

**Meeting of the Entry Clearance User Panel  
10.00 hours Monday 09 October, 2002  
at CMS Cameron McKenna**

**Present:**

Mohamed Akram	British Council of Pakistanis
Azhar Chohan	Paddington Law Centre
Maria Fernandes	Nat. Assoc. of Asian Businesses
Tanya Goldfarb	International Bar Association
Sheila Grewal	Refugee Legal Centre
Kate Handforth	UKCOSA
Paul Morris	Manchester Law Centre
Michael Pickett	IAS
Kate Pooler	UNHCR
Mahmud Quayum	Camden Law Centre
Susan Rowlands	ILPA
Robin Barnett (Chair)	UKvisas – Head
Tony Mercer	UKvisas – Deputy Head, Operations
Sarah Booker	UKvisas – Head of Policy
Colin Mulcahy	UKvisas – Director of Visa Services, Pakistan
Keith Wood-Smith	UKvisas – Communications Manager, i-Visas
Chris Bowles (Secretary)	UKvisas – Communications Section
Barry Waight	IND – Policy
Andrew Smith	IND – Appeals
Stephen Hogg	IND – External Communications

◆ Action Points

**Introduction**

1. Robin Barnett opened the meeting and thanked Cameron McKenna for providing such civilised surroundings and lunch.

**Introduction**

2. Robin Barnett: Having now visited a large number of visa sections, I am impressed by the dedication and enthusiasm of entry clearance staff. They are dealing with growing numbers of applicants with real professionalism. Their willingness to embrace reform is also highly encouraging. But there is no room for complacency. Much remains to be done if we are to be able to deliver a first class entry clearance service at all posts. The challenges include the inadequate facilities at some Posts, limited capital funding, a rapidly changing policy environment and staff shortages. UKvisas is committed to addressing these challenges. We will press ahead with our programme of streamlining processes and procedures to increase throughput and service delivery. We will provide better training and improved IT, including online visa applications to the extent possible. And we are exploring ways of tackling staff shortages. While we cannot promise rapid improvements in all areas, we are determined to deliver an even better standard of service in the future. The User Panel has an important role to play in helping us achieve this.

**Action Points**

3. Robin asked that action points from the previous meeting be dealt with as they arose which was agreed.

## Overview of Operation and New Developments

4. Tony Mercer gave a presentation – see handouts at annex A  
Tony Mercer: This will be my last time at the User Panel meeting, before I transfer to run the visa operation in China.
5. Tony Mercer: 2 years ago, UKvisas (JECU) was set up to make the visa operation better and there have been many successes along the way. While not always right, there is now the courage to admit mistakes and make changes when necessary. 4 of 5 Public Service Agreement (PSA) targets had been met. Only the Tier 3 (non-settlement requiring interview) has missed the target, achieving 78% of decisions reached within 10 working days against a target of 90%. IT development and Streamlining would assist in reaching all the targets. Nevertheless, 93% of applicants were successful. The operation managed to be geared to service, but still fulfil its function as part of the immigration control.
6. Tanya Goldfarb: What are the targets for correspondence?  
Tony Mercer: 15 working days for MPs and 20 for the public  
Robin Barnett: These are standard government targets, which we meet.  
  
