



## Report on my visit to Manila: January 2009

### BACKGROUND

- **Application processes:** Applicants in The Philippines complete an 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. As part of the UK Border Agency's Hub and Spoke business process programme, applications from Seoul (a Spoke) began to be couriered to Manila (the Hub) during my visit.
- **Demand:** From April 2007 to March 2008, Manila received 37,201 UK applications a decrease of 8.2% compared with 2007. From April to December 2008, there was an increase of 32.8%, presumably on a like for like basis. Excluding children, whose applications cannot be counted separately, 23.8% of applications are recorded as being for non-family visits and 9.4% were students.
- **Refusal Rates:** The April 2007 to March 2008 overall refusal rate is recorded as being 13%, rising to 18.8% so far this year. The increase apparently stems from applications related to NVQ courses in the UK where there is doubt that the applicant will be studying rather than working. Such cases are not currently within my remit. From October to December 2008 I found that the overall refusal rate for non-settlement applications was 28.8%.
- **Staffing:** There are 3 Entry Clearance Managers and 10 Entry Clearance Officers, one of whom will specialise in applications from Seoul. The Risk Assessment Officer post was vacant. Both the visa team and the risk assessment team are supported by a number of Assistants.
- **Surplus and Deficit:** In 2006-07, the most recent figures available, the visa operation in Manila recorded a deficit of £3,017,637.

### The Independent Monitor team

Many inspectorates work with staff seconded from the mainstream business for short periods. This has the advantage of a steady flow of fresh eyes and the team member takes learning points from his or her participation back into the business. At my request, the UK Border Agency International Group asked its regions and headquarters projects to nominate staff on the basis of excellent performance. I selected 8 people of varying grades and for this monitoring visit an overseas Regional Operations Manager and an Entry Clearance Officer worked with me on the file sample and on projects about risk assessment and quality assurance.

### The programme

I issued instructions for the file samples and registers I wished to assess. We visited the Visa Application Centre. We had an interesting tour of the United States visa process and valuable discussions with enthusiastic visa staff. Her Majesty's Ambassador hosted an enjoyable

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reception where I met a wide range of guests some with business interests in The Philippines and some from visa offices in other Embassies. I record my special and personal thanks to staff from the International Rice Research Institute who opened the Institute up on a Sunday so that I could see their work, and to the Entry Clearance Manager who arranged it knowing my agricultural background!

### 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 plus guidance on the new Business Visitor Immigration Rules. I recommended that out of date information was removed. Part of the Embassy website referred to UKvisas and it being a joint venture, rather than to the UK Border Agency. 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. It would be helpful for managers to have a formal prompting system and **I recommend (1)** that in the month where there are changes to the Immigration Rules or formal guidance, that the Business Assurance checklist should include a specific section and tick list so that managers are prompted to act and to confirm that necessary changes have been made, for example, websites and noticeboards at Visa Application Centres and Visa Offices, amending Refusal Notice templates etc. Manila was better in this regard than many of the places I visit so attaching this recommendation to this report should not be seen as criticism of practice there, but the time has come to take global action given the series of very repetitious recommendations.

#### UKBA Response:

Accepted. The business assurance checklist will be updated on a quarterly basis to reflect the key changes introduced in guidance and procedures during the previous quarter. Posts will be asked to confirm that they have implemented the changes locally and random checks will be instituted to ensure compliance.

The entrance guards at the very smart new British Embassy have printed notes to hand to callers who may turn up there thinking that the way to apply is still direct to the Embassy. I commend this as good practice. I did note, however, that the stylish waiting room is a fine example of form over function with few soft surfaces to cushion noise and nothing to cushion bottoms on elegant flat slate benches. Visa staff have done the best they can to display key information because the walls cannot have noticeboards attached.

### Fees

I noted that if an applicant wishes to pay in cash, VFS charge a handling fee. My understanding was that a cash payment had to be accepted without penalty and **I recommend (2)** that UK Border Agency confirms if the additional charge is lawful.

#### UKBA Response:

Accepted. A key element of the Commercial Partner contracts is that, in each country where UKBA use a Commercial Partner, there should be a payment option that is surcharge free. However, UKBA does not specify that this has to be in cash as, in a number of locations, the handling of cash in the Visa Application Centres is actually more problematic, more expensive and less secure for customers than electronic payment or bank drafts. However, UKBA will review this with legal advisors in the light of the Independent Monitor's recommendation.

