



## Report on my visit to Madrid: March 2008

### Background information

- **Application processes:** Applications in Spain are made on line and applicants make an appointment to deliver a signed copy, pay the fee and provide biometric data at the British Consulate General in central Madrid. Applications from Portugal have, since January 2008, been couriered from and to Lisbon as part of UKvisas' Hub and Spoke programme. The Embassy in Lisbon does front line and some back office services, and Madrid staff make the decision. Applicants in both places are third country visa nationals, from a wide range of countries, who are living in either Spain or Portugal.
- **Demand:** In financial year 2006-07, Madrid received 9,315 UK applications a decrease of 6.8 % over the previous year. In the current financial year to January, there has been a further decrease of 6.0%. Excluding children, whose applications cannot be counted separately, 60.6% of applications are for non-family visits.
- **Refusal Rates:** In 2006-07, the overall refusal rate was 21.6%, rising to 23.8% so far this year. I found that visit visa applications (excluding children) for December to February had a refusal rate of 32% and non-settlement applications had an overall refusal rate of 25%.
- **Staffing:** There is a full time Entry Clearance Manager and 3 Entry Clearance Officers plus a complement of administrative support staff.
- **Surplus and Deficit:** In 2005-06, the most recent figures available, the visa operation recorded a deficit of £543,209.

### The programme

On arrival I issued instructions for the file samples I wished to assess. I talked with Entry Clearance Officers, Manager and Assistants and met a range of operational staff from other Embassies, along with the Deputy Airline Liaison Officer, at a useful working lunch. I visited the British Council where staff outlined their current programmes of work.

### Information

I made some minor recommendations with regard to the entrance notice – it should include UKvisas' logo – and that was acted on straightaway. I thought that information in the waiting area was Poor, with no specific Visas noticeboard, and **I recommended** that the one closest to the cash till would be suitable having seen applicants looking at it whilst they waited. I repeated my recommendation that fees should be described as *visa application fees*, not *visa fees*, to make it clear that the fee is for the handling process.

### UKBA International Group's response:

Accepted. The waiting area is shared with Consular applicants. While the visa guichet is located closest to the notice board to which IM refers, the consular guichet is the next one along. The consequence of this is that Consular notices must also be visible from there to inform

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customers. Wall space makes additional notice boards difficult but post have agreed to use the notice board nearest to the counter for visa information and they will also move the leaflet rack to make it more visible to visa customers. The Visa waiting room holds all the UKvisas(UKBA)Information leaflets. The notice board has signs with the UKvisas/UKBA logo showing the most common visa fees and the complaints procedures. The notice board also has signs in English and Spanish for consular and visa customers, advising them to obtain a receipt. On the visa cashier window there is a poster advertising the visa leaflets and also a notice (now amended), advising customers that visa application fees are not refundable. In addition each applicant is given a personal laminated sheet upon arrival at the Consulate which guides them through the visa application process. This leaflet is in both English and Spanish.

Staff were concerned that applicants reached the counter without all the necessary documents, despite being asked to keep them when they hand bags into security. Having looked at the script that was read out by the guard, I suggested swapping the order, so that “take out your documents” came before “hand over your bag”. It will be interesting to see if that works!

UKvisas’ leaflets were in a rack out of direct sight. I was concerned to learn that the recent supply included uncorrected copies of the visit visa leaflet which had been withdrawn following my visit to Copenhagen last September. It appears that the re-print has been done without correcting the information on studying which is no longer allowed on a visit visa. I **recommend** that UKvisas recalls these leaflets yet again and provides properly updated copies worldwide. Simply telling staff that some leaflets might become out of date after the print date is little help to applicants, and the visit was out of date well before it was issued.

UKBA International Group’s response:

Recommendation accepted in part. UKBA International Group agrees that correct information must be provided to customers, including through printed material. Revised leaflets will be issued by August 2008. We will remind posts that this leaflet should not be used. Where applicants request information in this category they will be directed to the online version of the leaflet or provided with a copy from the website

### **British Council**

The British Council’s view is that it does not, at the moment, need to be familiar with visa rules because the students it supports are EU nationals. That will probably change and our meeting was a good opportunity for the Entry Clearance Manager to establish lines of communication.