Mahmud Quayum: Are these the same for all? The Home Office can take 8 months to respond.  
Tony Mercer: Yes they are, but we are not responsible for the Home Office targets
7. Tony Mercer: Application rates are rising rapidly, up to 50% at some Posts. There is increasing abuse and racketeering. The ability of some Posts to deal with the increases is hampered by the facilities. There is no access at present to capital, but negotiations are under way. Both parent departments (FCO and HO) are dealing with staff shortages, and UKvisas is building its squad of permanent floaters to help manage the shortage. The fee increase in July 2002 came in on the back of an operational deficit of £3.6M and there must be a return to full cost recovery by the end of financial year 2003/04.
8. Mahmud Quayum: Has a private finance initiative (PFI) been considered?  
Robin Barnett: It has, UKvisas has no plans to use PFI at present but it has not been ruled out as an option.  
Tony Mercer: There can be no more fee increases at the moment, so the operation must find another way to deal with the financial shortfalls. The operation can now respond more quickly to events, e.g. as in Pakistan, where in spite of the severe problems, some level of service has been possible – and there remains a commitment within the operation, and all the way up to the Foreign Secretary, to improve the service further.
9. Tony Mercer: Training programmes have been revamped after realising that the old courses were not meeting the needs of the business and the trainees. We also realise the need to recruit the right staff and are very much involved in the selection process. Senior management have now been to 20 Posts and staff from 60 have attended Streamlining workshops. The quality of decision-making is improving and pragmatism is encouraged. Sharing of information will be made easier through improved information technology (IT). Trials in Pakistan have shown that Streamlining can increase throughput by 100% and now we must evaluate the programme. The aim is to get rid of bureaucratic processes, slowing down the time it takes to handle an application. The operation is now front line, where an applicant sees and ECO straight away, who makes the decision immediately.
10. Mahmud Quayum: What about those who can't even get into the visa section to make an application?  
Tony Mercer: There are two aspects: those who turn up, but can't get in and must wait one or two days and are then deferred for an interview at a later date and those who go through a "pre-sift". The pre-sift was not working and was outdated. The applicant may have missed the right of appeal where one existed and those who were pre-sifted could come back again and again. The application process is now much quicker and the pre-sift will stop being used. To try and flatten the peak application periods, i.e. students, people are being encouraged to apply earlier, as a visa can be issued up to 3 months before it will become valid. Where used, streamlining has obliterated queues.

## Outsourcing

11. Improvements have also been achieved through outsourcing, as in Pakistan where Gerry's/Fedex staff have been trained by entry clearance staff to deal with applications. Fedex staff do not make decisions on

applications; they just check them and forward them – if eligible – to the visa section for consideration. There is a small fee of £3 to 4, but this is offset by the fact that the applicant does not have to travel to the High Commission. With Ministerial authority, outsourcing is being trialled at 4 Posts – Istanbul, Manila, Cairo and Islamabad. It has been shown to be successful and the aim is to roll it out elsewhere.

12. Mahmud Quayum: Is there any plan to outsource village visits? At present in Bangladesh, visits must wait until the dry season, meaning long waits in some cases.

Tony Mercer: No. Village visits should be exceptional, rather than routine. Carol Doughty is currently in Dhaka to resolve this problem.

13. Susan Rowlands: Is outsourcing self-funding?

Tony Mercer: No. There is also scope for outsourcing telephony and appointment handling

14. Azhar Chohan: Is the fee actually 4,200 rupees (c £40), not £3 or 4 (c 300 rupees)?

Colin Mulcahy: Yes, but only for settlement applications. The fee is more because the application must travel further. The fees are based on how far an application must travel.

Robin Barnett: The settlement operation is not run from Pakistan. For security reasons, there are not yet enough staff to operate it in Islamabad. However, to meet the great pressure to handle settlement cases, we have set up a temporary operation based in Dubai. There is a special team in place there separate from the normal Dubai operation. It is not possible to say how long this arrangement will last as any changes depend on the security situation. This arrangement applies only to applications made in Pakistan. Applicants cannot apply direct to Dubai. It would thus be better not to reveal to clients that the settlement operation is in Dubai to avoid confusion.

Colin Mulcahy: All non-settlement applications are handled in Pakistan and the fee of £3 to 4 depends on the distance the application must travel.

15. Azhar Chohan: Is outsourcing used for village visits in India?

Tony Mercer: Authority has been given for Visa Liaison Officer in India, but these are too expensive, so outsourcing is being considered. It may have been trialled, but no decision has yet been made. Anywhere outsourcing is used, training will be given by ECOs.

Robin Barnett: The Ministry of Foreign Affairs (MFA) in Pakistan approves of the courier assisted visa system, because it obviates the need for applicants to travel to the High Commission. In future, only one visit at most should be necessary.

Tony Mercer: If possible, applications will be dealt with on papers alone. In settlement cases this is around 30% and up to 40% for other types. Streamlining will introduce new application forms, one for settlement and one for non-settlement, leading to more, fairer and better decisions.

### **Indian Sub-Continent Visa Services**

16. Tony Mercer: A full visa service was resumed in New Delhi and Mumbai on 4 September. Pakistan is heading for full service – we are looking to expand both settlement and non-settlement, but the security situation remains fragile and improvements can only be made incrementally. There will be a security review in December, but no guarantees can be given. There have been significant improvements over the past 3 months and community visits in the UK have confirmed this. The Foreign Secretary is very keen to see these improvements continue.

