

## Report on my visit to Wellington: March 2009

### BACKGROUND

- **Application process:** Applicants in New Zealand complete an online Visa Application Form and make an on line appointment to provide biometric data at one of 3 centres provided in Immigration New Zealand offices staffed by New Zealand officials. Once the applicant has provided biometric data they submit their application by mail to the UK Border Agency drop box and, from mid February, a commercial courier delivers the application to Canberra where the decision is made by UK Border Agency staff. The Wellington office continues to handle applications made before the end of January.
- **Demand:** From April 2007 to March 2008, Wellington received 8,032 UK applications a decrease of 18.4% compared with the previous year. From April 2008 to January 2009, there has been an increase of 12.7%. Excluding children, whose applications cannot be counted separately, 3.9% of applications are recorded as being for non-family visits and 39.5% for Working Holiday Maker visas which, by the time of my visit, had been transferred into the Points Based System as Tier 5 Youth Mobility.
- **Refusal Rates:** The April 2007 to March 2008 overall refusal rate is recorded as 1%, rising to 5% so far this financial year. From December 2008 to February 2009 I found that the overall refusal rate for non-settlement applications was 7%.
- **Staffing:** From February, there is one UK Border Agency administrative support officer, and a former Entry Clearance Officer is handling outstanding visa matters. I note that from June 2008, there has not been a substantive Entry Clearance Manager.
- **Surplus and Deficit:** In 2006-07, the most recent figures available, the visa operation in Wellington recorded a deficit of £899,584.

### The programme

I issued instructions for the file samples and registers I wished to assess. I visited Immigration New Zealand where applicants provide biometric data and I had a useful meeting with New Zealand officials.

### Information for applicants

Although the High Commission website includes more information than formal policy dictates, it was well laid out and information was generally accurate. I note that it says "We have an agreement with an external agency to provide advice and information by telephone". **I recommend** (1) that this is re-worded because the call centre staff must not provide advice and can only provide information: information can be supplied to anyone, but advice is personally tailored. UK Border Agency staff and its commercial contractors are not regulated by the Immigration Services Commissioner and cannot, therefore, provide advice.

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### UKBA Response

Accepted and implemented.

**I also recommend**, (2) that in accord with a previous accepted recommendation, references to visa fees should be corrected throughout to visa application fees. This makes it more obvious that the fee is for the application process and not for the visa, and the fee will not be refunded if a visa is not issued. There was a good link to UK Border Agency appeals information but it would be useful to add in information and a link to guidance on Administrative Review.

### UKBA Response

Accepted and implemented.

When the UK Border Agency outsources some of its responsibilities to others, whether they are commercial partners or agencies of other Governments, it is vital that applicants know who is capturing their personal data and who will have access to it. This was not adequately clear in Wellington. At the biometrics enrolment centre, applicants will probably queue at the New Zealand desk before being directed to the UK Border Agency section because signs were not well located or specific. **I recommend** (3) that all signs have an obvious UK Border Agency logo. I was concerned to find supplies of the well written UK Border Agency leaflet, which is handed to applicants, had run out but New Zealand officials had not asked for fresh supplies and UK officials had not noticed. **I recommend** (4) that the UK Border Agency keeps an eye on this in the future, and also on the biometrics offices in Auckland and Christchurch.

### UKBA Response

Both recommendations accepted. Immigration New Zealand (INZ) is content for a minimal amount of signage to be placed at its discretion. UKBA is revisiting this with INZ in the light of this recommendation.

UKBA will ensure that INZ has adequate stocks of UKBA leaflets.

### Decision quality file sample

I reviewed 35 files where visas had been refused on randomly selected dates in January 2009, for applications with limited appeal rights in categories within my remit. Using my 5 point scale to assess whether the decision and Refusal Notice is lawful and reasonable, Wellington scored 87.3% which places it in the Fair band (85% to 94%) and above the most recent global average of 84.8%. Data accuracy was good and it was easy to generate an accurate file sample.

I was concerned to find that a number of Application Forms had not been signed, and that regional management had apparently said that was acceptable, even though UKvisas accepted my October 2007 recommendation that on-line applications must be signed on paper. The UK Border Agency has not yet responded to the recommendation I made in my report on Dhaka, to provide guidance to Entry Clearance Officers on handling unsigned applications. Without the applicant's signature there is no authority to handle data and no statement that the information is correct: both are important, but all the more so for the Immigration Rules relating to deception.

