



## **Overview report on my visits to Seoul, Tokyo and Ulaanbaatar: July and August 2007**

### **The visit programmes**

Putting it politely, there was a marked lack of enthusiasm from all 3 Posts for my visit. An interesting variety of reasons were put forward as to why I should not go, or if I did, later would be better. The proposed visit programmes seem to be copied from each other, with little in them intended to show me differences, innovations, what made that Post special. I think it fair to say that at the end of each visit, visa staff reached almost identical conclusions - that the monitoring visits had been useful, getting on for positively enjoyable, and the reality was far better than anticipation.

I am grateful than meetings were set up in all 3 Posts where I could discuss visa business with other Missions. These were especially useful in Seoul and Tokyo where there were frank exchanges on the student market. I was interested to note that the Australian visa business is focusing on customer service, and it may lead the way in that, as it has done in many initiatives.

### **Application processes**

There were marked differences. In Seoul, applicants are encouraged to print off the form from the internet and post it to the Embassy. In Tokyo, applications are accepted by courier, online, through the visa4UK website, or in person. In Ulaanbaatar, applicants typically collect a form from the Embassy and return later on to submit it. These differences will become more marked as Seoul and Tokyo will soon move to a commercial partnership arrangement with a Visa Application Centre separate from the Embassy.

### **Demand**

Application numbers are decreasing in Seoul and Tokyo and rising rapidly in Ulaanbaatar.

In financial year 2006-07, Seoul received 12,306 UK applications a decrease of 2.2% on the previous year. In the current financial year, from a 3 month sample in April to July 2007, there is a annual decrease of 6.5%. South Koreans are not visa nationals and applications for student visas make up around three-quarters of the work;

- Visits 4%
- Students 71%

In financial year 2006-07, Tokyo received 16,532 UK applications, a decrease of 3.2% on the previous year. In April and May 2007, there was a further 15.5% decrease on UK applications. The Japanese are not visa nationals and applications for student visas make up half of the work;

- Non family visits 11%
- Students 50%

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I note that the competitor student countries - Australia, Canada and the US - are all reporting a fall in student numbers from Japan, caused in part by falling population in the relevant age group.

In financial year 2006-07, Ulaanbaatar received 1,695 UK applications an increase of 35.5% on the previous year. In the current financial year, from a 3 month sample from April to July 2007 it is managing an annual increase of 69%. According to The Times, Mongolia's economy is growing by about 7.5% a year. The Mongolian Government has also declared that English is the official second language. The rapid growth in applications is, therefore, unsurprising as applications for non family visits and student visas make up around three-quarters of the work;

- Non family visits           44%
- Students                     29%

### Refusal Rates

There are wide variations in refusal rates between the 3 Posts.

In Seoul in 2006-07, the overall refusal rate was 20.1%. In April to May 2007-08 UKvisas records the rate as 30.9%. In a 3 month sample from April to July 2007, I found the rate to be 22% for non-settlement visas, including 48% for non-family visits. It was not possible to lift out a firm refusal rate for Short Term Students, though the Student 6 months category had a refusal rate of 13%. Visa staff in Seoul consider that the real refusal rate is 14%, having stripped out repeat applicants. As that is not the way UKvisas calculates refusal rates there is no comparative data, but it is, nonetheless, an interesting figure.

In Tokyo, in 2006-07, the overall refusal rate was 2%. In April to May 2007-08 UKvisas records the rate as 1% and I confirmed that from a 3 month sample from April to July 2007. Interestingly, Tokyo scores poorly in its success in appeals, despite refusing only 1% of applications. I note that Tokyo has a larger than normal proportion of applications recorded as withdrawn. Having seen one or two of these in practice, I note that most Posts would count the application as refused, for example declining to attend for an interview. I also noted that an applicant who refused to supply documents had the fee returned when the application was allowed to lapse - most Posts would have issued a Refusal Notice.

In Ulaanbaatar in 2006-07, the overall refusal rate was 24.4% and both UKvisas' figures and my own confirm that there has been a significant change. UKvisas records an overall refusal rate of 6.1% in April and May 2007 and I found an overall rate of 15% for a 3 month period ending on 20 July. For cases within my remit, I note a nil refusal rate for business visitors and 11% for other non family visit visas.

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 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.

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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 *checks needed to be made where Posts which deal with a significant number of applicants have dramatic rises or declines in their refusal rates* 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.

### Staffing

In Seoul, the Entry Clearance Manager time has been increased to 70% of full time and there are 2 full time Entry Clearance Officers.

There has been a recent change to visa section staffing in Tokyo in order to gather together varying percentages of people's time into 2 full time Entry Clearance Officers. That seems to be a very sensible move and will probably improve consistency and performance.