Colin Mulcahy: So far, things in Pakistan have only moved forward. There are worries that external factors may affect this and the risks to staff remain very real, but I am confident that things will continue to move forward and there will never be a return to the old ways of working.

Tony Mercer: The Lahore office will not re-open as it is not secure. The re-opening of Karachi is dependent on the security situation.

### **Pakistan**

17. Mahmud Quayum: Can sponsors send papers direct to the High Commission in Islamabad?

Colin Mulcahy: It is best to send papers to the applicant who can submit them with the application. The visa section does not see applicants at present, and does not have the staffing to deal with papers sent direct. There are now only 16 ECOs working there.

18. Paul Morris: Are you accepting applications from displaced Afghanis?  
Colin Mulcahy: Yes.
19. Sheila Grewal: Are you still making referrals?  
Colin Mulcahy: We try to avoid this. ECOs are encouraged not to defer making decisions.
20. Sheila Grewal: Are you accepting applications for family members to join those with discretionary leave to remain (ELTR)?  
Colin Mulcahy: There have been very few such cases, but cases where more information is requested from the applicant are now very, very few.  
Tony Mercer: Streamlining is dealing with this.
21. Azhar Chohan: Can fees be paid direct from the UK?  
Tony Mercer: Outsourcing is looking at other ways of collecting fees, e.g. bankers drafts, etc., but the Consular Fee Order stipulates that cash must be accepted. E-payments are also being looked at, but paying fees in the UK will not be possible.  
Azhar Chohan: Why can you not use a system like that at the US Embassy where fees are paid direct to the Embassy's account?  
Robin Barnett: We want to improve the fee payment system. However, the need to account fully for public money makes collection of fees in the UK very difficult.
22. Michael Pickett: Have you considered setting up a liaison office in Mirpur?  
Tony Mercer: No. An office was opened in Lahore, but there was not sufficient need for one in Mirpur to justify the cost. If the outsourcing trails in India works, it may be considered. The liaison office in Sylhet has proved successful.  
Colin Mulcahy: Special permission is required for UK staff to enter Azhad Kashmir, so an office there is unlikely to be workable. Lahore was a success, but the courier assisted visa system now makes it possible to meet demand from the entire country in Islamabad.
23. Mohamed Akram: From the Scottish perspective, there is more need for a liaison office in Faisalabad.  
Colin Mulcahy: There is the same problem here as for Mirpur.
24. Mohamed Akram: I have not heard any complaints from sponsors/applicants, nor about payment by back draft. There are issued with newly married wives and women with children, but I have visited Islamabad a number of time and the changes made over the past two years have been of great benefit.  
Colin Mulcahy: Two or three years ago spouses had long waits. Now the only reason for delays is the security situation, and while not perfect, some can now apply.  
Mohamed Akram: What is the time-scale for improvements and why are applications from women with children not accepted?  
◆ Colin Mulcahy: I will investigate on my return. We do not want to be too rigid.  
Robin Barnett: Our aim is to continue to improve service levels in Pakistan as quickly as possible. But there remain real security issues. And the safety of both our staff and visa applicants remains of paramount importance. Our plan is therefore to continue to increase our service incrementally. We need to be confident both that the steps we take are appropriate in the light of the situation in Pakistan and that we are able to deliver improvements on a sustainable basis. We will continue to keep User Panel members fully informed.
- Mohamed Akram: Can Gerry's/Fedex offices be used for interviews?  
Colin Mulcahy: There are around 22 Fedex offices and it is not practical to send ECOs to them.
25. Paul Morris: When will interviews begin?  
Robin Barnett: We hope to recommence interviews soon. Interviews will be by appointment only; initially on a limited trial basis..

26. Mahmud Quayum: What are the targets for handling of appeals (Dhaka)?  
 Tony Mercer: The Post must deal with non-settlement appeals within 28 days and settlement within 3 months. Big increases in applications, particularly from students, have created pressures. We are now focussing on the tier 3 queue and eliminating the backlog of appeal statements.
27. Azhar Chohan: What about children who have reached the age of 18 since the closure in Pakistan?  
 Colin Mulcahy: I'm not aware of this as an issue, but if people have been prevented from applying by circumstances beyond their control, we will take a sensible approach.

