

**The Independent Monitor for Entry Clearance**  
(Refusals without right of appeal)  
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## **Report on my visit to Dar Es Salaam, Kampala and the East and Southern Africa conference: February 2007**

In addition to preparing twice yearly Reports for the Secretary of State to present to Parliament, I also issue briefer Reports after each of my monitoring visits to visa issuing Posts. This Report covers visits to two Posts in East Africa one of which, Kampala, has a higher than average rate of refusing applications where there is a limited right of appeal. Having visited three Southern Africa Posts in 2006, I would not normally have monitored two further Posts in the region quite so soon, but I was invited to address the regional conference in Nairobi so fitted the visits around that.

I append the detailed Reports for each visit, which UKvisas does not publish on its website, but provide here an overview.

### **Method of application**

Dar Es Salaam and Kampala pair well for monitoring purposes if only to compare and contrast. I was struck by marked differences in the application experience;

- Applicants in Dar Es Salaam go to the High Commission to lodge an application. Around half will have completed the application on line beforehand and call on appointment, the remainder queue outside and are given numbered tickets for entry. All applicants are seen, sometimes briefly, by an Entry Clearance Officer.
- Applicants in Kampala cannot complete the application on line but are expected to call at the office of commercial partner who takes the fee and delivers the application to the High Commission. If an Entry Clearance Officer decides that an interview is necessary, the applicant is issued with an invitation. Around 10% of applicants are seen by an Entry Clearance Officer.

I could see no real reason for the difference in method. **I recommend** that UKvisas explains how it decides which application method should apply at a particular Post.

### ***[UKvisas' comment:***

***There are a number of factors examined before deciding the application methods at particular Posts, including:***

- ***in-house facilities available;***
- ***application levels;***
- ***the availability of a commercial partner;***
- ***internet penetration levels in the country;***
- ***the cost effectiveness, potential efficiency, and level of customer service that the various options would achieve.***

## The Independent Monitor for Entry Clearance



*The new commercial partner contract contracts and on-going work on hub and spoke will lead to further changes in application methods in a number of Posts, but the aim is to provide a high level of service to all and a good quality of decision making in a cost effective operation.]*

### Resourcing

I noted some inexplicable differences in resourcing that could not be explained by a markedly different type of application profile - in Dar Es Salaam, for example 41% of applications were for visit visas with limited appeal rights and in Kampala that was 51%

- In Dar Es Salaam, 0.65 of an Entry Clearance Manager and 1.75 Entry Clearance Officers (plus temporary cover) handled 6,558 applications from April to December 2006. That is 5,000 cases per year per full time Entry Clearance Officer and the equivalent of 13,000 cases per year for a full time Entry Clearance Manager.
- In Kampala, a full time Entry Clearance Manager and 3 full time Entry Clearance Officers (plus temporary cover) handled 8,526 applications from April to December 2006. That is around 4,000 cases per year per full time Entry Clearance Officer and just over 11,000 cases for the full time Entry Clearance Manager.

It would be helpful if UKvisas could explain the basis for determining resources.

#### *[UKvisas' comment:*

*In the briefing to the Monitor UKvisas gave incorrect information on resources in Dar es Salaam. The Dar es Salaam ECM has a 80/20 split between Visa and Consular, and not the 65% as described above. This makes the applications per year for a full-time ECM broadly equivalent to that in Kampala. Dar es Salaam has bid in the recent budget round for an additional ECO and this will, with the increased ECO responsibility for RAU activities, give 2.25 ECOs. Again this is similar to Kampala.]*

### Information for applicants

**Websites:** Good pre-application information gives people the best possible chance of completing the visa application accurately and enclosing the relevant supporting documents. UKvisas has already responded positively to my recommendation to make website information consistent worldwide and agrees that it should be the central point of reference for applicants. High Commission websites for Dar Es Salaam and Kampala show that there is some way to go.

- I was pleased to see that in Dar Es Salaam, the High Commission's website home page has clear information about visas, and that the visa link goes to an information page that has the UKvisas' logo. The Entry Clearance Manager, who arrived in the autumn of 2006, is spending a great deal of time re-writing and updating the website information, and whilst I commend her thoroughness and interest, much of it is information that should be provided through a link to centrally provided information on UKvisas' website. As an example of the problems she is attempting to put right, I note that the Visit Visa checklist refers to a "Kenyan" sponsor so the information has simply been copied from the neighbouring Post without amendment. This gives a very poor impression. I also note that in the FAQ section, there are two references to information



on Refusals and Appeals, but no link to take the reader to the right place. The information on which applicants have the right of appeal is also out of date in that it fails to mention applicants with limited rights of appeal.

