Officers are in the pipeline and that attention is being paid to outputs.

So far as senior management is concerned, the way Lagos has grown has led to what is called a *collapsed management structure* in that there is inadequate separation of roles. **I recommend** that the structure is stretched out so that there is clear headroom for each level - Officer, Manager, and Deputy Director. The first step in that process could be removing the requirement for Managers to check all of the Entry Clearance Officer's decision work, thus allowing and encouraging personal responsibility.

*[UKvisas' comment: UKvisas does not accept the Independent Monitor's assessment that Lagos has a collapsed management structure. Since the single Deputy Director Post has been divided in two, clear line management teams with defined areas of responsibility have been drawn up for ECOs, ECMs and the two Deputy Directors of Visa Services. Information on team structure and responsibilities has been circulated to all staff.]*

And as for the snappy slogan - how about "Lagos: you're welcome".

**L M Costelloe Baker**  
**Independent Monitor**