## ICD/UKvisas Liaison

### Referrals/Deferrals

28. Sarah Booker: We are working closely with Barry (Waight) and his team to clear blockages. Further guidance to EC staff will be issued soon, to ensure that they know where to send deferrals/referrals and that all the information required is sent 1<sup>st</sup> time. Problems remain sending large bundles through the diplomatic bag. It is necessary for ECOs to be aware of time scales and they will be instructed to keep a log to enable chasing of delayed responses. This is not yet happening at all Posts.
29. Barry Waight: The number of cases to the ECO Referrals Unit is currently running at around 30 to 35 per week; deferrals to the Evidence and Enquiry Team at about 35 to 40 per week. Problems remain of correspondence going to the wrong team, but work is ongoing to correct this. There is now a database and process manager to ensure that cases are resolved. There is still problem of lost applications, often only found when an MP or other makes an enquiry. The deferral operation is now down to 4 weeks, the oldest case currently in the system is dated 12-09-02.
30. Paul Morris: Deferred cases up to 18 months old have been found in Liverpool. There needs to be a mechanism to notify when a decision has been made (Nairobi).  
 Barry Waight: Some Posts are not as good as they should be. I admit that the Home Office can be terrible, but record-keeping at Posts need to improve. There is also a problem with cases that are not on the database. I am willing to deal personally with such old cases that User Panel members may have, but my name must not be given to clients or used for newer cases.  
 Sarah Booker: Posts, or the UKvisas Public enquiry line for those in the UK remain the first point of contact for enquiries for all cases and as the system for handling cases at Posts improves so will the situation.  
 Mahmud Quayum: Can we have a copy of guidance issued to Posts?  
 Sarah Booker: This will be in Diplomatic Service Procedures (DSPs) in due course, which is available on the UKvisas website ([www.ukvisas.gov.uk](http://www.ukvisas.gov.uk))  
 Sheila Grewal: May we have a contact number/room number? I have 3 cases, one 6 years old. UKvisas does reply to enquiries, but the cases remain unresolved.  
 Barry Waight: I am not able to deal with calls or faxes, but you should write to me at: General Group, ICD, 18<sup>th</sup>. Floor, Lunar House, Croydon.

### Appeals

31. Paul Morris: It is impossible to know if appeals have been received from Post.  
 Andrew Smith: I am responsible for processing appeals, once received in Croydon. I am aware of enquiries being bounced around. You are welcome to make enquiries of my team. There will be a database to improve tracking of appeals within ICD. We are a small team who do quality control, check appeals on receipt, make any necessary enquiries and then send the bundles to the IAA.
32. Mahmud Quayum: Clearly UKvisas and ICD do communicate, but the customer is not in the loop. In one case, Nairobi wrote to confirm appeal sent in September 2001 and a copy should be requested from Croydon. In a joint operation, there should be one point of enquiry.  
 Sarah Booker: UKvisas confirms that appeals processing has the case and passes the enquiry to them.  
 Robin Barnett: We can and do alert the Home Office to enquiries, but are not staffed to chase appeals.  
 Paul Morris: Letters sent out are not informative enough. We need to know what the Home Office targets are and when we should become concerned. How soon should a bundle go to the IAA?

Andrew Smith: There are currently no targets. The bulk are processed within 11/12 weeks, but there are a large number of old cases. There have been staff shortages for some time, but there are now increasing numbers of staff and management. We expect the backlog to decrease. There is also a limit to the number of cases that the IAA can accept – currently 1,000 EC/non-asylum cases per month.

Mahmud Quayum: I want the minute to be clear that Robin Barnett said that UKvisas is not staffed to deal with appeal enquiries, and that the IAA has quotas.

Robin Barnett: UKvisas does what it can including some chasing. But it is not UKvisas role to process appeals. Enquiries are not ignored by UKvisas, the Home Office or the Lord Chancellors Department. But the volume is high. All those involved are working to tackle backlogs and other causes of delay.

Maria Fernandes: Is there a point of contact in London to track appeals?

- ◆ Robin Barnett: We will consult with all concerned and I will write to the User Panel

33. Susan Rowlands: I have a case where 2 children are still waiting, even with Ministerial involvement. It will be enormously helpful to have a contact such as Barry. Letters sent out should be more informative.