### **Decision quality file sample**

I reviewed 41 files where visas had been refused, in February 2008, with information on limited appeal rights. Compared with the most recent global file sample, using a 10 point quality scale, Refusal Notices scored an overall 93%, placing Madrid in the **Very Good** band (global average = 83%, regional average = 87%).

One application form had been accepted unsigned and I explained the importance of securing a signature as that confirms the information provided is correct and authorises the disclosure of personal data. It does not, however, authorise additional verification checks and I had a useful

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discussion with Madrid staff which will lead to a formal recommendation in my current Parliamentary Report.

I noted a good confirmation in Refusal Notices of the documents that had been taken into account. Applicants in most Posts are expected to provide photocopies of documents that they want returned, but Madrid does not require this and the paper files do not include all of the evidence considered as some has been handed back to the applicant. I thought that this policy should be reviewed and **recommended** that Madrid follows normal practice in that regard, suggesting a copying machine should be available in the waiting area of its new premises.

UKBA International Group's response:

Accepted. Applicants will now be asked to provide photocopies of all the original documents they wish to have returned. Post will also revise their website to include advice that all applicants should arrive for their appointment with a full set of supporting documents and photocopies. A coin operated photocopying machine will be available in the new premises in Torre Espacio.

There were very good explanations in Refusal Notices when a visit was not a qualifying family visit under the relevant regulations. Every Refusal Notice had correct **information** on appeal rights. Just one child visit application had been refused under Immigration Rule 41 without mentioning Rule 46A. There was applicant specific **evidence** in 94% of Refusal Notices compared with 93% globally.

Refusal Notices were less balanced than the global average, with no positive points compared with 17% globally. The team had, however, read my observation on the need to give the impression of **balance** and fairness and had started to amend their practice accordingly. I noted in particular that if an applicant was honest about a previous immigration history, then that should be mentioned because not being honest is always recorded. There was one major weakness in appearance quality, in that applications from Portugal included a standard paragraph mentioning the visa application information that was available in Madrid.

Most striking were obvious differences between Spanish cases and those transferred from Portugal. It was easy to tell which was which without reading the applicant's address because;

- Refusal Notices for Spanish applications included knowledgeable comment on residence permits and immigration regulations, Portuguese applications did not because the Entry Clearance Officers do not feel adequately familiar with Portugal's system and documents.
- Refusal Notices for Portuguese applications included comment on verified information because visa staff at the British Embassy in Lisbon provide a report confirming what evidence they have verified. The Madrid visa team undertake little or no verification work so there is no mention of that in the Refusal Notice.

I discussing these differences, the Madrid team thought that they did not have the time to make the verification checks that most Posts undertake these days, because they offer a same day service and applicants wait until the decision is made. They had also not understood that any additional checks turn a straightforward case into non-straightforward, which brings with it extra turnaround time. I can understand why the team likes a "tidy" process, with cases cleared on the day, but the nature of the visa business has changed and Madrid needs to re-assess its

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processes accordingly. **I recommended** that they should record verified evidence on a form so that there is a proper account of enquiries made or a record of quick questions at the counter – there are plenty of good examples around, including from Posts in India.

UKBA International Group's response:

Accepted. The IM's comments should be considered against the background of a file sample taken from the first two weeks in February 2008. These applications were amongst the first to be received from Lisbon, which had been spoked into Madrid only three weeks earlier. The fact that the ECM posted to Lisbon pulled out at the last minute meant that the hubbing of Lisbon into Madrid was brought forward resulting in a swifter introduction of the new system than originally planned. This did result in slower changes in Madrid. However, lessons have been learnt from this first hub and spoke model in the Region.

Madrid already has plans in place to ensure that ECOs acquire additional knowledge in respect of Portuguese applications. They have asked Lisbon to provide information on residence permits and immigration regulations and are going to organise a joint Lisbon/Madrid workshop to facilitate an exchange of information. The ECOs will also continue with familiarisation trips to Lisbon to keep their knowledge up to date.