In Ulaanbaatar, there is the most multi-hatted Entry Clearance Officer that I have come across in that he spends 45% of his time being Deputy Head of Mission and Management Officer. Ulaanbaatar has, therefore, just over half of a full time Entry Clearance Officer.

Both Seoul and Tokyo bid for, and were allocated seasonal relief cover for the busy student application period. Ulaanbaatar did not, though it could have done with additional help given the rapid rise in numbers. I do think that relief cover can be a mixed blessing though if there is only one, split duties, Entry Clearance Officer because much time needs to be taken up explaining the role and local practices to the relief officer, which means that the Entry Clearance Officer's own output is affected.

### Costs

In 2005-06, the most recent figures available, the visa operation in Seoul showed a surplus of £321,677. Tokyo recorded a deficit of £170,629. These 2005-06 figures are, in my view, too out of date for Ulaanbaatar to give an accurate picture given the rise in applications, though it recorded a deficit of £433,414.

### Information for applicants

#### Websites:

Websites in all three Posts were of higher quality than many I have seen. I thought that the Seoul website was, overall, very good. The sections on appeals and reviews - *certain categories attract the right of appeal* and *the Entry Clearance Manager will review cases without a right of appeal*- need to be amended in line with the recommendation in my last Parliamentary report: every UK application has some appeal rights.

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

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this is corrected without delay. 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.

The Ulaanbaatar website does have good visa information, though there is an extremely irritating mystery tour ending in a cul-de-sac when trying to find out if Ulaanbaatar accepted postal applications.

### **Waiting rooms:**

All were of a good standard, clean, neat and giving a good impression.

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. 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.

Recognising that Seoul and Tokyo will soon have a partnership arrangement in which VFS will handle the front end of the business, I focused my comments on how an Entry Clearance Manager can ensure that there is adequate **information** for applicants in the Application Centre. Key points are; that information about UK law or government and UKvisas' policies should bear UKvisas logo and be separate from practical application information provided by the commercial partner; that information about complaints needs to be clear on whom to contact and which route to take.

In Tokyo, I thought that there was an unfair imbalance between 7 large notices reminding applicants about their own conduct and 2 small notices behind the seating area with information about service standards and complaints. That imbalance was corrected immediately.

### **At the counter:**

In all three Posts, I spent time observing waiting room behaviour and finding out what queries applicants raise when submitting an application. I found the general standard of service to be good. One common theme was incomplete Visa Application Forms. Returning these for completion takes up a fair amount of Entry Clearance Assistants' time and I hope that the new VAF design is more intuitive. In the meantime, it might be worth putting up a queue-facing notice asking those who are waiting to re-check the form to make sure that it is fully filled in or, even better, to make occasional announcements. I was concerned that in Seoul, an applicant who arrived without a form was told to go away and download one from the internet. I was told that was policy and the visa section could not provide a form on the grounds of saving paper. The Entry Clearance Manager was unaware of that, and took steps to correct it.

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### File samples

In Seoul I examined in detail 55 applications that had been refused in cases with limited appeal rights, all within the past 3 months. In terms of style and structure they were far and away the best I have seen, and the impression was of a high quality and thorough assessment. Applicants will be reassured by the list of documents that have been taken into account, though my own view is that if there are a lot, then the evidence list can say *including . . .* listing those documents that have been founded on in the refusal. Using a 13 point quality scale, Seoul scored 97%, placing them in the Excellent category. In discussion, I highlighted some areas for improvement. Using Immigration Rule 46A for an accompanied child where the adult has been refused is a quick and simple way to support the decision and there is no need to repeat evidence from the adult's application. In one case, I found that the decision was incorrect in terms of the Immigration Rules. The Entry Clearance Manager took immediate responsibility arranging for the fee for a second, successful, application to be re-funded. I thought this open-minded acceptance of a genuine error, with rapid redress, was a very positive sign.

I note a specific concern about South Korean children being "abandoned" in the UK having gone there for educational purposes. Whilst I was there, the local English language paper had a feature on children travelling alone with Korean Air reporting a 23.8% rise in 5 to 12 year olds using their unaccompanied minor service. Only some of those will be travelling to the UK and I commend the visa section for being aware of the potential problems. Immigration Rule 46A provides adequate protection, and the team were aware of it.

In Tokyo, I assessed 46 applications that had been refused in cases with limited appeal rights, all within the past 3 months. Tokyo scored 83%, placing them in the below average **Fair** category. The standard of work seemed to be out of date with current practice; many of UKvisas' policies had not been absorbed. The style and structure varied, with different font styles and sizes and sections that had been left in colour and printed out as grey - an issue that I raised well over a year ago. Not all of the problems found are Tokyo's responsibility. I noted a visit for marriage application that had been refused under Immigration Rule 41. The Entry Clearance Officer had looked up the guidance but UKvisas' Diplomatic Service Procedures do not mention Rule 56D, nor does Border and Immigration Agency advice as accessed from UKvisas website.

