

Summary of User Panel meeting with the Independent Monitor, 1st June 2006

Present:

Linda Costelloe Baker, Independent Monitor

User Panel

Clyde James, OISC

Guatam Banerji, Hindu Council UK

Mark Rendell, Deputy Chief Executive, English UK

Satbinder Bains, IAS

Kate Handforth, UKCOSA

Susan Rowland, ILPA

Nicola Carter, ILPA

UKvisas

Mark Sedwill, Director

Jo Cheeseborough, Head of Communications (Secretary)

The UKvisas User Panel requested a meeting with the new Independent Monitor, Linda Costelloe Baker, who started in the role at the end of April 2006. An introductory meeting was held on 1 June 2006, in which Members were given the opportunity to directly raise issues that concern them with the Independent Monitor.

The meeting was opened with a discussion about the purpose and effectiveness of the UKvisas User Panel meetings. User Panel Members and Mark Sedwill agreed that the agenda of the last User Panel meeting did not initiate effective two-way discussions between User Panel Members and UKvisas. Mark Sedwill suggested that future meetings should encourage the User Panel to drive improvement to UKvisas performance and service delivery.

User Panel Members suggested that issues raised in the Member's Forum should be brought onto the agenda of the meetings. It was proposed that Member's Forum queries often do not effectively deal with wider issues, although it was recognised that it would be difficult for UKvisas to ensure that the appropriate representatives were available to provide comment at the meetings.

User Panel Members also suggested that meetings be extended in workshop meetings aimed at a wider audience, which is something that can be discussed at the next User Panel meeting.

The Independent Monitor Role

The Independent Monitor (IM) explained that the role has recently changed to become a full-time position, though it was important that it remained independent from both UKvisas and the Foreign and Commonwealth Office.

The IM set out the steps she and UKVisas have taken to ensure that the role is both independent and is seen to be independent. Her office, for example, is separate from UKVisas, and her mail is also handled separately. She has a non-government e-mail address.

Induction

The IM thought that it would be sensible to spend her first two months learning about the migration business more widely before concentrating on her own narrow remit. So far, the IM has participated in the UKVisas Entry Clearance Officers training course and has spent time with the Immigration Service at Gatwick Airport and the Asylum and Immigration Tribunal in Glasgow. She has also met with a range of people, including the former IM.

The 2005 Report

The IM has already requested the sample of 2005 cases refused with limited rights of appeal for her first formal Report which she hopes to complete as soon as possible. For this Report, the IM is using more or less the same sampling mechanism as before, with the addition of a 100% sample from 3 smaller posts.

She noted her concern about the time taken for Reports to be published. Her view is that the lengthy gap limits their effectiveness because UKVisas is a flexible organisation and has moved practice on by the time a Report is published, perhaps 18 months after the reporting year. Now that the post is full time, the IM aims to ensure that the reports are completed and published as quickly as possible.

Visits to posts

In June, the IM intends to carry out familiarisation visits to Kiev and Chisinau, before embarking upon a schedule of monitoring visits. The IM thinks that that monitoring visits will be an important part of her work and she is particularly interested in visiting smaller posts which have not been visited by previous IM's, including posts in Africa and the Middle East. The IM hopes to visit some larger posts in late 2006 and 2007, including those in India. The IM will probably spend around 3 days in each post and would like the opportunity to speak with Entry Clearance staff and Locally Engaged staff. The IM will also spend time observing the Visa Section, as well as looking at file samples. The IM will also be looking at facilities available for applicants who attend posts in person, such as the waiting areas. She has the freedom to decide what she wishes to see in her visits.

The IM was pleased to accept the User Panel's suggestion that they should be asked to raise specific concerns and issues with the IM prior to a monitoring visit. The Advisor to the IM will, therefore, contact User Panel Members with the IM's visit schedule and invite them to suggest issues that the IM may wish to look into.

Decision quality

The User Panel highlighted decision quality and accessibility as two main areas of concern for them. The IM assured the User Panel that she would be looking closely at decision quality. She explained that in addition to her formal Opinions as an Ombudsman, she has experience of sitting on tribunals. In both settings she has been required to look at evidence, test it against the law, rules and good practice guidelines and provide a written decision with supporting reasoning; this is what she expects from all Entry Clearance Officers.

Access to information and advice

In respect of accessibility and the provision of clear guidance The IM agreed that it is vital for applicants to have access to advice and good information and that this would be considered in her reports.

The User Panel highlighted the difficulty in contacting some posts, especially for applicants. Members stated that UKvisas had improved its accessibility and efficiency, but that this was not filtering to all posts. The IM agreed to look at that issue on her visits. She also suggested that User Panel Members put the issue of communications on the next User Panel agenda. ILPA might provide a summary of issues for Members and UKvisas prior to the next meeting.

The User Panel also raised the issue of the regulation of overseas advisors. The IM noted that there is potential for exploitation, and that highlighted the need for clear information to be made available to applicants. As a former Member of the OISC Advisory Panel, the IM noted the undoubted need for advice to be properly regulated to ensure that it was a good quality.

Commercial Partners

The User Panel requested that the IM consider the relationships between Visa Sections and commercial partners, particularly whether commercial partners are offering advice to applicants.

Future meetings

The IM advised User Panel Members that she would not be attending the regular bi-annual meetings, but that she would be happy for User Panel Members to contact her as need arises. The IM would like to maintain contact with Members, as a network with an interest in UKVisas' work.