

**MEETING OF THE ENTRY CLEARANCE USER PANEL
ON FRIDAY 12 OCTOBER AT 1000 HRS AT JECU**

Those Present: Robert Brinkley (Chair)	JECU
Tony Mercer	JECU
Lynn Cousins	JECU
Sarah Booker	JECU
Ru Smith (Secretary)	JECU
Barry Waite	IND
Azhar Khan	Paddington Law Centre
Mahmud Quayum	Camden Law Centre
Tanya Goldfarb	International Bar Association
Kate Handforth	UKCOSA
Don Flynn	JCWI
Susan Rowlands	ILPA
Maria Fernandes	National Organisation of Asian Businesses
Mohammed Akram	Council of British Pakistanis (Scotland)
Michael Kingsley-Nyinah	UNHCR
Kate Pooler	UNHCR
Paul Morris	South Manchester Law Centre
William Trant	West Indian Standing Conference

Opening Remarks

1. Robert Brinkley welcomed everyone to the meeting. Apologies were received from Stanislaus Saverimuthu, Meena Devlukia, Sherman Carroll, Roger Smith and Richard Dunstan.

Progress Report

2. Robert Brinkley said that as a result of the events of 11 September we had had to change the way in which we delivered our visa services in Pakistan. All three posts had moved to a "drop box" system because of security considerations and a reduction in staff. The criteria for accepting applications were being interpreted flexibly. On request, visa sections would look at individual cases falling outside the criteria, particularly where there were compassionate circumstances. All other posts in the region were operating normally at present, but this was subject to change. He said Long term it was too early to say what the effects would be. During the Gulf war we saw a reduction in the number of applications and it was anticipated, that in line with the reduction in air travel that we would see a decrease in demand in the short term. Further ahead we expected the trend of increased demand to continue.

Minutes of the last meeting

3) The minutes of the last meeting were agreed.

An overview of the entry clearance operation

- 4) Tony Mercer delivered a PowerPoint presentation covering the following:
- i) The shared FCO/Home Office business aim of regulating entry and settlement in the UK effectively in the interests of sustainable growth and social inclusion, whilst maintaining a fairer, faster, firmer entry clearance process.
 - ii) JECU's performance against targets, the current pressures on the entry clearance operation, applications received, staffing levels, costs, current 'hotspots', key challenges, process improvement, the opening of new visa offices in the sub-continent, financing of the entry clearance operation, communications with the public.
 - iii) The situation in Pakistan pre and post 11 September.
 - iv) The position in Lagos highlighting a 39% growth in demand and the considerable efforts to identify genuine student applications and issue in good time.
 - v) The situation in Accra, highlighting the reduction in tier 3 queue times from 100 to 40 days, despite a 52% increase in applications.
 - vi) The strategy of modernisation through new technology, including the £7.2M from the Treasury's Capital Modernisation Fund that will finance a number of projects including a central visa reference system with on-line links to IND.

Panel members were provided with a hard copy of the slides for this presentation.

Secretary's note

Any members not present who would like a copy of the presentation should contact Ru Smith.

5. The following points were raised in discussion:
- i) The need for streamlining to process applications more quickly and the need to work with IND to look at streamlining the explanatory statement process. Tony Mercer stated that the use of abbreviated explanatory statements was being explored.
 - ii) Addis Ababa and Nairobi were sending out letters stating that applicants should not expect an outcome on their application for 12

months. Barry Waite stated that there was confusion between 'referred' and 'deferred' cases. The number of cases being referred to the Home Office for decision was now only 25 per week. A system was now in place for tracking all referred cases and they should reach the dedicated team at IND as soon as they arrive. Posts can also contact senior caseworkers direct for progress. He said that IND could not provide direct lines to caseworkers for non-government organisations because the focus was on reducing the caseload. If caseworkers were answering telephone enquiries it would reduce their capacity to deal with casework.

- iii) Robert Brinkley said that the referral process and links with the Home Office had been greatly improved. The IT modernisation process has followed 'best practice' from the Cabinet Office and has been subjected to risk management assessments.
6. Lynn Cousins delivered an update on the new JECU website and the change of name to UKvisas. She explained that the new website was due to be launched in December and that JECU would be changing its name to UKvisas to coincide with the launch. The new website would contain new user-friendly information leaflets and Diplomatic Service Procedures (DSP) on entry clearance. The information would be easier to access and we were aiming to introduce interactive forms early in 2002.

Family Reunion and destitution

7. Concerns were raised about posts not issuing GV3s because they are not satisfied as to the identity of individuals. Sanaa was cited as an example. Sarah Booker stated that JECU do advise posts but that ECOs have to be satisfied before they can issue visas. Tony Mercer asked if specific examples could be provided.
8. Michael Kingsley-Nyindah asked which posts have encountered forged UNHCR identity documents and how they assess that such documents are forged. Tony Mercer said that posts would have access to genuine documents locally and had received training in forgery. Often posts would have access to the organisations responsible for issuing the documents locally. Guidance had been given to posts on issuing GV3s.
9. Mahmud Quayum stated that rigidly demanding documents to support applications when none were available 'forced' applicants to obtain forged documents. A flexible approach to the requirements for applications should be adopted. Tony Mercer reiterated that JECU were happy to look at specific examples of problems with documentation.
10. Tony Mercer stated that there was no easy answer to defining destitution and that the previous suggestion of using the UN definition did not have wide support. Paul Morris stated that it was straightforward and that it had been made clear in the consent order

from the Ali Jamar case. He continued that if a sponsor were on income support in the UK and the applicants were destitute, then it was obvious that the visa fee should be waived. Applications should be permitted where there was only one applicant and no third party support.

