

Report on my visit to Moscow: September 2008

BACKGROUND

- **Application processes:** Applicants complete an on-line form using the visa4UK system and then attend in person a Visa Application Centre (VAC) run by UK Border Agency's commercial partner VFS Global where they deliver a signed copy of the Form, pay the application fee and provide biometric data. Decision making for Ekaterinburg cases was transferred to Moscow in May and will be for St Petersburg this month. I note that there are now five VACs in Russia, including Novosibirsk and Rostov on Don and that discussions are underway on sharing premises with other nationalities to improve accessibility in such a huge geographic area.
- **Demand:**
 - In financial year 2007-08, Moscow received 120,245 UK applications, a decrease of 6.2 % over the previous year. From April to July 2008, demand fell by 7.4% compared with the same period last year. Excluding children, whose applications cannot be counted separately, 73.4% of applications were for non-family visits.
 - In financial year 2007-08, Ekaterinburg received 8,671 UK applications, a decrease of 37.6 % over the previous year. Excluding children, 57.2% of applications were for non-family visits.
- **Refusal Rates:**
 - In 2007-08, Moscow: the overall refusal rate was 5.5% and that has fallen since April 2008 to 4.1%, possibly affected by the surge in visit applications connected with a football match. In Ekaterinburg: the overall refusal rate was 8.7%.
 - From June to August 2008 I found that visit visa applications (excluding children) had a refusal rate of 3.9%, Student Visitors, 6.7%, and Short Term Students, 34.1%. Tier 1 of the Points Based System had a refusal rate of 6% based on 16 decisions.
- **Staffing:** There are 8 Entry Clearance Officers, 2 Entry Clearance Managers, a Deputy Director Visa Services with regional responsibilities, plus a complement of administrative support staff. For the summer period Moscow has had 7 short term Entry Clearance Officers and 2 short term Managers. Given the volume of work I was pleased to learn that there will soon be 4 permanent Manager posts as I do think staffing levels have been very tight.
- **Surplus and Deficit:** In 2006-07, the most recent figures available, the visa operation in Moscow recorded a deficit of ££8,667,387.

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Many formal inspectorates work 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, the UK Border Agency International Group asked its regions and HQ projects to nominate staff on the basis of excellent performance. I have selected 8 people of varying grades and for this monitoring visit an overseas Entry Clearance Manager and Officer worked with me on the file sample and on projects about interviews and Student Visitor applications.

The programme

I issued instructions for the file samples and registers I wished to assess. We talked with staff from the VAC, and with Entry Clearance Officers, Managers and Assistants, the British Council and VisitBritain. We attended a meeting of the Moscow User Panel and heard the views of people with interests in the Russian travel industry and with UK-Russia business. We met visa staff from other countries' Embassies. I outlined my findings to the Ambassador and his Deputy.

Information

- **The VAC:** I made some minor recommendations on notice board information and by the next day VAC staff produced a layout template. This is an excellent idea as it establishes how a notice board should be set out, with matched pairs of English and translated information and with key common information most visible.
- **The visa office:** Managers wish to reduce the footfall of people who call into the Embassy. It was, therefore, surprising to see that the most obvious information at street level was the visa office's opening hours. I thought it would be sensible to make information on how to apply (not here, on-line and then at the VAC) more prominent.
- **The British Council:** Staff were well informed about the changes to student visa applications and categories and had a good working relationship with UK Border Agency. I thought that the time was right to start informing applicants of the change to a Points Based system in the Spring of 2009.

Interviews

UK Border Agency's business process changes toward making visa decisions on paper evidence and clustering decision making, means that fewer applicants will be interviewed in person. In my file sample, which mostly covered visitors and short term students, we noted that 5% had been interviewed, around half the global percentage. One of my team members looked at interview practice in Moscow and found that, overall, it was working well.

Entry Clearance Officers have to obtain permission to call an applicant in for interview, but there are no written guidelines setting out the criteria used. The system is explained to new staff during induction training and mentoring and whilst I found that Officers are applying local guidance they could not say clearly what it was. Entry Clearance Managers could, however, explain the circumstances under which they would authorise an interview – *only if the information sought could not have been provided on paper and only if it will enable an Entry Clearance Officer to make a decision that can't be made with the papers provided.* **I recommend** (1) that simple criteria are set out more formally as policy.

UKBA Response:

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Accepted and implemented. Guidance has been circulated to Entry Clearance Officers (ECOs). This has also been included in the training pack for new arrivals, and in the newly created Entry Clearance Manager (ECM) guidance folder.