Many of the Application Forms had handwritten additions but it is impossible to tell whether they had been made by the applicant or by visa staff. Once again, it is vital to know because of

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the need for firm evidence on deception. Manuscript corrections and additions by the applicant should be countersigned, and staff should not make their own notes on the Form.

All but two (94%) of the sample cases had been assessed against the correct Immigration **Rules**. In one application for Tier 1 of the Points Based System, whilst there was evidence of previous deception, the applicant had been granted Entry Clearance on arrival in the UK after the alleged deception and it was more likely than not that the Immigration Officer in the UK had known of the previous deception. This later application should not have been refused under Immigration Rule 320 (7B). I recommended that the case was reconsidered and when it was, the visa was issued along with a cover letter explaining why the passport had an incorrect refusal stamp in it in case the applicant was questioned on arrival in the UK. In the second case, the applicant applied as a visitor but wrongly assessed as a Youth Mobility application and refused because he had had a Working Holiday Maker visa in the past. This case was reconsidered and refused under the correct Rule. 16% of Refusal Notices contained statements that were material to the decision and not in accord with the **evidence**. There were no cases of wholly unreasonable **judgement**, and all of the sample cases correct **information** on appeal rights.

Before reaching a combined score, I assessed visit visa applications, of all types, separately from Tier 1 and Tier 5 of the Points Based system. Visit visa applications had a very poor score of only 63% of the decisions being reasonable and lawful. This is a significant fall in decision quality since I recorded Wellington's score as 81% in 2006. Facts based Points Based System applications should have fewer errors and they did: Tier 1 scored 91% and Tier 5 scored 93%. It is however, worrying that young New Zealanders waste the visa application fee because they do not realise that they have to provide supporting evidence, or that the application must be accompanied by original bank statements rather than statements downloaded from the internet. This problem is common to both Australia and New Zealand and **I recommend** (5) a shared publicity effort to increase public awareness.

### UKBA Response

Accepted. There are a number of 'Overseas Experience' events that take place in New Zealand throughout the year and these will be used to get these kind of messages across. The new Regional Marketing Manager, once recruited later this month, will also be available to support this activity.

Turning to my 5 pointers to assess the **quality** of the Refusal Notices, Wellington's were neat and tidy. They have, however, been using an out of date version of the Immigration Rules relating to visit visas, having not changed the template in September 2007.

### Turnround times

The UK Border Agency aims to handle non-settlement applications in 5 to 15 days depending on the complexity. It recently put global post by post information on the Visa Services<sup>1</sup> website to show the proportion of applications that meet these targets. After the initial launch, it is now quite hard to find this potentially useful information and **I recommend** (6) that it is linked to *How long does it take to get a visa?* on the FAQs, page and that all posts include a front page hyperlink.

### UKBA Response

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<sup>1</sup> <http://www.ukvisas.gov.uk/resources/en/docs/10368946/processingtimescustomers>

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Accepted. Commercial Partner websites already include a link from the front page to the visa processing times guide. For Wellington and the Visa Services sites the changes will be made immediately. For the other posts without a commercial partner, we will ensure by 30 June that the recommended changes are made.

The Wellington page says that it completed 215 applications in January but staff said it should be 555. The page says that between 92% and 100% of general or business visit applications were completed within 15 days. That cannot be true as the applications I assessed had a processing time of 6 to 15 weeks not 15 days. I gather that the system counts as the completion day the day the Entry Clearance Officer makes the decision, but in Wellington there was a very, very long gap from then until the decision was reviewed and dispatched.

UK Border Agency accepted my recommendation to publish turnround times from the applicant's perspective, that is *How Long from start to finish* because that helps people know when to make an application. The information provided is wildly inaccurate from the applicant's point of view and positively misleading. Not only are there lengthy delays in the internal UK Border Agency system, but applicants need to take into account the time needed to provide biometrics. I note that the biometrics arrangements cannot always keep up with demand as the British High Commission website visa page says:

The demand for appointments between March and June is high you may have to wait for up to three weeks before an appointment is available.

I understand that the delays are most likely to occur in Auckland, but it is disingenuous for the UK Border Agency not to include this time in its turnround information as the biometrics process is a mandatory and remains its responsibility. **I recommend (7)** that that turnround time information accurately reflects the application process start to finish.

