

**ENTRY CLEARANCE USER PANEL MEETING  
WEDNESDAY 21 MAY 2008**

**PRESENT**

**User panel:**

Mohammed Akram	Council for British Pakistanis (Scotland)
Asma Bashir	Association of Regulated Immigration Advisers
Inderjit Bhogal	Churches Together in Britain and Ireland
Maria Fernandes	National Association of Asian Businesses
Alison Harvey	Immigration Law Practitioners' Association
Clyde James	Office of the Immigration Services Commissioner
Tony Millns	English UK
Elaine Ngai	Immigration Advisory Service
Mahmud Quayum	Camden Law Centre
Anjali Raman	International Bar Association
Sarah Rimmington	UKCISA
Evita Situma	National Union of Students
Manishta Sonnia	National Union of Students

**UK Border Agency:**

Glyn Williams	Director, Visa Services (Chair)
Rafe Courage	Manager, Customer Services and Standards
Hazel Duddy	Deputy Project Manager, Stakeholder Engagement Team
Adrian Goodworth	Head of Customer Information Services
Demelza Govin-Pillay	Guidance, Decision Quality Programme
Jessica Mabbutt	ECO Support
Kishor Mistry	Points Based System
Frankie Pearson	Project Officer, Stakeholder Engagement
David Saville	Immigration Policy

**Agenda**

**Item**

- 1) Glyn Williams, as Chair, welcomed members, and all introduced themselves.
- 2) Minutes of the last meeting
  1. These were accepted.
- 3) Action points from last meeting
  1. The Chair ran through the outcome of the action points from the last meeting, which had been circulated to members. A member asked for a date to be included in the Points for Action grid.
  2. Regarding statistics on the appeals process, it was explained that an appeal overturned by an ECM on receipt of an appeal would not count as an allowed appeal, whereas if a Presenting Officer conceded then that would be an allowed appeal. But it was difficult to pull out these figures.
- 4) UK Border Agency update
  1. The Chair gave an update on the past year and the year ahead.

2. The Business Plan for the UK Border Agency was published in April (now published on the website). Organigrams for the newly-formed International Group of the UK Border Agency were circulated to members and the Chair briefly ran through these. The three strategic objectives for the International Group were: to protect the UK's borders; fast and effective decision-making; prevention of tax fraud, smuggling and immigration crime.
3. The Chair said that in 2007/08 2.5 million visa applications were received and 80% of these were issued. This is against 2.75 million the previous year. Though this was a drop of about 9% overall, some categories were up. Some of this overall drop could be attributed to the introduction of biometrics which will even out over time, and some to the global credit crunch. Visa fees were increased very slightly in April which should be a neutral factor. So a fairly flat demand rate was forecasted.
4. The biometric programme had now been fully rolled-out, and ahead of schedule. On queues forming for biometric appointments, there were some initial problems especially in Europe, but they are now being resolved. It was recognised that difficulties existed for some in Russia and Canada because of the distances involved in travel to get to a VAC, but other large countries like India and China have attracted no negative feedback. The Posts in Russia processed around 5000 applications for football fans with tickets in 10 days and showed flexibility in rising to this demand (St Petersburg opened 24 hours a day, and Moscow worked extended hours). Embassy staff were redeployed and more biometric machines used. There were lessons drawn from this in terms of major events where special procedures needed to be put in place for a large influx of applicants. One member asked about the 'short term' impact of biometrics. It was explained that impacts were being monitored but a few large posts were rolled out together and we are just now getting into the busy period, so it was a little early yet to get a clear view.
5. 89% of straightforward visas were issued within 24 hours of receipt at the Embassy, against a PSA target of 90%. Other PSA targets for settlement or non-straightforward applications were being met. A member asked for details on the timescales for the remaining 10% of applications, **which it was agreed to circulate**. Around 70% of appeals worldwide were being dismissed.
6. The Chair informed members of a pilot scheme in five countries where biometric data was being matched against the police database with a significant number of matches. If the pilot was a success then it was planned to roll the scheme out to all countries. Members were concerned that applications could be refused due to such matches, which may in fact be of a trivial nature. Jessica Mabbutt explained that a match should not in itself be a reason for refusal, but if it were a factor it would have to be explained in the refusal notice. Members also felt that applicants should be made aware of this process.
7. Hub and spoke arrangements were being implemented for efficiency savings and more consistent decision-making. About 45 posts have such arrangements already and the process was being continued. The customer should not notice any adverse effects.
8. The on-line application system, visa4uk, would be upgraded this year. There were some technical problems which needed to be resolved.
9. The visa waiver test was started last year. The Visa Policy Team were still in the process of drawing up a shortlist of countries on which the UK may impose or lift a visa regime, and proposals were to be sent to the Minister shortly.
10. The Visitor Consultation had closed in March and Liam Byrne was considering responses to it which should be published in June.