Robin Barnett: The quality of correspondence is generally high but we aim to learn from our mistakes.

Susan Rowlands: We need to be told when the system is failing and what the process is.

Mahmud Quayum: I believe the ICD has not much input in the process. Why can't the bundles just be sent direct (to the IAA).

Sarah Booker: This has been discussed. All recognize the difficulties and are looking at ways to improve the system.

Mahmud Quayum: I have a JR case pending against the Chief Adjudicator because he refused to list a case until the bundle was received by the IAA.

Barry Waight: The ECO team currently has a backlog of about 150 cases and the Business Case Unit around 140. There was a shortage of 6 staff, but these posts are now filled. - add elsewhere?

## Report on i-Visas

34. Keith Wood-Smith gave a presentation on i-Visas – the newly renamed section of UKvisas responsible for IT modernisation – “Helping modernise our visa service through better IT” (see handout at annex B).

Tanya Goldfarb: If applications are to be made electronically (e-applications), how will documents be linked to applications?

Keith Wood-Smith: There will still be a need to see passports and other documents. Australia has an e-visa system which only checks to see that the applicant does not have a negative immigration history, but this is limited to certain nationalities, usually those that would not need a visa to visit the UK. This may become possible in the UK in the future. The e-application trial in New York is limited to submitting only details from the application form and a hard copy is sent in, or brought to the visa office. An email is sent to the applicant with a reference number and guidance and there is a fast-track for e-applicants to reduce the time spent at the visa office. The trial will be extended to Los Angeles and Chicago for all application types. There are plans to offer a similar facility in other countries where there is high web usage, to be hosted on the UKvisas website.

35. Will IND forms go electronic?

Barry Waight: There is some work going on as part of the Charging Project and the Government plan to deliver services electronically by 2005, but we don't yet know what the result if this will be.

Robin Barnett: Long-term plans are looking at “e-delivery”, but there are many obstacles. However, we do not want to be over-ambitious and will look at modest deliverable steps.

## Members' Forum (see annex C)

### Q1 (Mahmud Quayum)

36. Tony Mercer: We can provide interpreters for the main language(s) of the country and sometimes other languages on an ad hoc basis, but the budget does not allow to pay for interpreters in other languages.

Mahmud Quayum: Why can applicants not use friends/relatives?

Tony Mercer: If the questions to be asked are not complicated, there may not be a need for a professional interpreter, but for a complex interview, a professional interpreter is necessary.

Mahmud Quayum: E.g. in Nairobi there is no Somali interpreter. Is it not reasonable to provide one? The applicant in Amsterdam had to pay around £200 for an interpreter.

- ◆ Robin Barnett: There is a case in Nairobi and we can look at this, but in Amsterdam, for example, there are 109 nationalities making applications. To provide interpreters in all languages would mean putting up visa fees worldwide. Applicants are free to apply in a country where their language is spoken, but we will always do our best to help if they apply in third countries.

Mahmud Quayum: If an applicant cannot afford to pay, what happens?

Tony Mercer: We will be pragmatic and judge the quality of the interpreter and don't want to see a situation where an application cannot be accepted.

Mahmud Quayum: You should allow the applicant to bring a person who doesn't charge.

Robin Barnett: We do urge pragmatism, but in complicated cases this may not be possible.

37. Q2 (Mahmud Quayum) Response accepted (see annex C)

38. Q3 (Mahmud Quayum) Mahmud Quayum: Other Government agencies are confused by the dates because it is not clear from the visa that the holder has ILE/ILR.

- ◆ Susan Rowlands: The Home Office has issued guidance, but there is a limit to how successfully these are adhered to. I will raise this matter again with the Home Office.

Sheila Grewal: These problems happen daily.

Azhar Chohan: A leaflet should be issued.

Sarah Booker: We have raised this with the Carriers Liaison Unit (CLU), but the policy remains with the Home Office.

Tony Mercer: We can try to make sure that the CLU gives clear guidance.

Sheila Grewal: The Agencies don't understand "Resource to Public Funds" and need clearer guidance, even though this has been requested before.

- ◆ Robin Barnett: I urge you to raise this with the IND User Panel.

