



Report on my visit to Jakarta: January 2009

BACKGROUND

- **Application processes:** Applicants in Indonesia complete a paper or online Visa Application Form and then attend a Visa Application Centre run by VFS, UK Border Agency's Commercial Partner, to pay the application fee, provide biometric data and submit their application. VFS send the documents to the British Embassy where Entry Clearance Officers make the decision.
- **Demand:** From April 2007 to March 2008, Jakarta received 16,723 UK applications an increase of 8.6% compared with 2007. From April to December 2008, there was a decrease of 7.4%. Excluding children, whose applications cannot be counted separately, 77.6% of applications are recorded as being for non-family visits and 4.1% were students.
- **Refusal Rates:** The April 2007 to March 2008 overall refusal rate is recorded as being 4.5%, falling slightly to 4.3% so far this year. From October to December 2008 I found that the overall refusal rate for non-settlement applications was 5.6%.
- **Staffing:** There are 2 Entry Clearance Officers, an Entry Clearance Manager and 4 Assistants.
- **Surplus and Deficit:** In 2006-07, the most recent figures available, the visa operation in Jakarta recorded a deficit of £6,958,654.94, which seems a very large amount for such a small post.

The programme

I issued instructions for the file samples and registers I wished to assess. I visited the Visa Application Centre. Her Majesty's Ambassador hosted an enjoyable dinner where I met a wide range of guests some with business interests in Indonesia. I met visa staff from the Canadian and Australian Embassies and visited the British Council.

Information for applicants

The VFS run Visa Application Centre was of the normal high standard. I thought though that VFS's website and waiting room needed updated information on Points Based applications under Tiers 2 and 5 and I recommended that out of date information was removed. I make similar findings and recommendations on all of my visits and note that although the UK Border Agency expects managerial staff to read my reports, recommendations are not applied globally. In my report on Manila I have recommended a formal prompting system because the time has come to take global action given the series of very repetitious recommendations.

The waiting room at the British Consulate was the most unloved and neglected that I have seen. The fees notice was dated March 2008. The noticeboards had sample forms from 2002. There were no information leaflets and no reading material. Worst of all was a copy letter stuck to the

The Independent Monitor for Entry Clearance

glass screen listing some applicants' names, dates of birth and passport numbers, breaching the requirement to protect personal data, and doing that for the 5½ years since the letter was written. For applicants who are interviewed, and Jakarta interviews at least 14%, this is the first impression of the United Kingdom and for those whose visa is refused, it is their only impression. Staff had managed to get the waiting room, and their own offices, painted last year and the carpet replaced but no-one had really gone into the room to see what it looked and felt like from an applicant's point of view. 10 minutes of effort the next morning made a huge improvement – re-aligning the seating, popping some reading onto a shelf, placing a vase of flowers (artificial but high quality) on the counter. The team undertook to ensure that there are up to date versions of all the required notices.

Decision quality file sample

I reviewed 42 files where visas had been refused on randomly selected dates in October, November and December 2008, 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, Jakarta scored 85.7% just into the Fair band (85% to 94%) and almost the same as the most recent global average of 85.6%. Data accuracy was good and it was easy to generate an accurate file sample.

I was told that allocation is random and I noted that the average refusal rate was 5.9%, with the 2 Entry Clearance Officers clustered around that very tightly at 5.7% and 6.1%. This is the best consistency score that I have found, and is comfortably within the 5% either side of the average that I consider to be reasonable.

90% of the sample cases had been assessed against the correct Immigration **Rules**. I found 3 cases where, according to the Refusal Notice, the Entry Clearance Officer had found evidence of false representations, false documents or material facts not being disclosed, setting that out clearly. The Immigration Rules require such cases to be refused under Immigration Rule 320(7A) and this is mandatory. We spent much of the week looking up law and guidance on this and the team concluded that the Rule had not been fully understood when it was introduced in early 2008. I can assure the UK Border Agency that the Jakarta team are now expert. Two cases (5%) had been refused under Immigration Rule 3207B and the team were more familiar with this provision. The Refusal Notices contained a good level of detail so the applicant would understand the reasons and the Rule.

The case that caused me most concern involved a genuinely held belief about the circumstances where the Police in the UK would take and retain fingerprints. I recommended that the case was reconsidered which involved undertaking the Police records check again when it was established that the applicant had not been convicted and had, therefore, not failed to declare a conviction and should not be subject to a 10 year ban from the UK under Rule 320 7B. I understand that there has been no regional training on interpreting information proved by these checks which started to operate at the end of 2008.

