

ENTRY CLEARANCE USER PANEL MEETING

THURSDAY 12 APRIL 2007

PRESENT

User panel:

Rhian Beynon	Joint Council for the Welfare of Immigrants
Gautam Banerji	Hindu Council UK
Nichola Carter	Immigration Law Practitioners' Association
Maria Fernandes	Association of Asian Businesses
Kate Handforth	UKCOSA
Jamal Hassan	Law Centres' Federation
Clyde James	Office of the Immigration Services Commissioner
Samina Kausar	Immigration Advisory Service
David Main	Association of Regulated Immigration Advisers
Nadine Owen	International Bar Association
Naadiya Rawat	EnglishUK
William Trant	West Indian Standing Congress

UKvisas:

Glyn Williams	Director, Business Development Group (Chair)
Hazel Duddy	Deputy Project Manager, Stakeholder Engagement
Claudia Goti	Independent Monitor Team (Observer)
David McFarlane	Project Manager, Operational Policy
Frankie Pearson	Stakeholder Engagement (note-taker)
Diana Thomson	Commercial Partnerships Programme
Mark Walmsley	Project Manager, Stakeholder Engagement
Karen Evans	Operational Policy

Glyn Williams, as Chair, opened the meeting, and all present introduced themselves.

1) Minutes of the last meeting

1. On the action points, there was a general discussion on why interviews in New Delhi for Working Holiday Maker (WHM) visas were taking 13 months. There was a request from a member for more background detail on the WHM application statistics in order to better understand the large increases, the impact this was having and how the backlog was being dealt with.

2. A member asked additionally if there were problems in India with the time taken to process business visa applications. The Chair said we were unaware of any issue and pointed out that agreements could be made with companies whereby work visa applications may be fast-tracked. All four visa offices in India offered this business express facility. Another member said she had been told that applicants (mainly entertainment and work permit) in New Delhi were being turned away and told to return in 14 days: the reason was unclear. The Chair said we would find out whether this was true and why.

3. One member said there was an excessive length of waiting time in Kingston, Jamaica, for interview appointments of about 7-8 months for settlement applications. (This was also discussed in the Panel Forum Q&A part of the agenda.) The Chair said this had been looked at by the Independent Monitor (IM) and new procedures and working methods were being put in place, and Public Service Agreements (PBA) 1 and 2 targets were being met. Waiting time has now fallen to 22 weeks. However, this was still unacceptable and UKvisas would work with Post to ensure the backlog was eliminated.

4. It was also pointed out by panel members that some Posts' websites were not specifically updated when there were delays in processing times in order to warn people before submitting applications etc. A member helpfully pointed out several deficiencies in the VFS website used by visa applicants in Manila. And the Luanda website was a case in point (the Post would be closed in April - but specific timeframes were not given). Note: it is usual practice for the homepage of the UKvisas website to be updated to this effect.
5. A UKvisas contact list had now been produced. As members often had specific, time-sensitive queries and it was agreed that for urgent queries or information, UKvisas would coordinate internally.

2) Overview of Key Issues for UKvisas

1. On current issues for UKvisas, the Chair spoke about the main developments in the months ahead. He summarised the issues concerning the roll-out of biometric visas; growth in the number of visa applications; the first UKvisas Annual Report which we hope to publish before the summer break; the role and reporting cycle for the IM and her latest Report; the Points Based System (PBS) timetable and the recent publication of the Home Office consultation document entitled "Securing the UK Border".
2. On the IM, her 2006 report would be published in the next month or so.
3. On PBS, there will be a Ministerial announcement during April. Ministers are expected to confirm the timescales for the various tiers.
4. On Biometrics - Phase 1 was completed for 63 countries, mainly in Posts with low volumes and no commercial partner. Phase 2 was planned to start from the end of April/early May. This was large volume Posts working through our commercial partners - Visa Facilitation Services, in 7 out of 10 regions; and Computer Sciences Corporation, in Europe, the Americas and North Africa. The Chair reported that the roll-out has been going well and that no negative feedback from customers has been reported. Complete roll-out was aimed at April 2008.
5. Unfortunately, a demonstration of the biometric equipment was not possible but will be scheduled for the October meeting. If any member is visiting an overseas Post with biometrics equipment we can arrange for this to be demonstrated.