39. Qs 4 to 6 and 8 accepted (see annex C).

#### **Q9 (Susan Rowlands)**

40. Susan Rowlands: We want a note explaining Family Reunion.

Sarah Booker: DSPs will be updated to accurately reflect the policy on handling family reunion cases. Work on them is currently ongoing.

- ◆ Robin Barnett: We will consult on this and provide an answer to the Panel.

#### **Q7 (Kate Handforth)**

41. Kate Handforth: "180 days" endorsed on the visa is confusing, making holders believe this is how long they may stay.

Tony Mercer: We understand that more clarity may help.

Maria Fernandes: Settlement: what about those arriving late in the life of the visa?

Colin Mulcahy: Visa holders frequently travel to the UK in the last months of the visa's validity. We now inform them of the process.

Meeting: A government produced guide would help.

- ◆ Robin Barnett: We will produce guidance, but your help in spreading it widely will be needed.

### **Any Other Business**

#### **Registration in Nairobi of those affected by abolition Special Vouchers**

42. Maria Fernandes: We need clarification on the registration of large numbers of people who have no immigration category under which they can apply. Will there be guidance?

Sarah Booker: There is no provision at present to deal with such cases that are outside the Immigration Rules.

Maria Fernandes: We also need guidance on what is "hardship" and "sympathetic understanding".

Sarah Booker: ECOs cannot consider such applications themselves. These can only be passed on to the ECO Referred Cases unit of the Home Office, who will consider these appeals.

## **New Application Forms** (examples were distributed to the meeting – see annexes D & E)

43. Sarah Booker: These are the questions, but the actual design of the form is likely to change.
- ◆ Robin Barnett: Your views on the drafts will help to spot any obvious problems with the forms. We want to introduce them before the end of the year. So please give your comments us by Friday 18 October. If possible, however, we will also respond to any comments received after that date.  
Mahmud Quayum: Is the family tree in Q2.1 (of the settlement form) necessary?  
Tony Mercer: More information will lead to quicker decisions. The information will not be used only to “catch people out” and to get the history of migration, but can also reinforce an applicants standing.  
Mahmud Quayum: The Rules do not specify that family details must be given.  
Tony Mercer: Yes, but establishing relationships is in the Rules and this question helps in doing that. A lack of information may mean that the application cannot be decided without an interview. It is not always necessary, but will help some applications.  
Robin Barnett: The aim of the new forms is to enable more cases to be decided on papers alone. If this objective is achieved, all will benefit.  
Tanya Goldfarb: Non-settlement form , Q6: The “What job do you propose to take...” question is not relevant to some applications.
  - ◆ Robin Barnett: Please would you put this point to me in writing as part of the consultation process..

## **Kampala**

44. Paul Morris: What progress has been made on accessibility to Kampala (for inadequately documented applicants)?
- Sarah Booker: We are not aware of any change to the security situation there and requirements as laid down by Ministers remain the same.
- Kate Pooler: On behalf of the UNHCR, following a visit from a colleague in Kampala, the UNHCR there is not issuing Convention, or laissez passer documents to those who want access to the British High Commission. Other types of document can be issued. There are mainly two types of people with the problem: those just arriving and those who have lived in the country for a while who want to join family. It is the last type who have are a problem.
- Sarah Booker: We are working with the UNHCR to finds ways to get people properly documented, but Ministers are firm as there is a specific threat in Kampala.
- Kate Pooler: The matter is still under discussion.

## **Destitution and visa fees**

45. Paul Morris: What progress has been made?
- Tony Mercer: Guidance has been issued based on the Ali Jamma principles. The ECO will take into account if the sponsor is in receipt of benefits.
- Sheila Grewal: Can we have copies of this guidance?
- ◆ Tony Mercer: Yes.

## **Reference checks on Work Permit (WP) applicants**

46. Maria Fernandes: It is unclear how checks on WP holders, particularly restaurant staff, are made. Some bad decisions have been made and some cases are going to court. Will there be guidelines? Is there feedback to the applicant?
- Sarah Booker: Work Permits (UK) sometimes ask Posts to verify (previous) employers. This is on a case by case basis and not part of the immigration procedure. Applicants must still satisfy the requirements of the Rules.
- Maria Fernandes: I think that ECOs are making enquiries and if they are not happy may refuse an applicant. I am concerned that checks are not being done properly.
- Colin Mulcahy: If an ECO is not satisfied about some aspect of the application checks may be done. If a reply from an employer is equivocal, it could lead to refusal.
- ◆ Robin Barnett: Please send me, in writing, the specific nature of any problems and I will attempt to provide an answer. But I cannot promise now that we will produce specific guidance on this issue..
- Tanya Goldfarb: We need to distinguish between pre and post WP issue.