There is no risk assessment unit in Jakarta, though one assistant is tasked with risk related work and one of the Entry Clearance Officers spends a nominal 5% of his time including attending the local Fraud Control Group and highlighting matters of note. I found clear internal guidance setting out the need for checks, including phone calls, to be recorded adequately, though this guidance was not always followed. I emphasised the need to have a detailed and signed record, including a record of phone calls made by Entry Clearance Officers where material evidence is obtained. I did, however, think that the Officers made good use of calls to clarify simple points.

The Independent Monitor for Entry Clearance

Only 5% of Refusal Notices contained statements that were material to the decision and not in accord with the **evidence**. This is a far better performance than I have seen on recent visits and the visa team are to be commended for their care. There were no cases of wholly unreasonable **judgement**, all the sample cases had correct **information** on appeal rights and there were no decisions affected by **maladministration**.

Turning to my 5 pointers to assess the **quality** of the Refusal Notices, Jakarta had not tamed the wayward global template and produced Notices with page breaks in odd places and repetitive paragraphs; there really is no need to repeat the Immigration Rules or sections of the Rules in three places. As noted in my recent Parliamentary Report, half of visa offices worldwide did not catch up with changes to the visitor Immigration Rules in September 2007, Jakarta included. I was also concerned about an optional paragraph in [brackets] indicating that the applicant was entitled to apply again; it was, apparently, used when there was a reasonable chance that the applicant would succeed the next time if they produced some missing information. Was this part of the reason for refusal or not? Providing information selectively is inappropriate, rather like providing appeal information only to those you thought would not win. These points were quickly amended and Refusal Notices this week will be more accurate and look better.

Data Protection

The current guidance (OPI 79/2008) says that, ideally, the destruction of documents containing personal data should be performed using a cross-cut shredder. The visa office has a strip cut shredder which cuts into readable strips and, if possible, should be provided with one that offers better protection and adequate capacity. I also recommended that advice should be sought on the arrangements for the bulk destruction of application forms and associated papers, currently undertaken by a commercial organisation under supervision.

Correspondence and complaints

My briefing contained a more informative than normal account of complaints in Jakarta, giving the impression that they were taken seriously. In the past, as many of the general enquiries related to “when will my visa be ready” and the visa team had piloted a turnaround time notice in the Visa Application Centre waiting room – very sensible and a good example of using complaints to improve service. During my visit, UK Border Agency Visa Services started to publish global information on how long normal processing takes.

VFS held a well maintained register of complaints and it was simple to identify key themes;

- an application centre in another part of Indonesia, typically Bali;
- being able to pay by card;
- a simpler application form;
- a faster process;
- fewer documents;
- some tourist information on the UK;
- and only one complaint about VFS
- seats near the outer security area for when there is a queue.

I recommended a re-write of some standard replies which were far from being plain English – *we are covenant with non-judgemental tasks*, for example.

The visa office also kept a well maintained complaints register and it was interesting to note that 80% of the complaints were of delay even though the actual turnaround time varied from 3 to 6 days; I assume that applicant and agents were harking back to the days of a same day service. The only real “delays” were a small number of cases where applicants had been given the

The Independent Monitor for Entry Clearance

opportunity to provide more documents: many visa offices would have simply refused the application.

Administrative Review

The Entry Clearance Manager in Jakarta handles Administrative Reviews from Canberra under the new Points Based System. The Reviewer must be demonstrably independent from the Entry Clearance Officer who made the original decision and the line manager who may have quality checked it. I understand that there are plans to have a second Entry Clearance Manager in Canberra so that Reviews can be done there, but in the meantime, review papers are faxed to Jakarta. My view is that Reviews should be done in regional centres or in the UK so that there is no collegueship link with the decision maker. I have also indicated that the Reviewer must see the original documents and no faxed copies. Neither of those recommendations were accepted in the planning stages.

This was my first opportunity to see a significant number of Reviews and I assessed 10 in detail. There is a lot of paper, each Review comprising 40 to 60 faxed sheets. I was unable to read the bank statements in 2 cases because the faxed copy was not clear though the outcome was not affected by that. In one case (10%) the Reviewer had made the same mistake as the Entry Clearance Officer in misreading a bank statement. The applicant had re-applied and been issued with the visa so I recommended that the application fee for the second application, along with the reasonable costs incurred, should be refunded. In one (10%) case the Reviewer had relied too heavily on the Entry Clearance Officer's view and not addressed the reasons provided with the Review request. I recommended that this case was reconsidered. As an alternative to the right of appeal before an independent tribunal, a failure rate of 20% is not acceptable, though I think responsibility lies with the business model and the time available, rather than the conscientious Reviewer.