3) Fees increase

1. Mark Walmsley went through the Home Office/FCO response to the recent Consultation on a New Charging Regime for Immigration & Nationality Fees and the various visa fee increases promulgated from 1 April 2007. Members were encouraged to let us have any feedback they had about the increases, as the Home Office would be monitoring the impact of the increases.
2. One member cited one example relating to settlement costs. She also said that the UKvisas website should be more specific about the cumulative costs (UKvisas plus in-country Home Office fees) for people coming into the UK in the different categories. UKvisas publicise all fees on their [website](#) and details are cascaded to Posts. The Home Office publicise the in-country fees on their [website](#).
3. A member asked if the new student visa fee kept the UK competitive when trying to attract international students. He was reassured that this was the case and that the student visa proposition (ability to work, bring dependants etc) bettered many of our competitors. The fee also covered the visa application centre fees, which previously was an additional cost. Mark Walmsley confirmed that the student dependant visa fee was £99 and, provided the main student visa was issued, dependants would pay this fee even if the application was lodged separately or at a later date.

There was also a question as to whether the Knowledge of Life in the UK test could be taken overseas or only in the UK.

4) Commercial Partners

1. Diana Thomson talked about Commercial Partners (CPs) and how they and their work would be monitored. CP contracts have been negotiated centrally, not through Posts, with support from commercial law specialists. Posts and London will carry out monitoring on the delivery of their services, and CPs may be financially penalised for failure to maintain the standard required. They will take in applications with supporting documents and the associated fees. They were there to provide information only, and not advice. One member raised the point that one firm had inaccurately told applicants from an African country that they needed a medical certificate.

2. Biometric information will be transmitted immediately for checking and will not be stored by the CPs. Nor would CPs have access to any personal information arising from checks on that information. CPs are required to screen future personnel, and members were assured that CPs' staff are made aware of the strict confidentiality of any personal information they handle. It was pointed out that the question of strict confidentiality was crucial in some countries when dealing with same- sex partnerships. Posts and London have discretion to refuse employment should they think fit. Staff would all receive training. The FCO and Home Office could share access to the biometric information.

3. Some panel members felt that entry clearance staff at Posts should be more accessible so that they can contact and receive timely responses from Posts. It was agreed that in urgent cases UKvisas should be the first point of contact for Panel members.

5) Application refusals

1. There was considerable discussion on the number of visa refusals based on documents requested by Posts and provided by the applicant. A panel member felt strongly that such refusals were target driven and that a check-list of requirements was not widely endorsed as to assist applicants. The documents had already been accepted by the CP, and the fees paid, so once the application reached the ECO there should in most cases be sufficient information available to an ECO. If need be, could an ECO not offer an applicant the chance to rectify any shortfall in information, rather than refuse? It was also felt that in some cases 'border-line cases' were often refused.

2. It was noted that refusal notices which indicated that the ECO was 'minded to refuse' was being used to a lesser degree. However, it was felt that in some cases ECOs were of the mindset to refuse unless there was a good reason to grant.

3. Karen Evans explained that CPs do not sift applications or give advice on likely approval: the onus was on the applicant to make sure their case was well supported and documented as to give the full picture, including any further information not specifically on any checklist.

4. On the mindset of ECOs, UKvisas explained that decisions are made against the Immigration Rules. It was also noted that some 80% of applications are actually issued with the remaining percentage falling to those refused. Much work has also been done with visa-issuing Posts to improve ECO decision making.

5. With the volume of visa applications, Posts did not have the resources to ask for further information each time, though there is scope to ask for such documents or invite the applicant in for interview. Sifting of applications is not the best use of resources.

6. Members thought it would be helpful if the list of documents required to support applications was available on websites. There was a discussion about getting the right balance on the appeals process, and agreement that there was more work to be done.

7. The IM and others have questioned whether the current visa application form is user-friendly and captures adequately the information required. The Chair accepted the form could be improved. It is currently being re-designed so more information applicable to the category of visa applied for is available at the start.

6) User Panel Review

1. There had been a small number of helpful responses to the letter Simon Lovett sent to Panel members on future membership, regularity of meetings etc, though those replies had been positive. Feedback highlighted that members would like perhaps an ECM or DVS to be invited from time to time to whom they could ask specific questions. The Chair invited discussion on the themes of TORs, membership and functions. It emerged from this discussion, and the written replies, that User Panel members were basically content with the status quo and were not seeking radical change. It would however be useful to sharpen up the secretarial role and that minor business could be transacted between meetings and the meetings better prepared and action points followed up rigorously. The group should focus on the operational issues affecting UKvisas users; this did not preclude discussing policy issues from time to time when they impinged on operations and provided the right people were interested.

2. The Chair said that we were open to expanding membership within reasonable limits if members thought that some constituencies of users were unrepresented. Some members felt that they did not represent constituencies. The Chair said we were nonetheless open to suggestions.

3. The Chair said UKvisas were considering organising its existing bilateral contacts with corporate stakeholders into a new forum; it was agreed this should be separate from the User Panel.

7) Panel Forum

1. There was one supplementary discussion on the length of time it took to apply for a visa in Jamaica and the length of the interview queue (see para 1) 3).