The system of recording verification information in Lisbon will be introduced in Madrid. A wide range of document verification and risk assessment checks have always been undertaken in Madrid, but these were recorded in an ad hoc way, rather than on a formal template. This will be rectified to ensure that practices are consistent in both the hub and the spoke.

**I recommended** that they should consider posting or couriating decisions back to applicants, meeting the new 5 day time target, relieving applicants of having to wait in a crowded waiting room and providing equal treatment to applicants from Spain and from Portugal.

UKBA International Group's response:

Accepted. All applicants in both Lisbon and Madrid are able to submit and collect their applications in person at the post without incurring any additional costs. For an additional charge, all applicants will be given the option of having their documents returned directly to their home address by post or courier.

### Post decision correspondence

The Entry Clearance Manager keeps a suitably detailed record of complaints and I looked at a small sample in detail. The Manager keeps a duplicate file of complaints correspondence which makes overall analysis easier, though there does need to be a marker to prompt the destruction of personal data when the main file is destroyed. I noted one complaint in which the application said that he wished to appeal; we discussed UKvisas' guidance and the need to confirm a view there were no human rights or race relations issues. That apart, I thought that the responses to complaints were careful and thorough.

I noted that three complaints were about policy; limiting biometrics to Madrid, EEA Family Permits and not refunding the application fee. My view is that all of these should be recorded as

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complaints about policy and collated at intervals because UKvisas and the UK Government should be aware of areas of dissatisfaction. In these specific cases, I noted that all had been assessed by the Entry Clearance Manager before staff sent courteous replies.

### Overview

Madrid is a high performing Post producing good quality work in a strong teamwork atmosphere. It scored a well deserved Very Good for the quality of Refusal Notices, Good for complaint handling, though Poor for onsite information. My overall assessment is that performance is **Good**.

Pairing Madrid with Lisbon has, however revealed issues relating to fairness of process that need to be resolved. UKvisas has embarked on an ambitious programme of business process reform, clustering visa decision work into larger centres having satellites or spokes feeding applications in from Visa Application Centres run either by a commercial partner or staff in a British Mission. There should, however, be no difference in the evidence base used nor should applicants be relatively disadvantaged, for example applications made in Lisbon take 5 days to get back to the applicant, whereas applicants in Madrid normally have a same day service.

I discussed with the visa team and with the regional Deputy Director Visa Services the need to have an even and equitable process. It seemed to me that most of the planning attention had been devoted to the spoke – Lisbon – with an expectation that Madrid would just carry on as normal with some extra cases. In addition to the process differences noted, whilst all of the Entry Clearance staff are fluent in Spanish, they have been expected to reach decisions on applicants from Portugal with the help of a dictionary. Madrid has not required applicants to provide translated documents in line with UKvisas' policy because of the local language ability, but that was not been taken into account and amended when they became the Hub to Lisbon's spoke. **I recommend**, therefore, that the practical impact of Hub and Spoke arrangements in Madrid and Lisbon are re-assessed in order to set general principles that may apply more widely.

### UKBA International Group's response:

Accepted. The bulk of the planning for the Madrid hub in fact focused on the spoke in Lisbon, with the intention that ECOs Madrid should not be expected to consider cases from Portugal out of context and without the benefit of local knowledge. International Group accepts that more needs to be done to ensure that this is the case. ECAs in Lisbon will be asked to provide a summary of the salient points of documents submitted in Portuguese.

International Group's Network Design Team are in the process of conducting an evaluation of hub and spoke work to date and information from Lisbon and Madrid has been fed into this. Europe has its own hub and spoke working group, and the process is subject to regular review. Lessons learned are fed into each new roll out and our comprehensive Hub Guide is regularly updated.

Finally, one of my very early recommendations was that newly trained Entry Clearance Officers going to a small Post should go first of all to a larger Post in the region for a short period to establish peer colleagues for support, to practice the use of judgement, and to gain confidence in

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a work environment. Europe decided that Madrid should be the mother Post and even though it has only had one attachment, I was delighted to hear how well it worked.

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