



**THE UK BORDER AGENCY RESPONSE TO  
THE CHIEF INSPECTOR'S  
ROME REPORT**

## **The UK Border Agency responses to recommendations from the Chief Inspector Rome Inspection Report.**

### **1. Manages processing times more effectively to ensure it meets stated customer service targets.**

- 1.1 The UK Border Agency accepts this recommendation.
- 1.2 As the Report notes, targets for UK visa processing times are:
  - 90% of straightforward, non-settlement applications in not more than a week, 98% in not more than 2 weeks, and 100% in not more than 12 weeks.
  - 90% of non-straightforward, non-settlement applications in not more than 3 weeks, 98% in not more than 6 weeks and 100% in not more than 12 weeks.
  - 95% of applications for settlement visas in not more than 12 weeks and 100% in not more than 24 weeks.
- 1.3 A straightforward application can be decided on the basis of the application and the supporting documents submitted without the need for further enquiries or more detailed scrutiny. A non-straightforward application requires more time to be decided, for example if more detailed enquiries or a personal interview is needed. A week is defined as 5 working days.
- 1.4 The UK Border Agency publishes a breakdown of performance by Post, [on its website](#).
- 1.5 The UK Border Agency monitors performance and productivity at visa application centres and at post and makes every effort to meet service standards. Unexpected staff vacancies, IT outages and unanticipated surges in applications can all contribute to failure to meet service standards. Since the Independent Chief Inspector's visit, the UK Border Agency's IT providers have invested over £700,000 in IT upgrades to stabilise IT; the Agency is now in its second year of centralised recruitment for overseas offices (reducing the risk of staff vacancies). If backlogs develop, staff will prioritise applications for issue over those that to be refused to ensure applicants would be able to travel by their departure date. The UK Border Agency continuously seeks to improve productivity, compatible with its purpose of securing the border and controlling migration.

### **2. Puts in place effective contingency arrangements so that performance is not adversely effected by staff shortages.**

- 2.1 The UK Border Agency accepts this recommendation.
- 2.2 The UK Border Agency is now in its second year of a centralised recruitment programme of overseas entry clearance staff, which is designed to fill all vacancies coming up in its 135 posts in the next 12-15 month period with qualified officers. The UK Border Agency supplements this programme with local recruitment when there is a specific need for local (e.g. language) skills. The UK Border Agency's ongoing hub and spoke programme will further concentrate decision-making into larger centres to avoid the situation in Rome where the absence of one caseworker has a significant impact on decision-making capacity.

- 2.3 In addition, the UK Border Agency recruits and deploys a group of experienced temporary entry clearance staff during the summer to handle higher seasonal application volumes. In 2009, the UK Border Agency deployed 132 temporary summer staff to 40 posts overseas. The UK Border Agency is currently examining alternative staffing models to handle seasonal fluctuations in visa applications and expects to release initial findings from this study in November 2009.
- 2.4 The staff shortage in Rome which the Report noted was caused by the unforeseen delays in obtaining security clearance for a locally employed Entry Clearance Officer. Security clearance is essential for Entry Clearance Staff. This officer's security clearance took around two and a half months to complete. The UK Border Agency sent an ECO from Dublin to Rome to assist with clearance of the backlog that had developed. Since then, the UK Border Agency has trained four ECO staff to act as a flexible resource in the region to cover unexpected gaps of the kind that led to the Rome backlogs.

### **3. Takes action to advise customers when its processing times significantly miss its customer service targets**

- 3.1 The UK Border Agency accepts this recommendation.
- 3.2 The UK Border Agency publishes end to end visa processing times on the [Visa Services website](#) and provide applicants with information on timescales for the resolution of applications in the main visa categories on a Post by Post basis.
- 3.3 The UK Border Agency agrees that customers should be advised if there are current delays. Rome put a notice on their website informing applicants of processing delays in December 2008. Other Posts have similar practices. The UK Border Agency will issue a reminder of best practice to all Posts by the end of August.

### **4. Improves the navigation and design of its websites so that visa customers can find relevant information easily.**

- 4.1 The UK Border Agency accepts this recommendation.
- 4.2 The UK Border Agency is committed to offering high quality customer information on its websites and is taking forward work to integrate all the Agency's web content and functionality on one platform. Currently visa information and guidance is found on the visa services website ([www.ukvisas.gov.uk](http://www.ukvisas.gov.uk)) with local application information on 140+ country specific websites managed by our commercial partners, VFS Global and WorldBridge Service.
- 4.3 In the last year the UK Border Agency has:
  - Reviewed the content on our partners' local websites to eliminate duplication and information inconsistency.
  - Ensured all local websites now follow a style guide. The UK Border Agency checks all changes to local websites for consistency with best practice guidelines, before they are published.

