

Meeting of the Entry Clearance User Panel
10.00 hours Thursday 23 October 2003

Present:

User Panel

Mohammed Akram	Council of British Pakistanis (Scotland)
Keith Best	IAS
Helen Carson	Refugee Legal Centre
Azhar Chohan	Paddington Law Centre
Indrani Currie	Coventry Law Centre
Meena Devlukia	University of Warwick
Richard Dunstan	Citizens Advice
Maria Fernandes	National Organisation of Asian Businesses
Don Flynn	JCWI
Kate Handforth	UKCOSA
Emilie Irwin	UNHCR
Gemma Juma	Refugee Council
David Main	Association of Regulated Immigration Advisers
Paul Morris	South Manchester Law Centre
Julia Onslow-Cole	International Bar Association
Mahmud Quayum	Camden Law Centre
Susan Rowlands	ILPA
Dr Shadish Kingsley	South London Tamil Welfare Group

Guest

Nony Ardill	Legal Action Group
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Ministers

Chris Mullin	FCO Minister for Entry Clearance
Fiona Mactaggart	Home Office Minister for Race Equality, Community Policy and Civil Renewal.

UKvisas/IND

Robin Barnett (Chair)	UKvisas – Head
Sue Davidson	UKvisas – Deputy Head, Operations
Lorraine Fussey	UKvisas – Head of Policy
Colin Mulcahy	Director of Visa Services, Pakistan
Jackie Colton	UKvisas – Head of Communications (Secretary)
Keith Lambert	IND Appeals Directorate
Mariola Clark	IND Appeals Directorate

1. Introduction

Robin Barnett welcomed those present to this meeting of the User Panel, the first to be attended by Ministers.

2. Operational Overview

Sue Davidson outlined the operational challenges facing the visa operation:

- Global demand increasing at an annual rate of 7%
- DATV regimes for 6 additional nationalities imposed on 16 October 2003
- Work towards the introduction of mandatory entry clearance linked to Residence Permits on target for 13 November 2003
- Mandatory entry clearance for all work permit holders to come into effect on 13 November 2003
- Problems exist with backlogs of non-settlement applications at some African Posts, notably Lagos, Nairobi and Accra
- There are still operational and policy issues surrounding Somali Family Reunion applications to be addressed.

Action points:

2.1 Sue Davidson to write to the User Panel on current waiting times for family reunion applications in Accra and Harare.

3. Visa Services in Pakistan

Colin Mulcahy reminded the Panel of the historical sequence of events which had led to the current restrictions to the service in Pakistan. Despite this, Islamabad is on target to handle its second highest ever number of applications (an estimated 80,000 by the end of the financial year).

- Staffing numbers were now up to strength with 32 ECOs, 4 ECMs and an Operations Manager
- Waiting times for visit applications now down to 8 days.
- Settlement waiting times were now reducing and had come down from 6 to 5 months.
- Urgent applications could be accepted and could be dealt with in a matter of hours if necessary.
- The list of categories accepted will be increased as the situation permits.
- The aim is to restore a full service by the summer of 2004, but first to reduce the backlogs. Target to reduce the settlement queue to three months by the end of November and to one month by the end of the year.
- Plan has been formulated on the basis of a reasonable level of demand, and on no worsening of the security situation. We do not know what the level of pent-up demand may be, and if it exceeds our forecasts we will not be able to deliver.

Action points:

3.1 Members to inform Colin Mulcahy of any instances where Fedex advice or procedures have raised concern.

3.2 Members to liaise with Colin Mulcahy where they have suggestions for improving the advice and guidance available on the BHC Pakistan website.

4. Family Visit Applications

Chris Mullin thanked Richard Dunstan for his paper on this item to which he will provide a written response.

- There has been an increase in the refusal rate for family visitors although we are not sure it is as dramatic as suggested. Month on month variations were to be expected, it was important to look at figures over a reasonable time-scale.
- There had been no instructions to ECOs to increase the refusal rate.
- There were a range of possible explanations, one of which was the abolition of the sift.
- All this was new territory, and further research and analysis would be needed. A first step will be the analysis of appeal outcomes.

Fiona Mactaggart emphasised that at this stage we did not know all the answers but UKvisas was committed to investigating to see if anything may be going wrong and to maintaining dialogue on this issue.