There was no evidence that transferring Ekaterinburg cases to Moscow had needed special measures as applications were of a similar nature though with a lower income and lower living costs. Officers did think that Managers might be more reluctant to agree an interview for someone who would have to travel from a spoked area. However, when asked about policy for spoked posts it was clear that the same standards were being applied, with an occasional telephone interview concession for someone who might find it difficult to travel.

In most cases, Entry Clearance Officers conduct interviews based on the notes of a colleague; this is common practice in large posts allowing workflows to be managed effectively whilst allowing flexibility for the applicants to pick an interview slot which is convenient for them. We looked at the notes made to see if the interviewing Officer had adequate information in order to structure the interview appropriately and found no evidence that the interviewer strayed into areas where the first Officer was already satisfied the requirements of the Immigration Rules had been met.

I noted that none of the letters of complaint reviewed identified the interview process or lack of access to an interview as problem. Visa staff said they had seen no evidence that applicants were confused or unhappy with the process for deciding who to call for interview. VFS staff noted that some applicants were frustrated at being called into the VAC to collect their passports, only to find that when they opened their envelopes no decision had been made but all their papers had been returned and they had to arrange an interview. Given that there is no queue for interviews, **I recommended** (2) reviewing this process for cases which can be determined quickly where there is less need to return a passport. VFS, on request, could call the applicant to arrange an interview slot and applicants could then go straight to the Embassy, saving them an extra trip to the VAC.

UKBA Response:

Accepted

- The daily spreadsheet sent to the VAC has been updated to include an additional column to show the applicant's e-mail address
- Post have prepared e-mail templates which VFS will send to applicants, explaining that they need to arrange an interview. This will obviate the need for them to attend the VAC to collect a letter. Once the template has been translated into Russian it will be sent to the VAC with instructions.
- ECOs will be required to attach a covering sheet to the VAF to indicate to ECMs where an interview is recommended.

VFS also noted that a small number of applicants submitted incomplete applications expecting to be able to present documents at interview if required. I note that applicants are sometimes asked to bring documents with them to interview and the standard letter refers to this. There is the chance of unfairness however when documents can be provided at interview because it gives the application a second chance because another applicant might be refused and advised to apply again. I noted visa staff were in the middle of drafting an information sheet on documents so make no further recommendation at this stage.

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I did have some concerns about interview practicalities. The computer monitor is in the middle of the desk, directly between the Officer and applicant and **I recommend** (3) changes to the layout so that Officer and applicant can see each other.

UKBA Response:

Accepted in part. The interview rooms are small, where it is possible to move the workstations this has been done.

I also recommend (4) checking the sound system in the interview rooms because the current settings make it hard to hear what the applicant is saying.

UKBA Response:

Accepted. ECOs have been reminded to use the microphones provided. However, there are limitations to the current acoustics system and Post are investigating whether any further refinements can be made.

Decision quality file sample

I reviewed 87 files where visas had been refused, in August 2008, on applications with limited appeal rights in categories within my remit. Using a 5 point scale to assess whether the decision and Refusal Notice is lawful and reasonable, Moscow scored 90.8%, comfortably in the Fair band and above the global average of 85.6%. Notices were generally neat and tidy with very few spelling or typo errors. I was concerned at a standard sentence that had, I was told, recently crept into the Refusal Notice template – *I am satisfied that you meet some of the requirements of the Immigration Rules*. Sensible Entry Clearance Officers were deleting it and following proper practice in setting out the sections of the Rules that were thought to be met. **I recommended** (5) that all followed suit, or that the offending sentence was deleted permanently.

UKBA Response:

Accepted and implemented. The wording has been removed from templates to reflect UKBA policy (Entry Clearance Guidance Chapter 26):

26.3 - Writing Notices of Refusal

In all unsuccessful applications whether or not they attract a full right of appeal, it is important to state which requirements of the Immigration Rules that have not been met, and to relate the most important facts of the case to them.

I noted perfect practice from one temporary Entry Clearance Officer in setting out both the period and the purpose of the intended visit at the start of the Refusal Notice. The level of detail meant that there could be a very simple paragraph later on, for example, *You have applied to accompany some children to the UK for three weeks . . . The children's application have been refused and so the purpose of your visit no longer exists.*

One Entry Clearance Officer appeared to be using their own out of date version of the Immigration Rules and **I recommended** (5i) that was corrected straightaway.