- Divided responsibility between the visa services website (which provides information on policy and guidance for visa applicants) and local websites (which provide information on the way the visa application process is managed locally).
- Taken steps to ensure that translated content and guidance available on some local websites is kept up to date and accurate.
- Revised entry clearance guidance for our staff and published it on the visa services public website in accordance with the White Paper of Freedom of Information, the Freedom of Information Act 2000, and previous Code of Practice on Access to Government Information.

In 2010, we expect to:

- Review guidance to visa applicants on the visa services website, introducing a step-by-step guide for visa applicants and including guidance on Points Based System policy changes.
- Integrate the Visa4UK website (the online application form) into the visa services site, eliminating references to Visa4UK as a separate site/brand and making it easier for applicants to use.
- Improve signposting between local websites and the visa services website. We are also investigating ways to integrate local websites into the visa services website.
- Improve the search function on the visa services website so that customers can find relevant information easily.

## **5. Removes conflicting information about supporting documents so customers are clear about what they need to provide.**

- 5.1 The UK Border Agency accepts this recommendation and has removed the information in question from the website.
- 5.2 The background to this recommendation is that the commercial partner's website in Rome advised applicants to provide evidence of three years of employment and education history in order to help establish their status in Italy. This was introduced several years ago to assist ECOs in decision making, following a series of measures taken by the Italian government to regularise the status of illegal migrants who had been in the country for more than three years. Post had encountered abuse of the process: employers had falsified records for recently arrived illegal workers to assist them in benefiting from the Italian regularisation process. There has never been a formal requirement to provide this information when making an application. It has never constituted grounds for refusal in itself and Rome has always accepted employment histories for shorter durations. The UK Border Agency will continue to consider applicants' ties to their country of residency where this is appropriate to the application type, but no longer specifies any set requirements for length of employment or education unless specified in the immigration rules.
- 5.3 There are no prescriptive documentary requirements for non-Points Based System visa applications. The UK Border Agency provides general advice on the kind of documents that the ECO will expect to see when assessing their application. The UK Border Agency accepts that there is a lack of clarity in this area and will shortly begin an internal review covering supporting documents for non-PBS routes. The UK Border Agency expects to release the findings from this review by March 2010. The UK Border Agency will

consider and implement the recommendations of the report where they are appropriate, and also implement any interim findings as necessary.

## **6. Reviews its refund policy in connection with cases where customer service failures are significant**

- 6.1 Visa fees are set by parliament at a level to cover costs. The visa fee is a processing fee; the UK Border Agency advises applicants at the point of application and on its websites that the fee is non-refundable unless an application is withdrawn before processing has started or where the applicant declines to give biometrics.
- 6.2 The UK Border Agency makes every effort to meet service standards and to avoid circumstances such as those described in paragraph 9.16 of the Report, but cannot give refunds in those situations. Post has discretion to give refunds where there has been a mistake on the UK Border Agency's part e.g. where we have charged the wrong fee.
- 6.3 The UK Border Agency accepts the need for a streamlined refund policy and agrees to review procedure in this area by the end of this year.

## **7. Regularly reviews the issues raised on the commercial partner's website to ensure customer enquiries and complaints are:**

- **categorised appropriately**
- **handled in accordance with UK Border Agency policy**
- **monitored so that customer feedback is analysed and used to improve the service it provides.**

- 7.1 The UK Border Agency accepts this recommendation.
- 7.2 The UK Border Agency recognises the importance of effective complaint handling not just as an essential customer service but also as a source of valuable feedback. The UK Border Agency has begun to roll out revised complaints training and guidance to staff overseas. The guidance covers how to monitor, record and act on complaints received through commercial partners, where they operate. The UK Border Agency will deliver this training to managers in Europe by the end of September 2009. The UK Border Agency agrees that customers should receive a prompt and helpful response to their representations whether they are "enquiries" or "complaints" and that managers at Post should be in regular contact with the commercial partner to monitor trends. The UK Border Agency has decided to restructure work in Rome to make the ECM post full-time, rather than being shared with Consular, to address the point at paragraph 9.13 in the Report. This process should be complete by spring 2010.