Sarah Booker: There are 2 processes: the WP is issued by WP (UK), then the applicant is examined again against the Immigration Rules.

Colin Mulcahy: There is feedback from Post to WP (UK) highlighting cases of fraudulent documentation.

Robin Barnett: It needs to be made clearer that this is a 2-stage process. The issue of a WP does not automatically mean the issue of a visa. We are looking at a range of ways to ensure that the employer and employee are aware of this.

Maria Fernandes: Where an ECO believes the “false representations” have been used, evidence must be produced, therefore this reason for refusal must not be used where no evidence exists.

### Thanks to Tony Mercer

47. Mohamed Akram: I would like to record a vote of thanks to Tony Mercer for his role in setting up JECU and his attention to the User Panel and particularly for his efforts in Scotland.

### Next meeting

48. The next meeting will be at UKvisas on a date to be arranged. Many thanks to CMS Cameron McKenna and their staff for providing the facilities and an excellent lunch.

Mahmud Quayum: I would like to offer the offices of the Camden Law Centre for the next meeting.

- ◆ Robin Barnett: We will circulate details of the arrangements for the next meeting.

### Action Points

Para	Action	By
26	Look into accepting applications from women with children	Colin Mulcahy
34	Consult on having a single point of contact for appeals enquiries and write to the User Panel	Robin Barnett
38	Consider provision of Somali interpreter in Nairobi	Robin Barnett
40	Raise ILE/ILR and date endorsements with the Home Office	Susan Rowlands
40	Raise “Resource to Public Funds” endorsement with the Home Office	Sheila Grewal
42	Consult on procedures for issuing family reunion visas	Robin Barnett
43	Guidance on 180 day endorsement and validity of visas	Robin Barnett
45	Provide comments on the new application forms	User Panel
45	Write to Robin re: “What job ...” question on new form	Tanya Goldfarb
47	Provide User Panel with guidance to ECOs on visas fees in destitution cases	Tony Mercer
48	Write to Robin about WP cases of concern	Maria Fernandes
50	Arrange next User Panel meetings	Chris Bowles

Chris Bowles  
Secretary  
14-10-02

## ANNEX A – Tony Mercer’s Presentation



"Tony Mercer User  
Panel Presentation 8-

## Annex B – Keith Wood-Smith’s Presentation



"i-Visas General  
Presentation (extra fc

## Annex C - MEMBERS FORUM – User Panel Meeting 09-10-02

### 1. Should the clients pay for the interpreter at entry clearance interviews?

#### BEST PRACTICE AUG 2001 - CHAPTER 5

##### 5.5 Interpreters

##### 5.5.1 Use of interpreters

- A guide on the role of the interpreter is included at the end of this chapter. This should be shown to any staff who have this function.
- It is very important that any interpreters used understand what their role is and that they should translate only what is said. They must not seek to advantage or disadvantage an applicant by adding or withholding anything from the applicant's statement. The ECO should always set out the rules of the interview at the outset and should ensure that the applicant and the interpreter do not chat amongst themselves.
- Interpreters are normally employed full-time where there is a need for a dedicated officer to interpret the main official languages spoken in the country concerned.
- Taking the above carefully into consideration the Post may, where only an occasional need for an interpreter arises, consider using:
  - another member of local staff if this is their main language and they are considered capable of translating both ways
  - a specialist interpreter on an ad hoc basis as required: costs will have to be met from the local budget and guidance should be issued on each occasion
  - as a last resort, the applicant's own interpreter

### 2. Multiple visit visas - Ru Smith's paper [Members Forum] submitted on 8th April user panel meeting Referes (*sic*) to "180 days is maximum stay within a 12 month period". Where is the authority for this as immigration rule does not stipulate this (rule 41)?