In the business process planning stage, I do not know how much Entry Clearance Manager time was allocated for each review; it needs to be substantial if the intention is for a thorough review rather than the quick skim that is typical of line managerial reviews. I noted in my Report on New Delhi that Points Based applications are not quick and easy, as some claimed they would be, and the necessity for detailed calculations is showing up wherever I go, especially with rapidly changing currency exchange rates. **I recommend** (1) that, even with just a few months experience, there should be a workload and demand calculation so that resources can be allocated appropriately.

UKBA Response:

Accepted. International Group (IG) is about to deliver on the next phase of Points Based System (PBS) rollout, Tier 4 students at the end of March 2009. This is currently IG's top priority. However, it has also been undertaking a workstream on Post-Implementation Support. This has involved visits by IG's PBS team to high PBS volume Regions, including Kuala Lumpur, New York, Lagos, Abuja, Canberra and Delhi. From these visits, list of key issues which are affecting workload have been drawn up. IG is taking measures to address these issues, including agreeing measures to make decision making more streamlined and efficient.

During the visits, the PBS team also did some work on productivity levels, which involved timing the decision making process for different PBS categories, including time taken to perform the Administrative Review. These timing results will be given to IG's Performance Management and Finance team.

The Independent Monitor for Entry Clearance

Our Performance Management and Finance Team are incorporating the PBS timings into its productivity model for the next financial year. The productivity model will be used to generate staffing projections for consideration by overseas Regional managers.

I also note that the Entry Clearance Manager in Jakarta has not handled Working Holiday Maker applications for around 10 years, but was given no refresher training before he took on Administrative Reviews for Australian Points Based applications, many of which hinge on a sound and detailed understanding of conduct that may have breached the Working Holiday Maker Immigration Rules. The need for relevant expertise and necessary training must be taken into account when deciding who will handle Administrative Reviews.

OVERVIEW

Even with a surprisingly small number of visa applicants, each year, 17,000 ordinary citizens form their impression of the UK through their application experience, which is just as influential as malls full of well-known retailers and top image brands. Indonesia as a country is full of opportunities for the UK, in business, in climate change, in multi-faith understanding, in global influence. I thought that there were sound growth opportunities for the student market with a new British Council Director to take that forward even in difficult circumstances. Given the request for tourist information, the visa team were also interested in some short term project work with the closest VisitBritain office in Singapore.

The Jakarta visa team were a delight to work with: there was much lively discussion and they fully understood the importance of sound decision making, both to the UK and to the applicant. I thought Jakarta was **Good** for information provision generally, though very poor for on site information at the British Consulate. Decision quality was **Fair**, though I was most impressed by decision consistency between the Entry Clearance Officers; they discuss cases which means they develop a common approach. I was concerned at the lack of understanding of the relatively recent Immigration Rules relating to deception, and on using and understanding Police records. I thought that complaint handling and recording was **Good**. My overall assessment is that performance in Jakarta is **Good**.

My major concern on this visit is the adequacy of the arrangements for Administrative Reviews. I emphasise that I consider any defects to be process problems. The Administrative Review system cannot claim to be fair if there is lack of capacity to consider a case fully, lack of training in relevant detail and lack of will to courier original papers so that all the relevant documents can be read. **I recommend** (2) that UK Border Agency considers these points and confirms whether its business model is appropriate. It must work on instilling confidence that the Administrative Review process is independent of the decision maker, robust and fair

UKBA Response:

The business model for the Administrative Review process overseas was developed in consultation with the Independent Monitor, Key stakeholders and the overseas regional network. International Group consulted with regional managers on a number of issues and options to enable the Administrative Review policy to be put into practice. Key issues on which IG consulted included Resourcing, management of the process to ensure independence of the Review, movement of documents around the region, use of Commercial Partners and so on. IG believes that it has developed a workable business model in which all regions have been fully engaged.

The Independent Monitor for Entry Clearance

As PBS rollout continues, the number of requests for Administrative Review is increasing. IG is aware of the pressure this is putting on systems and resources in the regions. It is therefore planning to do a review of the current process following Tier 4 rollout with the aim to address problems and make improvements.

In the meantime, IG has continued to ensure that the Administrative Review process is independent of the decision maker, robust and fair. This is being achieved through the training strategy, PBS Team visits to the Regions and guidance on issues and concerns raised by all levels of staff in the regions.

The IM has already been provided with a separate note regarding the PBS training strategy. IG believes that the strategy adopted is the most effective for a global staff audience. The key elements of the training strategy include: 1) Training of PBS champions/Representatives who will cascade their knowledge to staff in their regions, 2) An e-learning package which can be accessed by all UKBA International Group staff, and 3) Induction training for new ECOs and ECMs on PBS and Administrative Review.

L M Costelloe Baker
Independent Monitor