11. Tony Mercer stated that it was not black and white and that we had a commitment to recover costs. Where someone could meet the cost of their airfare it was reasonable to assume they could pay the visa fee. It was necessary to find a definition that targets those who could not meet the fees. He accepted that arriving at a definition was taking a long time, but this had been partly because we had believed that the UN definition would be considered the most appropriate.
12. Susan Rowlands stated that under ECHR article 8 applicants had a right to have their applications considered. Robert Brinkley said that the fee was for the processing of the application not the issue of the visa. It was not unreasonable to conclude that if an applicant could afford to pay for their travel then they should be able to meet the visa fee. Michael Kingsley-Nyinah said there was a need to strike a balance between financing the entry clearance operation and humanitarian needs and perhaps we had not yet got that balance right.
13. Paul Morris said it was a matter of political will. In Addis Ababa they had not even imposed visa fees prior to 1995. Robert Brinkley explained that the costs of staff, buildings and so on had to be met from the visa fees received. Where difficult cases arose they should be referred to JECU in the first instance, not directly to ECOs.

Action

Azhar Khan to provide JECU with copies of consultation papers and to consult with the Lord Chancellor's Department regarding Income Support.

Any other business

14. Kate Pooler said the authorities in Turkey and Iran were refusing to recognise GV3s issued there. What position did the UK authorities take on this? Sarah Booker stated that it was not a matter for JECU, but a bilateral matter between the FCO and the authorities concerned. JECU would, however, raise the issue with the FCO.

Action

JECU to raise the issue with the FCO.

15. William Trant asked whether DNA testing would be imposed on children in the future. Sarah Booker explained that it was not obligatory to undergo these tests and that guidance was being looked at. Certain posts resorted to it too easily while others were reluctant to use it.

Where a test was declined an applicant would not be refused on that basis alone, but would be assessed on other available information.

16. Maria Fernandes stated that checks by overseas posts on behalf of Work Permits (UK) were inconsistent and long delays, sometimes up to 3 months, were occurring. Some only used phone checks while others insisted on visits to premises. Bangladesh was a particular problem. Sarah Booker said it was not practical to impose rigid guidelines as circumstances varied from country to country. There were resource issues when undertaking checks on behalf of other government agencies. Robert Brinkley explained that there had been a great many fraudulent work permit applications in Bangladesh and that Dhaka were checking applications very carefully.

Action

Sarah Booker to raise the issue with Work Permits (UK).

17. Don Flynn asked why ECOs were commonly issuing applicants in the sub-continent visas that were valid for the duration requested rather than the standard 6 months. Tony Mercer said that ECOs have discretion, but that 6 months should be the norm except where there were reasons to limit the duration, such as security. Lynn Cousins said it might also be done in cases where a visa had been granted exceptionally, such as on the direction of the Minister. William Trant stated that immigration officers at ports in the UK were granting passengers less than 6 months leave to enter and subsequent applications to extend were being refused by the Home Office. Robert Brinkley said that endorsements at ports were a matter for IND.
18. Mohammed Akram stated that many incompatible marriages resulted in conflicts of interest when they broke down before the initial year had been completed, with one party wishing to remain and the other wishing him/her to leave the UK. Sarah Booker explained the work JECU is undertaking regarding forced marriages:

- i) providing clear guidance to ECOs on handling such cases.
- ii) drafting a leaflet for reluctant parties both in hard copy and on the website.
- iii) training for ECOs in these issues.

Such training was also being provided to presenting officers within the Home Office.

19. Don Flynn expressed concern that we differentiate between forced marriages and those that break down subsequently. Sarah Booker reiterated that the mechanisms we employ could only apply to forced marriages. Barry Waite said it was an ongoing problem, but that where

the individual was unwilling to disclose their position to the ECO or Home Office there was little that could be done.

20. Susan Rowlands asked whether instructions about students switching had been sent to posts. Sarah Booker said not, because the Rules had yet to be changed and ECOs could not anticipate such changes. Susan expressed concern that students would be refused in the interim if they expressed a wish to remain following their studies.
21. Susan Rowlands expressed concern about the layout of appeal forms, saying that the words 'Immigration and Asylum' at the top of the form are confusing to appellants and 'put them off' appealing. Robert Brinkley said that the family visit appeals process was being reviewed. Sarah Booker added that we would consider ways to make the forms more friendly to users in the course of the review.
22. Susan Rowlands expressed concern that the Home Office Evidence and Enquiry Unit does not deal with regular enquiries from ECOs, that there were delays at the Home Office and they were not communicating with posts. It was felt that a contact point was required to check the progress of referrals, even if this took the form of a fax or room number. Barry Waite asked that any examples of specific failings be passed to him. He repeated that it was not appropriate to provide the numbers of caseworkers as this would divert them from dealing with their caseload.
23. Susan Rowlands said that a client had received from one post a letter stating that there would be a delay of a year in a referred case. Robert Brinkley asked to be shown the letter. Paul Morris said that Nairobi had sent a letter saying there would be a 6 month delay and reiterated the need for a point of contact if only to establish that appeals or referrals had been received at the Home Office. Sarah Booker acknowledged that posts should be told not to give out such information, if it was not correct.

Action

Susan Rowlands to provide a copy of the letter her client received from post.

24. Tanya Goldfarb asked whether the review of the overseas domestic worker concession was underway. Sarah Booker said that news could be expected soon.

Next Meeting

25. The next full panel meeting to be held in 6 months. JECU will propose a date. In the meantime any pressing issues could be dealt with by focus groups.

Ru Smith
Secretary
Communications Section