##### 5) Points Based System update

1. Kishor Mistry gave an update on the Points Based System. Tier 1 (HSMP) went live in India on 1 April, with a take-up of less than 100 applications. Kishor thought that application numbers may go up once the system had been in place for a while so no formal conclusions could be drawn yet. All documents are subject to verification via the Integra network before a decision is taken, which takes around three weeks.

There was thought these procedures may be reduced to a risk basis. All checks were subject to strict controls and guidelines with extra information sought on finance, employment and academic qualifications. The Integra process would be kept under review. One member thought the requirements for maintenance under Tier 1 were too high for people in some of the poorer countries, and that this may be a reason for the limited number of applicants. Close monitoring was requested. The Chair said applicants under Tier 1 could come to the UK without a job offer, so proof of funds was necessary. The Tier 1 system was transparent and if an applicant did not meet the criteria on maintenance, then they would be refused.

2. Statements of Intent for Tiers 2 and 5 were published and would come into force in October/November 2008; Tier 1 would be the end of June; and Tier 4 February/March 09. One member said it was hoped that Tier 4 would not slip from February as it would have an effect the education's publicity planning. A question arose under the current rules, about sabbatical officers who are treated as an extension to the student visa. Would their sabbatical year count towards the two years' Post Study Work leave to which they would be entitled after graduation? David Saville said that it would not.

3. A member raised the point that, in the Tier 5 Statement of Intent, there were no points for Commonwealth citizens, and it was felt Commonwealth citizens were being sidelined. David Saville said it was not deliberate: we were moving towards a more consistent system and based on immigration risk.

#### 6) Visa Application Forms

1. The Visa Application Forms were under review, and observations had been requested from the User Panel. It was felt the Visitor visa application form was too long with too many questions under the general categories. Rafe Courage and Adrian Goodworth would take action to ensure that **revised draft forms would be circulated to Panel members before they went live.** This may not be in the immediate future as visa4uk was in the process of being updated. One member raised the point that in the tourism section there is no drop-down box on the on-line form to enter family reunion. **Rafe Courage and Adrian Goodworth would look into trying to change that or find a workable solution.** One member asked about the practice of making the submission of online applications compulsory in certain countries, even though public access to the Internet there is still limited, ie Freetown and Addis. **Rafe Courage and Adrian Goodworth would look into this.**

#### 7) Integra pilot scheme

1. The Chair had covered this in his update.

#### 8) Customer services update

1. Rafe Courage said that additional VACs in Pakistan had been looked at, but more were not envisaged as they would not be cost-effective. The VACs were situated where there was the most demand. The recent introduction of online appointments should help customers to spend less time at the VAC when they travel there. One member was concerned that communities of Pakistani origin in Scotland were particularly badly affected by the distribution of the existing VACs, given that a large proportion of that community originated in the Faisalabad area. **The Chair said that he was meeting with VFS the following week and will put this on the agenda to discuss possible options with them.**

2. Information on CPs' websites. By the end of June UK Border Agency Visa Services would have completed a major review of websites to simplify the sources of information for customers. All the local in-country information needed by visa applicants would be on CPs' websites exclusively, with policy information on the [www.ukvisas.gov.uk](http://www.ukvisas.gov.uk) website. Commercial information would remain on the overseas Posts' websites. CPs' websites would also hold a statement explaining the role of CPs and that they can only give information, not advice, with links to professional advisers, in the UK (the OISC and legal professional bodies). One member was unhappy that information on the PBS Tier 1 pilot in India (Administrative Review application form), had been placed on the CP's website and felt that closer scrutiny was still needed to ensure that UKBA policy material was not placed on the CP sites. Rafe Courage said

that UKBA would continue to scrutinise content carefully to maintain the distinction between the CP and UKBA sites.

3. Customer service initiatives. The UK Border Agency as a whole is developing a global customer service delivery strategy. The Agency had introduced new complaints and feedback handling procedures in February 2008. Visa services will be adopting these. In March, the Independent Monitor had produced a report and recommendations about complaints handling, which we would be taking forward. Members were still hearing of instances of incorrect information being given to visa applicants. **If members had specific examples, particularly where these appeared to be widespread issues, rather than case specific, Rafe Courage undertook to look into them.** In one instance we had been made aware of a processing issue problem in one country which had been investigated and changed within one week.