Immigration Directorate Instructions Annex A of Chapter 2 Section 1 states, inter alia:

#### "4. FREQUENCY AND DURATION OF VISITS

There is no restriction on the number of visits a person may make to the United Kingdom nor any requirement that a specified time must elapse between successive visits. The fact that a person has made a series of visits with only brief intervals between them would not, ***in the absence of any other relevant factors***, constitute sufficient ground for refusal.

It is reasonable, however, for the immigration officer to consider the stated purpose of the visit in the light of the length of time that has elapsed since previous visits. A visitor should not, for example, normally spend more than 6 out of any 12 months in this country (but see **Section 3** of this chapter in the case of visitors for private medical treatment).

Occasionally, a business visitor may require to stay for a period of weeks or even months (eg where machinery is being installed or faults being diagnosed and corrected). The immigration officer should be satisfied, however, that a person's presence here on business for more than 6 out of any 12 months does not mean that he is basing himself here and holding down a specific post which constitutes employment requiring a work permit."

### 3. What are the significance of *valid from* and *valid to* dates? ( copy of guidance on "indefinite leave to enter" endorsement on visas would be helpful).

The *valid from* date is the date on which the visa (and hence the leave to enter) becomes effective. The *valid to* date is the date on which the visa (and hence the leave to enter) ceases to be effective. A holder of a visa who remains in the United Kingdom beyond that date will do so without leave, unless the leave granted by the visa has been superseded. Visas endorsed 'indefinite leave to enter' become effective from the date they are issued and are valid until the date of expiry of the passport, provided at the time of any re-entry to the United Kingdom, the holder satisfies the requirements of paragraph 18 of HC395.

#### 4. Workingholiday consultation.

The public consultation period for the Working Holidaymaker ended on 23 August. Since then, Home Office colleagues have been analysing responses and are in the process of drawing up recommendations to Ministers for a revised scheme. It is expected that the significant recommendation will be to lift the current employment restrictions.

#### 5. New settlement forms (update)

Copies of both new, draft forms (settlement and non-settlement) will be available to User Panel Members at the end of the meeting. We welcome further comments.

#### 6. Entry clearance appeals - explanatory statements - (it is taking far too long to reach the IAA).

To be responded to at meeting.

#### 7. 'Duration of stay' indicated on visit visas: Indicating that this is 180 days is extremely confusing. Holders assume that they are allowed to stay for up to 180 days (without having to apply for an extension), when most in fact have leave to enter for a shorter period (the remaining duration of the visa). A very small proportion of visitors seek legal advice and so have no reason to be aware of the terms of the Immigration (Leave to Enter and Remain) Order 2000. Will visit visas be redesigned so that holders can see how much leave they have, and do not unwittingly overstay?

Visas normally take effect on the date of issue but ECOs can defer the effective date of the visa for up to 3 months after entry clearance is issued if the applicant does not intend to travel immediately after their application. Visitor visas state as standard the maximum duration of any single stay: this reflects the length of stay permitted by the Immigration Rules (HC 395) for a visitor. Information on validity is laid out in the IM2A application form.

In most cases, visitors are seeking entry for much shorter periods. It would be highly irregular for a visitor who is granted entry clearance for a short stay to then remain in the UK for 180 days. We have no plans to redesign visitor visas at this time as we believe that this would be a retrograde step. The alternative would be to limit the validity of the visa to the intended length of stay of the applicant. This would limit the flexibility of applicants to change their plans at short notice and would mean that multiple entry visas would not be issued as a matter of course.

#### 8. Tick box for 'type of entry clearance required' on form IM2A: Dependants of students are not provided for. Is the form to be revised soon?

The wording on the new, draft form has been revised to clarify that all dependants should tick the same box.

#### 9. a note to confirm that holding letters are acceptable for starting the process of family reunion before a status letter is received: ie can all the procedure be completed, including acceptance of exemption from fees, so that the visa can be issued when the status letter is received. (this would confirm the statement in the Hackney CLC case)

To be responded to at meeting.

(Questions 1 – 6 submitted by Mahmud Quayum – Camden Law Centre; Questions 7 & 8 submitted by Kate Handforth – UKCOSA; Question 9 by Susan Rowlands)

## ANNEX D – Draft of new non-settlement application form



"Non-settlement  
form v6.doc"

## ANNEX E – Draft of new settlement application form



"Settlement form  
v4.doc"