### UKBA Response

Accepted. Biometrics appointments are currently available at all three Immigration New Zealand locations in 1 – 3 days.

The UK Border Agency agrees that the processing time information provided should represent the complete end to end process, to give the most accurate possible picture to the applicant. This report is being presented to the public for the first time and we are working to improve the accuracy of the data. We are reliant on feedback to identify issues and so welcome the information within the report. Our comments on the issues raised are:

#### 1) Lower than expected application numbers in Wellington

There were two software errors in the routine selected to be reported within the monthly performance report that combined to both reduce the application numbers reported and create a small bias towards applications completed in short timescales. The errors were corrected before the February's data was published on 18th March. The latest data for Wellington shows a total of 656 decisions made. We have also re-published the existing results for October – December 2008 against targets.

#### 2) Percentage of general and business visit applications completed in 15 days too high

The delay in writing refusal notices at Wellington is not considered within the report because there is no IT record of despatch after the decision was taken. Following the IM's comments we have consulted other Posts to see if this is a common occurrence, but it does not appear to be. We will seek a solution to improve accuracy of the reports.

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### 3) Biometric appointment waiting times

The UK Border Agency is aiming to publish a standard and details of performance against the standard for biometric enrolment waiting times by the end of April for all locations where appointments are mandatory. The data is to be extracted from three IT systems. Two of the systems are on track to deliver data in April, the third is proving more complex to deliver.

### Correspondence and complaints

Of the 12 complaints recorded from July to October 2008, some had a response within 2 or 3 days but others, for no obvious reason, had to wait 5 or 6 weeks. When the complaint is about taking too long to process a visa application (6 weeks) taking a further 5 weeks, without good reason, to respond to the complaint is inexcusable. I was concerned to see some replies that were critical of Government policy, regretting the rigidity of Points Based decisions for example.

The complaints register had been completed up to incoming complaints dated October 2008. I was told that the Manager had been instructed to stop responding to complaints because his 30% visa time (the balance was for Consular matters such as UK passports) needed to be spent on the process of transferring to Canberra and on moving backlog applications to completion. These letters cannot simply be left in an in-tray in the hope that they will slide into a waste bin. I was told that the former Entry Clearance Officer would be expected to handle them. I think this is unfair on him and discourteous to the complainant. Resourcing problems are the responsibility of regional management and **I recommend** (8) that these unanswered letters should go to Hong Kong where regional staff can explain why staff Wellington did not provide a prompt response, as well as responding to the substance of the complaint.

### UKBA Response

Accepted in part. The responses will be provided by staff at Wellington, not Hong Kong, and it is estimated that 95% of all residual work will be completed by the end of April 2009.

## OVERVIEW

When I first indicated that I would visit Wellington, UK Border Agency's response was, that as there is no commercial partner, the New Zealand authorities takes biometrics, all applications and payments are online, and applicants post the documents to a PO Box, my monitoring visit would "*not be a hugely interesting spoke experience*". New Zealand might not be interesting from the UK Border Agency's viewpoint, but it is to New Zealanders, and to the British High Commission in Wellington, and to me. During my visit, a television consumer programme raised concerns about the handling of a visa application. This demonstrated very clearly that the British High Commission remains closely involved with the UK Government's responsibilities with regard to visas. The UK Border Agency cannot pack its bags and walk away.

The business process change turning Wellington into a spoke has not been handled well, with changes to dates and expectations that have unsettled staff who want to provide a high quality visa service. Applicants have been poorly served by the long backlogs, and I note especial concern that focusing attention on visas that are issued is, as I noted in my report on Istanbul, an unfair business process. It is also unfair to fail to respond to a complaint unless it is addressed to the High Commissioner because that leaves Britain looking as though personal influence is what matters, rather than equality of treatment.

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I thought Wellington was Good for information provision generally but Poor for failing to ensure data handling and complaint information was provided to all applicants. Decision quality was Fair though the fall in the percentage of visit visa decisions that were lawful and reasonable to a score of Very Poor is of concern. Correspondence and the handling of complaints was Very Poor. My overall assessment is that performance in Wellington is Poor. I note that the tidying up of outstanding cases is being handled by excellent and committed staff whose time should be properly debited to the UK Border Agency account.

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**Independent Monitor**