In Ulaanbaatar, I looked at 34 applications that had been refused in cases with limited appeal rights, all within the past 3 months. Given the significant pressure of the rapid increase in applicant numbers, I record that the Refusal Notices were, without exception, well presented with sound decision making based on the evidence. Although the Entry Clearance Officer does not use UKvisas templates for Refusal Notices, the structure and style is as I recommended last July and Notices are in a straightforward and digestible format. I note in particular good use of Immigration Rule 46A for child applicants, and that all Notices set out the Immigration Rules on which the decision was founded. Almost all refused applications were refused on lack of funds for maintenance and accommodation, supported by adequate evidence and reasons. Refusal Notice scored an overall 98.0%, placing Ulaanbaatar in the **Excellent** band.

### Complaints

I thought that the Seoul website was particularly strong on complaint information. I assessed a one hour sample of incoming faxes and found that 6 out of 16 constituted a complaint, all but one relating to applications with limited appeal rights, and 50% were about delay, including

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delays in responding to correspondence. The Entry Clearance Manager noted that later that day, none of these letters had been drawn to her attention and I suggested that she should review directions for handling post decision correspondence and letters that might be a complaint. On the Balanced Scorecard, Seoul scores Red for conducting consumer feedback. I understand that the reluctance to use the standard form in the waiting room is that most applications arrive by post so the sample would not be representative. I do, however, think that there are more imaginative ways to obtain feedback - such as spending time in the waiting room going through a standard set of questions face to face; the questionnaire could be posted to applicants with the decision, inviting them to return it, preferably post paid.

In Tokyo, there was a well kept register and courteous detailed letters in response. One complaint included a comment that the treatment meted out had been anti-Islamic. I did not think that the response was specific enough on that issue and thought that it would have been wise to remind the applicant that he had the right of appeal if he thought he had been treated unfairly in terms of the Race Relations Act. Race is not the same as religion, but such information might have been re-assuring.

Ulaanbaatar had had only one complaint this year. **I recommended**, nevertheless, that there should be a formal record kept.

### Short term students

One of the highlights of this visit series was attending the opening night of My Fair Student, a play written and performed by staff and students, past and present, of the British Council in Seoul. I saw the advert whilst in transit a few days earlier and, very kindly, the Council made space for me in a sell out performance. Emily and fellow students embarked on an English language course in London. Her former tutor doubted her ability, but her London tutor/landlady believed in believing in people. The script was witty and poignant, the performers sparkled, the audience was supportive and appreciative - it was a thoroughly enjoyable evening. [I can now add Theatre Critic to my CV!]

Discussing business with British Councils in Seoul and Tokyo, I was especially interested to learn their views of the new short term student entry clearance Immigration Rules, due to come in on 1 September. In Tokyo, UKvisas regional management thought that Japanese short term language students would want to work, estimating an increase in visa applications of 5,000 to 7,000 per year. The British Council thought that most would not want to work and would obtain a Student Visitor visa on entry to the UK.

With less than a month to go, I am concerned that there has been little public information. I can understand a reasonably short notice period to prevent applicants rushing to beat a deadline, but there are real and serious choices to be made from September and applicants should be in a position to make informed choices. Given the importance of the Japanese and South Korean student market it would, for example, be unfortunate if significant numbers were refused entry on arrival because the language school they had chosen was not on the DfEs register.

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

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general student information, rather than as I had recommended, specific information about these imminent changes to the Immigration Rules.

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.

### Overview

I liked the strong sense of teamwork in Seoul which, I am sure, has helped to improve practice. Performance in the file sample, at 97%, reached the Excellent level and if anyone wants to see a well presented up to date Refusal Notice, they could ask Seoul for an example (personal data deleted of course). I do have concerns about registering and learning from feedback so my overall assessment is that Seoul's performance is **Good**.

Tokyo felt behind the times, and fragmented. Once all the staffing changes are in place, sitting the 2 Entry Clearance Officers together will improve the informal discussions that help to ensure consistency. In addition to below average performance in Refusal Notices, I note my concerns that the information provided for applicants is too limited, so my overall assessment is that Tokyo's performance is **Fair**.

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. Despite the pressures, visa staff have worked hard to maintain sound levels of customer service. Performance in the file sample, at 98%, reached the Excellent level, as did counter work, and I commend them for that achievement. My overall assessment is **Excellent**.

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