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### Decision quality file sample

We reviewed 119 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, Manila scored 85.7%, placing it in the Fair band and just above the most recent global average of 85.6%. Data accuracy was very good and it was easy to generate an accurate file sample.

All but 2 of the sample cases had been assessed against the correct Immigration **Rules**. Failing to consider a visit for marriage application against Immigration Rule 56D was less serious than using an out of date version of Immigration Rule 320 (11) because the finding was not that the applicant *previously contrived in a significant way to frustrate the intentions of these Rules*. I recommended that the Refusal Notices in these cases were corrected and re-issued.

12% of Refusal Notices contained statements that were material to the decision and not in accord with the **evidence**, though there was no clear pattern of error. In one, a woman was told that she had no dependents in the Philippines when she had a young daughter living with her, in another a woman appeared to be criticised for leaving a dependent daughter when the Application Form confirmed that the daughter was over the age of 18 and not a dependent. I recommended that 6 cases were sufficiently worrying to be reconsidered.

I found one case of wholly unreasonable **judgement** and noted an allocation problem in that 3 friends travelling together had had their applications assessed by different Entry Clearance Officers and in only one was there doubt over the proposed accommodation. Taking a fresh look, the Entry Clearance Officer thought the visa should have been issued and I recommended that the application was reconsidered. Allocation practice needs to ensure that people travelling together are considered as a whole even when one might be “fast tracked” given their previous travel history.

One Refusal Notice (0.8%) contained incorrect **information** on appeal rights, a very good performance compared with 5.5% in the most recent global sample. I recommended that the Refusal Notice was re-issued with correct information.

There was one example of **maladministration** in a visit for transit application as the applicant’s entry visa for his final destination was valid for his intended travel dates and the application had been made in good time. The application was not, however, considered for 7 weeks and the reason for refusal was that the entry visa was not valid. The applicant had re-applied and so I recommended that the second application fee was refunded.

The Manila team are fortunate to be in a country where cooperation with local authorities is so strong. I noted one case where the applicant’s passport had an *entry to The Philippines* stamp but the Immigration Authorities had confirmed from their records that the stamp was forged. This degree of cooperation means that there is verified evidence to support an allegation of deception along with an assumption that the applicant may have overstayed in the UK and was attempting to cover that up. I also noted that 100 applicants have been referred to The Philippines authorities when there has been firm evidence of non-genuine official documents. This is a good way to influence applicant and agent behaviour away from providing non-genuine documents and the visa team explained that non-genuine land registry documents had all but disappeared.

9% of applications had been refused under Immigration Rule 320 7A or 7B relating to deception and the Refusal Notices contained a good level of detail so the applicant would understand the

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reasons and the Rule. We found that Document Verification Reports had been completed properly and formed a sound basis for audit. I noted that Manila had systems in place to ensure that deception refusals were seen by an Entry Clearance Manager, but that half of the Rule 320 7 A or B sample cases had fallen through 3 safety nets. We looked at a comparator sample of applications not within my remit and found that only 50% of these had been reviewed. We found no evidence that managerial review more generally led to changes in a Refusal Notice but this may be explained by the Officer discussing a problem case before the Notice is drafted.

Turning to my 5 pointers to assess the **quality** of the Refusal Notices, Manila has tamed the wayward global template and produces Refusal Notices that look professional - short and to the point, free from repetition and wordiness, neat and tidy with very few spelling or typo errors. Most listed the key documents that formed the basis of the decision. I liked in particular a recent wording explaining why documents showing the applicant's personal circumstances are necessary. Having funds to pay for travel, maintenance and accommodation is one thing, and Immigration Rule 41 (vi) and (vii) which cover this might be met by a UK sponsor or an employer. The Manila Refusal Notices, where appropriate, included a short list of the points that would help an Entry Clearance Officer determine the applicant's personal circumstances, the "pull" factors that may make it more likely that the applicant would leave the UK at the end of a visit, linking this to Immigration Rule 41 (i) and (ii). I also commended the way they recorded a failure to complete the Visa Application Form – clear and concise.

### Risk Assessment

We examined whether risk assessment work had been effective in improving the quality of decisions and refusal notices. Current core tasks which impact on visa application decisions are:

- Maintenance of the Local Warning List.
- Risk Profiling
- Compliance exercises
- Coordination of forgery detection
- Tackling criminal abuse and the arrest programme
- Informing the Visa Section of risks and trends.