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UKBA Response:

Accepted and implemented. The ECO has amended the template accordingly.

I reminded Entry Clearance Officers not to include an applicant's personal data in a Refusal Notice directed to someone else even where applicants are linked.

There was evidence that visa support staff had made verification checks in 33% of the cases and that verified evidence was referred to in 31% of the Refusal Notices. I thought that the quality of the Verification Reports was the best that I have seen with detailed forms completed, covering the various types of enquiry that can be made. Entry Clearance Officers were not, however, ticking and signing to confirm their own view of the impact of the verification check. **I recommended** (6) that should now happen.

UKBA Response:

Accepted and implemented. ECOs have been reminded that they must:

- sign to confirm that they have made an assessment of the Document Verification Report (DVR)
- if they disagree with a DVR (eg. if the DVR states "not genuine" and the ECO has assessed the document as "non verifiable") the ECO should also note that they have assessed this as such.

There is now a clear audit trail on Proviso showing the DVR process from Checks to ECO assessment to ECM review

There were a few cases where there had been inadequate attention to information on the application form and Managers willingly agreed to have the cases reconsidered. I also noted unfairness in a Refusal Notice saying *You have failed to explain* when the on-line version of the application form does not ask that specific question. I think there is a major unfairness in expecting applicants in some places to answer more, and more detailed, questions simply because paper application forms have a more recent set of questions. **I recommend** (7) that the UK Border Agency addresses this discrepancy.

UKBA Response:

Accepted. UKBA is taking steps to ensure that the questions asked and data gathered are the same from both systems. As the IM is aware the paper VAFs are shortly to be replaced by a revised version, and a review of the online system is under way. UKBA will ensure that the questions asked on visa4uk replicate those on the paper VAF. The target date for these changes to the online application form is the end of November 2008.

All but one of the Refusal Notices had the correct information on appeal rights and the visa team re-issued the Refusal Notice for the very obvious qualifying family visit.

Student Visitors and Short Term Students

One of my team members undertook a specific piece of work on under six months student applications because I had found problems in my most recent global file sample and wanted to take a closer look. The new Student Visitor category was introduced a year ago, since when Moscow has recorded 6435 student visit applications and 3522 student applications, the

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majority of whom apply to undertake short English courses. There has been confusion between the two categories and the principal differences are the application fee (£65 for Student Visit and £99 for Student), and that Students can work and can apply to extend their visa once in the UK. For applications that are refused, getting it wrong does not matter much, but if an applicant intends to work and intends to progress to further or higher education it is vital that they apply for and are considered under the Student Immigration Rules.

I wanted to see how easy it was to obtain accurate information. The VAC website has no specific information about Student Visitor applications. There are 15 FAQ's none of which refer to students. **I recommend** (8) that a FAQ is added to the VFS web site addressing the Short Term Student versus Student Visitor quandary.

UKBA Response:

Accepted. New guidance addressing the different routes available to applicants who wish to study in the UK has been disseminated to Visa Section and VFS, so that queries can be answered. All commercial partner websites will be amended by the end of October.

The VAC homepage takes you to the UK Visas web site where there is a further link to the UK Border Agency website entitled '*Student Visitor visa: details and flow chart*'. It refers to the 'new Student Visitor rules' although the rules are now more than a year old. The website guidance contains irrelevant information directed more to UK based applicants and is confusing rather than useful. **I recommend** (8i) that the UK Border Agency provides accurate information on the UK Border Agency website

UKBA Response:

UKBA accepts that the "customer journey" for this information should be improved but that information should be held on the Visa Services website rather than the UKBA website. The information on the Visa Services website (ukvisas.gov.uk) has been revised and updated so that it is no longer necessary to go to the UKBA website. Links to the Visa Services site will be re-directed accordingly from all Commercial Partner sites by end of October.

I note that the British Council trained 108 preferred agents between March and June 2008 regarding the visa process and Student Visitor rules, considering that these agents now understand the difference between the two categories. The Council feels that there is still some lack of understanding by UK education establishments and students.

The VFS phone Call Centre was off-putting, not only for the cost of making the call but also for the amount of personal information requested before the enquirer is put through. At the VAC there were no leaflets, signs, or other information about Short Term Students/Student Visitor applications. We were told that leaflets had run out, but there is no accurate leaflet for Student Visitors. VACs should, however, have the Student leaflet and **I recommended** (9) that they routinely print copies from the UK Border Agency website when leaflet supplies run out.