4. Customer service standards. UK Border Agency were doing a lot of work on this. Although PSA targets exist, these were set before CPs and biometrics were extended. Customers needed a clearer picture of visa processing times from when the biometrics are taken to the point at which the visa is ready to be returned. The target would be for 90% of all non-settlement cases to be processed within 5-15 working days. **We were almost at the point where we can publish these figures. Performance figures for each country would be published quarterly at the 5 and 15 day point.** For settlement applications, the target would remain at 12 weeks end to end. The Agency is also planning to provide more information to applicants on the status of their application as it is processed and will be considering additional targets for particular categories as appropriate. One member was concerned about how the Agency tracked the final 10% of cases, to ensure that they are completed in a timely manner. **Rafe Courage and Adrian Goodworth agreed to look into and consider additional targets (eg 100% within six months).**

5. Contacting Posts. We were considering a solution to enabling contact points at Posts abroad for solicitors and other professional advisers who had an urgent, time-sensitive query. Rafe Courage said we were open to members' suggestions on this. The difficulty was how to restrict access to those who were entitled to it. **Members were asked to let us (via [frankie.pearson@fco.gov.uk](mailto:frankie.pearson@fco.gov.uk)) have specific details of their current method of contacting Posts. He asked that this information be sent within the next two weeks.**

6. One member pointed out the difficulty of finding out the progress of an appeal through Posts. Information should only be given out to the applicant or proven representative. Jessica Mabbutt said that the Independent Monitor had raised the question of information being given out freely so Posts erred on the side of caution.

#### 9) Admin Review

1. Kishor Mistry explained that the **formal response to the ILPA concerns would be issued shortly**. The Administrative Review was a review of the whole decision and if there is a new reason for refusal, you have a new Administrative Review. We cater for general grounds as there is provision for an applicant to produce new evidence to prove that they did not knowingly use deception. Where are we on the question of buddying, when one post can pair with another post if there is only one ECM: Regional Managers are developing plans taking into account the hub and spoke plans for their region. For singleton ECM posts, the process required an ECM in another post to ensure that the review was being conducted by an ECM not involved in the original decision.

#### 10) HC 321

1. Alison Harvey asked whether Entry Clearance Guidance had been updated following the minister's recently announced concession. Demelza Govin-Pillay confirmed that the Guidance had been updated.

## 11) Indefinite Leave to Enter endorsement

1. On Indefinite Leave to Enter, it was felt there should be some form of guidance on the website due to ILE having a From and To date entered. This was confusing for banks etc when they saw the To date had passed. **Jessica Mabbutt said we were planning to put more information on the website within the next six weeks, and in addition there would be an overhaul of the visa endorsements.** The end date on ILE was the expiry date of the passport. **Jessica would write to members to clarify this within the next three or four weeks.**

## 12) Any other business

1. One member raised the question of the Admin Review and said they had seen a number of refusals on human rights ground with replies saying "I have seen the human rights information and uphold the decision". It was suggested there should be an explanation why it does not apply. These have not always been upheld in the courts in the past.
2. It was asked that updates to the Entry Clearance Guidance be dated to make it more clear which were the most recent changes. (This was already in hand with the ukvisas web team.)
3. Members asked if we were, or intended to, share biometric information with other countries. Diana Thomson, Control Policy, updated members on the current situation. The UK introduced biometrics in the US December 2007. On the basis of a Memorandum of Understanding (MoU) signed with the Department of Homeland Security (DHS) in November 2007, the US Citizenship and Immigration Service of the DHS biometrics on our behalf at 129 Application Support Centres located across the US. The data is transmitted directly by secure link to UKBA systems. The UK concluded a second MoU in January 2008 relating to data vetting and sharing. Under this arrangement the details of anyone applying in the US for a UK visa are transmitted from our systems in the UK to the Department for Homeland Security/US-VISIT for checking against their biometric database, IDENT. Any matches against data held in IDENT, which contains information relating to immigration offenders and criminals and those being actively sought in connection with a crime are flagged up by the system. Additional information relating to the match may be shared between the two departments on a case by case basis. The US does not retain any data transmitted by UKBAIG which has not found a match on IDENT.
4. The UK does not presently share data with other countries but following an evaluation of the planned sharing arrangement with the US, we may wish to enter into arrangements with other countries. Sharing biometric data with EU partners for instance may deliver significant control benefits. However, we have no plans at present for additional data sharing arrangements. The question was asked whether the MoU was disclosable. Mrs Thomson said that any request for disclosure would need to be considered by UKBAIG in conjunction with the DHS. A question was asked whether those wanted in connection were the subject of warrants or sought by the authorities. Mrs Thomson confirmed that the database contained biometric data of people in both categories and that these people would be sought in connection with a serious crime.
5. James Fogg provided an explanation as to the development of an interface between IG and the IDENT1 system to allow for checks to be made against the IDENT1 system. Phase 1 seeks to check prints against the Unified Collection, and Phase 2 will go on to extend those checks to serious crimes and CT datasets held within IDENT1. Phase 1 is being piloted in four countries and will be rolled out globally thereafter, subject to the evaluation of that pilot. Phase 2 is on target to be implemented in Autumn 2008. **James Fogg to circulate a copy of the Operational Guidance used to support the pilot.**
6. A member found it difficult to find Consular information on Posts' websites. **We undertook to check what is generally standard.**
7. A member had visited the Visa Application Centre in Jalandhar, India, and circulated a paper on this.

(Link to Independent Monitor's latest report to the Foreign Secretary:  
<http://www.ukvisas.gov.uk/en/independentmonitor/imparliamentaryreports> )