I note that the only risk profile exercise has been on Domestic Workers, who are not within my remit. Nevertheless, records show no change in refusal rates and little impact on application numbers for the two years since the exercise.

The risk team have undertaken compliance exercises on visit visa applications, third country family visits and business visitor applications. None established unusually high levels of failing to leave the UK and they have not been converted into formal profiles. However the exercises did establish useful data on different compliance rates between male and female applicants and between regions within The Philippines. Entry Clearance Officers were, in the main, aware of these results but they were also appropriately clear that each applicant should be treated as an individual. Risk related information was seen as a useful background rather than the deciding factor.

I was pleased to see that the risk assessment team thought that their major role was to support Entry Clearance Officers in their decision making: I agree. They have an open door policy and a willing attitude, producing a weekly 'Manila Digest', set out under subject headings, starting with weekly forgery statistics and then under application categories. Much of the digest contains information supplied by Entry Clearance Officers and Assistants and gives credit for the information supplied. Entry Clearance Officers thought that information provided was useful

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but there has been little evidence based follow up to assess the effectiveness of risk related work in improving the quality of decision making and refusal notices.

I do note that lack of resources, outside local control, has had an impact in reducing what the small risk team can do. When resources are in place, it would be helpful for the visa team and the regional Risk and Airline Liaison management to agree who does what. In addition, and in a move to improve consistency, Entry Clearance Officers should be expected to read and use briefing material or have sound reasons for not doing so.

Whilst not the responsibility of the risk assessment team, I do think that there is an inherent risk in widely different refusal rates amongst a team of Entry Clearance Officers. I was told that allocation is random and that for the period I assessed there was only a small amount of specialisation which I have taken into account. Of the 14 Entry Clearance Officers who had undertaken general work in Manila in the 3 month period of my sample, 4 recorded refusal rates of under 20%, and 1 refused more than 50% of the cases allocated. Only 2 Officers came within 5% of the team average of 28.8%. The risk is to both applicants and to the UK and a fair allocation system should cluster outcomes no more than 5% either side of the average. This is the biggest problem for the team to tackle.

Entry Clearance Managers did not routinely undertake this simple calculation, but it was interesting to see that they could place team members fairly accurately, commenting that some had recently joined having worked in countries with far higher refusal rates. This is where country specific risk related information can be very helpful in re-adjusting judgement, as should the revised risk based system for managerial review of a proportion of decisions to issue or refuse visas. I gather that demands on managerial time in reviewing appeals and setting up the hub and spoke process were given as reasons for not keeping up with this: we found that overall only 17% of the sample cases had been reviewed.

### **Correspondence and complaints**

I noted that VFS held a well maintained register of complaints. I was satisfied that complaints were being forwarded appropriately to the visa office at the Embassy and that VFS were responding to complaints relating to their service. There was also a delightful compliments book with letters of praise for pleasant helpful staff.

At the Embassy, I discussed call and complaint handling with Entry Clearance Assistants and was impressed by a systematic series of steps to link a call or letter with a case when that information was not immediately clear. I also assessed a very well kept register from which it was easy to find trends and themes. I recommended that the column to indicate whether any element of the complaint had been upheld should be completed, once again to provide a simple indicator for concern or further action.

I noted from my briefing that Manila has some complaints that tend to remain unresolved. Most, I suspect, will be from UK sponsors who, as I commented in Bangkok, can be concerned, confused, outraged or appalled when an application for a visit visa for close friend met on holiday or through the internet is refused, because many UK citizens are not familiar with the strength of entry control. I shared some useful strategies, the most important one of which is get the first reply right and make sure it covers ALL of the issues raised. I did note that some replies drafted by Entry Clearance Officers tended to be too brief and standardised and was not surprised to see follow up letters heading up the managerial chain.

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### **OVERVIEW**

The Manila visa team were very good to work with –there was an open atmosphere and a positive attitude. I rate Manila **Good** for information provision generally. Decision quality was **Fair** with no single cause so a general tightening up on the problems found should be effective. I am concerned at the lack of decision consistency in the team of Entry Clearance Officers and think that this must be a priority for managers over the next weeks and then should form part of their routine quality reviews. I thought that complaint handling and recording was **Good**, though it is vital to address queries that might be about UK Government policy and to send adequate responses first time round. My overall assessment is that performance in Manila is **Good**.

**L M Costelloe Baker**  
**Independent Monitor**