UKBA Response:

Accepted and implemented.

At the VAC an **applicant** was completing the online application for a short term student visa to undertake a 4 month English language course. She proposed to return to Russia and had no

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interest in working in the UK. She was not aware of the Student Visitor category, which would have been more appropriate. She found the instructions confusing. Assessing 59 sample files, we found that applicants were indeed confused regarding the Student Visitor category. In a quarter of the Student Visitor visa applications the applicant had indicated that they wished to apply for a Student visa rather than a Student Visitor visa. For most, Student Visitor was the correct category and the applicant had changed the category and paid the fee for Student Visitor after speaking to VAC staff at the counter. There were, however, two applications for Student Visitor visas accompanied by evidence that the short English course would lead to a longer course of studies. These should have been Student applications. I found overall that applicants have a poor understanding of the Student Visit rules and are at risk of changing the application category at the last minute without really understanding the consequences.

Two VAC staff provided accurate information and two did not. One manager found the distinction between student visit and short term student very confusing and felt that inadequate training had been given. I note that in July, an Entry Clearance Manager reminded VAC staff of the changes but I found that VAC staff still have a patchy knowledge.

I was pleased to see that in the 59 case sample of Student Visitor files covering a 3 week period in August 2008, **Entry Clearance Officers** had correctly assessed the application against the category that had been chosen by the applicant, whether the application was granted or not. I found that visa staff have a good knowledge of the Student Visitor category.

Overall, I found inadequate advance information for applicants and can understand why confusion continues even though the Student Visitor category has been around for a full year. I am, however, satisfied that Entry Clearance Officers are assessing applications against the category that the applicant has chosen though that choice may be ill informed.

Risk Assessment

I thought that the Risk Assessment Unit had got into its stride and its role and the information it supplies are well understood and integrated into Entry Clearance Officers' day to day work. In particular, I was pleased to see that it is currently focussing risk measures on child pornography and attempts to traffic people, including children, to the UK given an evidence base to confirm this is of concern.

Post decision correspondence

In the file sample, we found that 4.7% of cases had post decision correspondence. I was concerned to see that some clear complaints about service were not being assessed by qualified decision makers. On the other hand I also saw first class replies, covering each of the points raised in a relaxed and re-assuring style.

I have commented frequently on the need for good complaint handling and how that is part and parcel of a responsible public service. The need has however, been thrown into sharp focus by the recent Immigration Rules relating to deception. In the past, if an Entry Clearance Officer alleged that a document was not genuine, the consequences were that the visa applicant missed their holiday or their business trip. Given Immigration Rule 320 (7B) the applicant will now be banned from travelling to the UK for 10 years. Visa staff can make mistakes and there must be an especially robust process for reviewing cases where there is an allegation of deception. Applications with full appeal rights can challenge the allegation before an independent tribunal. Those with limited rights have recourse only to the complaints process and the slim chance of their case being selected by me for review.

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Moscow managers know that the current system is not good enough and had already embarked on improvements. This case shows why complaint handling needs to be better:

- An applicant was refused because his company were not answering the phone so he was thought to have provided false information about employment. He complained saying that cannot have been true, but only received a telephone response from administrative support staff, and even that did not address the complaint. I asked for the case to be reviewed. The visa team were able to contact the company and found that there had been an error by the document verification team. They agreed that subsequent correspondence was not handled to an acceptable standard. The decision to refuse the visa was overturned and the visa issued.

Overview

I visited Moscow last year, though not on a formal monitoring basis. This time I was very pleased to see a better management structure, a clearer and more balanced working relationship with other British Embassy sections, a more integrated Risk Assessment Unit and a happier mood and atmosphere.

I try to write fairly brief visit reports and the space available has not given me the room to confirm all of the willing, open minded reactions to many of the issues and cases I referred back. In summary, I rate Moscow **Good** for information provision generally though **Poor** for Student Visit applications. I thought the User Panel was a very good way of understanding applicants' perceptions and spreading visa information in a difficult market. Refusal Notices and decision quality scored **Fair** under the tougher targets set this month, though they are higher than the global average. Some simple measures coupled with the additional resources now confirmed should move them into the Good band quite quickly. Post decision correspondence varied from **Poor** to **Excellent** and I am satisfied that steps are being taken to improve responses, recording and consistency. My overall assessment is that performance in Moscow is **Good**.

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