- In Kampala, the High Commission's website home page only mentions visas in connection with travellers from the UK. **I recommend** that the High Commission site should include a direct link to visa information for people applying for a UK visa in Uganda.

*[UKvisas' comment:*

*Action to implement this recommendation is in hand.]*

**Noticeboards:** In almost all of my visits to Posts I have found that there are notice boards but little attention is paid to their purpose, or whether they are actually useful for applicants.

- In both Dar Es Salaam and Kampala, **I recommended** that visa staff should assess each notice board point - out on the street, in the queue line, at the security point, in the waiting room, at the counter, to see what information an applicant needs at that point.

*[UKvisas' comment:*

*Action to implement this recommendation is in hand.]*

- **I also recommended**, as I have done elsewhere, that the High Commissions should confirm a translation policy with regard to the language(s) that should be used for visa information notices. Once that policy has been decided, all notice board information should be translated accordingly, with sets of information looking similar and either placed close together so the applicant knows that they are copies or in separate language sections on a noticeboard. If translations are patchy or scattered, as they were, the applicant might become anxious when they cannot understand an English language notice.

*[UKvisas' comment:*

*Action to implement this recommendation is in hand.]*

**Leaflets:** In Dar Es Salaam, I spent some time in the waiting room and noted that applicants picked up a leaflet, read it and returned it to the rack. Noting UKvisas' recent proposal to cease producing the leaflets on the grounds of under use, this does mean that the use of the leaflets cannot be determined by how often the racks need to be refilled. I was concerned to see that in Kampala, there was no mention at all of UKvisas in the waiting room - no notices and no leaflets.

**UKvisas:** Neither Entry Clearance Manager had a business card that linked them to UKvisas, unlike many that I have seen. I think that the UKvisas "brand" is a helpful way of differentiating the visa business from general diplomatic work and from other branches of the UK's work overseas such as The British Council. **I recommend** that UKvisas provides guidance on how Entry Clearance Manager should describe themselves, in their business cards and when replying to letters.

*[UKvisas' comment:*

*It is agreed that business cards for ECMs should carry the UKvisas brand and action to implement this recommendation is in hand.]*



**Interviews:** In both Dar Es Salaam and Kampala, **I recommended** that the visa section should have clear criteria to use to determine whether a full interview is necessary as that will help with consistency.

*[UKvisas' comment:*

*It would virtually impossible to set down an exhaustive list of circumstances in which an interview should be conducted, and any list runs the risk of being too prescriptive. ECOs should assess an application and ask themselves whether or not there is any further information that they need before they can make a fair and balanced decision, and whether the only practical way to get that information is by interview.*

*The introduction of structured decision making will make it much easier for ECOs to quickly identify issues, refusals, those who need to be interviewed and the areas which need to be explored at the interview.]*

- My main concern about practice in Dar Es Salaam was that the Entry Clearance Officers conduct often lengthy and potentially sensitive interviews at the counters in the waiting room. I noted that Entry Clearance Officers often found it hard to hear applicants and, from my observations on the other side of the counter, I think that applicants keep their voices down to avoid being overheard. This difficulty appeared in Refusal Notices, where Entry Clearance Officers referred in critical terms to having to repeat questions. Given the problems with interview arrangements I find that that the conditions were unsuitable to allow an Entry Clearance Officer to gauge proficiency in the use of English, though that appeared in some Refusal Notices. **I recommended, very strongly**, that Entry Clearance Officers should only use the counters for very simple checks and should use the adjacent good quality interview rooms for any work that involved personal data. Interviews should focus on gaps in the VAF, and Refusal Notices should not be based on reasons that have not been explored in interview when an interview has taken place.

*[UKvisas' comment:*

*Action has already been taken to implement this recommendation.]*

- In Kampala, interviews took place in private well equipped rooms. Because interviews are the exception rather than routine practice, Entry Clearance Officers had given thought to the issues that they wished to raise and the pre-planning was apparent. I was impressed by the overall quality and particularly pleased to see that the Entry Clearance Officers had a thorough understanding of working life and practices in Uganda and they used that appropriately. The Entry Clearance Manager has prepared the best introductory guide to Entry Clearance Officer work that I have seen, and there is a strong focus in it on local knowledge: the quality of the interview work and the Manager's commitment to local knowledge was commendable.