## **8. Ensures the refusal notice template meets customer needs by eradicating unnecessary page breaks and is formatted properly.**

- 8.1 The UK Border Agency accepts and has implemented this recommendation.
- 8.2 The UK Border Agency confirms the point made by staff (recorded in paragraph 10.5 of the Report), namely that the problems with the template highlighted by the review have been resolved by the introduction of a re-formatted refusal notice. All Posts are now required to confirm on a quarterly basis that they are using the most up to date refusal notice template.

## **Other points raised in the report**

The UK Border Agency offers the following comments on other observations in the report for further clarification.

### **9. Inspection findings**

- 9.1 **In paragraph 6.3 it is noted that “all but one refusal notice (99% of the sample) was assessed against the correct Immigration Rules. The remaining case should have been refused under paragraph 320 (7A) of the Immigration Rules, because the customer had failed to disclose a previous visa refusal.”**
- 9.2 We accept the Chief Inspector’s team’s findings in respect of this application. This application was unsuccessful and no visa was issued. Rome has sent the applicant a revised refusal notice.
- 9.3 **In paragraph 6.7 it is noted that “we found eight decisions (8% of the sample) were not made in accordance with the evidence. Six of these cases (6% of the sample) related to a sporting fixture hosted by the British Army”.**
- 9.4 The UK Border Agency accepts the Chief Inspector team’s findings in respect of all six applications. The UK Border Agency reviewed these cases and accepts that errors were made in the consideration of evidence. The UK Border Agency has now issued visas to all six applicants.
- 9.5 **In paragraph 6.10. it is noted that use of evidence was defective in two other cases:**
- **a student application that was refused because the ECO was not satisfied the customer would leave the United Kingdom at the end of their initial study period, although there was no reason to doubt the sponsor and the air fare, course fees and accommodation had been paid for in advance**
  - **a visit application where the sponsor had produced evidence showing they had sufficient finance to fund the visit and had agreed to cover accommodation and maintenance, but the customer was refused because they did not evidence their funds and were unemployed.**
- 9.6 The UK Border Agency accepts that there were deficiencies in the way that the evidence in these cases was presented in the refusal notice. The UK Border Agency has reviewed both applications and upholds the decision to refuse. In the student application, the financial documents produced by the sponsor were photocopies and, therefore, could not be verified, and there was no evidence of the sponsor’s income. Both the commercial partner’s website and the UK Border Agency website state that applicants should submit original documentation with their application. In the visit application, during the review, it became clear that the sponsor was the applicant’s fiancé and not a friend as claimed in the application form.
- 9.7 Since the case highlighted in the Chief Inspector’s Report, the UK Border Agency has updated the ‘visa4uk’ site (in April 2009) to incorporate all visit categories. Applicants now have the option to select eight different options to describe their personal circumstances, including ‘student’. There is an ‘other’ option where an applicant can complete a free text field if they feel none of the options fit their circumstances suitably.

- 9.8 **In paragraph 6.14 it is recorded that there were 7 cases of defective judgement.**
- 9.9 The cases mentioned under the heading 'defective judgement' have already been highlighted under 'use of evidence' and corrected.
- 9.10 **In paragraph 6.15 it is noted that there were three refusal notices that contained incorrect information on appeal rights (3% of the sample).**
- 9.11 We accept the Chief Inspector team's findings in respect of all three applications. The UK Border Agency has issued revised refusal notices with correct appeal rights.
- 9.12 **Paragraphs 6.17 – 6.20 give details of a refused Tier 1 PBS application. Reference is also made to the need for The UK Border Agency to ensure its management information reports and customer feedback reports are analysed to assess whether there are any unintended consequences following the introduction of the points-based system.**
- 9.13 Tier 1 of the points based system (PBS) enables highly-skilled migrants to enter the UK for up to 3 years to look for work without first needing a job offer or a sponsoring employer. The UK Border Agency tries to streamline the process, e.g. by not interviewing them, and takes entry clearance decisions based on the evidence applicants provide.
- 9.14 The UK Border Agency has reviewed the guidance on its website about the requirements under Tier 1 for evidence of a specific daily balance over a specified period and is satisfied that it is clear. In this case the discrepancies e.g. as to source and levels of income, were not trivial, and could not be disregarded. The process for making decisions on Tier 1 applications is different to the HSMP scheme. It is therefore difficult to compare Tier 1 applications with HSMP ones.
- 9.15 The UK Border Agency convenes a range of stakeholder fora to inform the development of policy and guidance to applicants and staff. On 7<sup>th</sup> August 2009, the UK Border Agency announced a number of 'course correction' measures based on such feedback. The UK Border Agency will continue to listen and make adjustments.

## **10. Quality of Refusal Notices**

- 10.1 **In paragraph 7.8 it is noted: 'We also found a number of typing and spelling errors in refusal notices – with more care this could easily be put right'**
- 10.2 The UK Border Agency is seeking to improve the overall quality of refusal notices by introducing the CI team's methodology as part of its own Entry Clearance Manager (ECM) decision review process. Induction training for all new ECMs contains a module on refusal notices and we aim to roll out its use worldwide by the end of this year.
- 10.3 **In paragraph 7.9 it is noted that all refusal notices had a standard paragraph stating: '*However, if you have a previous application and immigration history, this may have been considered*', that the sentence is irrelevant and should be removed, as previous immigration history should be considered routinely and, if applicable, will have a bearing on the decision made.**

- 10.4 ECOs do routinely consider previous immigration history when assessing an application. The purpose of this standard paragraph is to ensure that applicants are made aware that any previous immigration history has been considered as part of the application.

## **11. Risk Assessment**

- 11.1 **In paragraphs 8.1 – 8.3 the risk assessment process is described as informal and locally driven. It is also recorded that there is no formal mechanism to refer documents for verification to the customer’s country of origin.**
- 11.2 Risk assessment work is overseen by the global Risk and Liaison Overseas Network (RALON) formed through the merger of the former airline liaison and risk assessment networks. The main aims of RALON are to support visa decision making, work with airlines to tackle inadequately documented passengers and develop intelligence on threats to the UK border.
- 11.3 The visa operation in Rome is supported by RALON through formal reporting structures. Posts complete monthly returns on abuse and emerging risks both in the visa operation and from officers working at the airport. They also receive UK reporting on tactical and strategic intelligence.
- 11.4 Entry clearance staff in Rome have been provided with operational level forgery detection training within the past six months by the regional Immigration Liaison Manager based in Rome. He is also available as a point of referral if ECOs have concerns about particular documentation. Guidance has also been provided on fraudulent supporting documentation and how to conduct verification. This includes a process for the verification of documents originating from applicants’ countries of origin. We have also established a verification process between Rome and Tirana given the high volume of Albanian applications. We are reviewing this as part of wider work on verification processes across International Group. Advanced forgery detection training is delivered on a risk assessed basis and we will review the training requirements for Rome.
- 11.5 Globally, the RALON network are central to supporting delivery of an intelligence led visa process. By risk assessing visa applications, we enable resources to be deployed effectively, enabling entry clearance officers to scrutinise high risk applications whilst expediting the processing of low risk cases. RALON’s work with airlines helps to reinforce border security. Between April 09 and June 09 carriers denied boarding globally to over 17,000 passengers. In addition RALON cooperate with the Serious Organised Crime Agency and foreign law enforcement agencies to target the criminal enterprises that seek to circumvent the control. We have a good relationship with the Italian police and are developing intelligence on the illegal migration routes through the Mediterranean. The RALON operation in Rome is fully integrated within the wider RALON global network.
- 11.6 Compliance exercises are an important aspect of risk profiling in addition to intelligence from other sources, open source information and data analysis. We will review in conjunction with Visa Services the schedule for compliance exercises in Rome. Document verification and employment checks on applications are conducted on the basis of risk profiles drawn up by the regional RALON team who work closely with other Missions, including Canada and America, on intelligence exchange. In addition the UK attends an anti-fraud forum with friendly missions to share common trends.

## **12. Interviews**

- 12.1 **In paragraph 10.6. it is recorded that ECOs in Rome said they were discouraged from conducting interviews.**
- 12.2 The application form completed by visa applicants is designed to elicit all the information necessary in order to enable an ECO to make a decision. ECOs are trained to make entry clearance decisions based on the answers provided by applicants on the application form, the supporting documentation, the results of verification checks and information from watch list checks, which include the checking of biometric data.
- 12.3 The UK Border Agency discourages unnecessary interviewing of applicants. Interviews are targeted and used where they can add value to the decision making process