**Quality of decisions:** At each Post I reviewed recent files where visas had been refused, including cases where there is a full right of appeal. I was pleased to note that there has been significant improvements in achieving a standard style and structure to Refusal Notices and there was more consistency in this regard than I have seen elsewhere. Decisions in both Dar Es Salaam and Kampala were generally reasonable, though in both Posts there was a marked



difference in quality between permanent staff, whose work was sound, and temporary staff whose work was of poorer quality.

- In Dar Es Salaam, a new Entry Clearance Officer in 2006 had brought up to date practice to a Post that was lagging behind. The appointment of an able Entry Clearance Manager later last year is really moving practice forward.
- In Kampala, the thoroughness of the Refusal Notices, which covered all possible grounds for refusal, did make them sound somewhat overbearing, with paragraph after paragraph saying No and No again. As the Notices only commented on the Immigration Rules that were not met, they felt unbalanced and UKvisas' new guidance will help in this regard when Notices will also confirm the Rules that have been met. I advised that the term "testimony" should not be used to describe information provided at interview as it normally means evidence given on oath or affirmation.

**Complaints:** I was not satisfied that complaint handling was as effective as it should be.

- In Dar Es Salaam I noted a very basic complaints register which captured very little information. The 3 more recent cases that I looked at all had detailed and balanced responses by the Entry Clearance Manager. Two of the complaints related to Refusal Notices that were, in my view, of poor quality.
- I was concerned to see that complaints in Kampala seem to be handled mostly by support staff, with standard looking letters. **I recommended** that the Entry Clearance Manager pull complaints back into his direct oversight.

*[UKvisas' comment:*

*Action has already been taken to implement this recommendation.]*

Given my concerns about complaint handling practice, I used part of my session with Entry Clearance Managers at the regional conference to outline the basics of good practice;

- Treat complaints as a low cost and valuable form of consumer feedback rather than a nuisance that is added on to the "real" work;
- Develop policies on who should handle complaints;
- Record all of the complaint issues raised;
- Respond to them all in the order that they are raised by the complainant;
- Analyse the grounds for complaint under headings such as, Administrative failure, Communication failure, Entry Clearance Officer conduct, Complaint about legislation etc,
- Record the source, grounds, staff member, category and outcome;
- Review the record at least once a year and use it to improve practice.

**The British Council and student applications:** I had a useful meetings with the British Council in both places and was pleased to see constructive working relationships existed

- In Dar Es Salaam, the Entry Clearance Manager agreed to provide a briefing for staff who were newly assigned to student enquiries and, at a higher level, a briefing on

## The Independent Monitor for Entry Clearance



developments with the Points Based System. The Council agreed to improve the visibility of UK visas leaflets, though I noted that the Student and Visitor leaflets were there. I noted that a number of UK educational establishments had provided feedback to the visa section on compliance rates by students who had been issued with visas. This provided very helpful and re-assuring feedback and I suspect that the establishments are putting into practice some of the increased responsibilities that will come with the Points Based System.

- In Kampala,

### Overview

In my assessment of the 2006 file sample, I class **Dar Es Salaam's** performance as Poor. Refusal Notices had inaccurate appeal information and were often so brief as to be meaningless. It is now benefiting from an Entry Clearance Manager who is working very hard to bring the Post's practice up to date. There is every sign that the new team will do well. Given the problems with some Refusal Notices and the inappropriate use of counter interviews I class its performance now as **Fair**, but improving.

In my assessment of the 2006 file sample, I found that 80% of Refusal Notices from **Kampala** were reasonable and provided correct information about appeal rights, the main problem being overlooking evidence from Section 10 of the VAF. That places them in the Fair category. They remain as **Fair** from this review given the problems seen in Refusal Notices, a lack of attention to the information needs of applicants and the poor response to complaints. I do, however, wish to record that the permanent staff's work in both interviews and Refusal Notices was of high quality and that, on its own, would have merited Good or Excellent performance. The problems that I found should be put right quickly by the competent Entry Clearance Manager.

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