Action points:

4.1 UKvisas to collect data on appeal outcomes at ten largest Posts

4.2 Robin Barnett to report back to next meeting on the forthcoming visit to Dhaka

4.3 UKvisas to monitor the impact of the new application forms

5. Appointment of new Independent Monitor

Lorraine Fussey reported that the process of appointing the new Independent Monitor was nearing completion and an announcement would be made within the next few weeks.

- There had been 82 applicants, of whom 5 were invited to attend a one day assessment centre.
- Chris Mullin had seen the two shortlisted applicants.
- The 2002 report would now be produced by May 2004, with the 2003 report by November 2004.

6. Improved operational interface with the Home Office

Lorraine Fussey outlined the new procedures which had been drawn up to address problems around different computer systems and the use of separate reference numbers:

- The HO reference will be allocated to a case as soon as it reaches IND and an acknowledgement will be sent.
- There will be a designated named contact point in each organisation for queries
- UKvisas will update guidance to Posts on handling deferred and referred cases

- Presenting Officers will now inform ECOs electronically of the result of appeal cases. New IT is being procured for Angel Square to enable determinations to be scanned so that they can be transmitted electronically to ECOs.

Action points:

- 6.1 Lorraine Fussey to investigate the possibility of a simultaneous acknowledgement to the sponsor or legal rep once the application reaches HO.
- 6.2 Members to notify UKvisas of cases of serious delay in issuing following an allowed appeal.
- 6.3 UKvisas to investigate providing an electronic copy of the explanatory statement when it is sent by Post to HO.

7. Action points from previous meeting

- 7.1 Colin Mulcahy will take this forward on his return to Islamabad
- 7.2 Keith Lambert to provide members with a point of contact for cases where delay is unsatisfactory. Keith Lambert will also provide members with figures on the numbers of cases in which ECO appeal bundles are incomplete.
- 7.3 As a result of Sue Davidson's visit to Nairobi in September 2003 an action plan has been prepared. This includes measures to tackle the backlog of family reunion cases, and a recommendation for the recruitment of additional locally-engaged staff at ECA level offering a range of local languages.
- 7.4 The News page of the UKvisas website now contains a dedicated "Closures and Restrictions to Service" page.
- 7.5 Guidance was cleared with the Chief Adjudicator Henry Hodge and was issued to ECOs on 2 September 2003. The online Chapter 27 of DSPs has also been re-drafted.
- 7.6 Guidance was last updated in 2001 as part of the instructions to ECOs on the introduction of visas as leave to enter. It is also available in DSPs Ch 8.18. We do not consider that it is necessary to repeat this, but if members can provide us with evidence that this is a significant problem we would be happy to look at this again.
- 7.8 Drafts were circulated to members by e mail. New forms have now been in use since 1 August.
- 7.9 Guidance was issued on 1 April 2003 linked to the Rules changes which came into effect on that day. The online DSP chapter on this has not yet been updated. We will circulate the guidance to members.
- 7.10 Work on this is in hand and we hope to have guidance prepared within the next few weeks. We will circulate to Members by mid-January for comments.

8. Members Forum

Questions raised in advance and responses are attached at Annex A.

9. Any other business

- The case of an ECO having interviewed an 8 year old child was raised. Lorraine Fussey undertook to investigate this and to write to Mahmud Qayum.

10. Date of next meeting

This is likely to be in early April. We will inform members once a date has been set.

Jackie Colton
Communications Section
November 2003

Annexes:

Annex A – Members Forum questions and responses

Annex B – Summary of action points

Annex C – Guidance to ECOs on intention to live together

Annex D – Guidance to ECOs on changes to the Working Holidaymaker rule.

ANNEX A

MEMBERS FORUM

1. **Aznar Chohan:** The delay and the process for issuing entry clearances after the appeal is allowed. At present there is a very long delay it may help if the decisions were transmitted by email either by the IAA or the HOPOU. I say this because if the representatives produce an original that is still not accepted by the ECO.

Dealt with under Item 6

2. **Aznar Chohan:** In refugee family reunion cases when do ECO's refer matters back to the Home Office and what is the time scale in which ECO enquiries are replied by the HO. Such family reunions by their nature are very urgent.

Dealt with under Item 6

3. **Aznar Chohan:** The situation in Pakistan and when are we likely to see other categories added to the type of applications. In particular there needs to be a process for applications from visiting Imams (preachers) as Ramadan is approaching there will be a need for such people.

Dealt with under Item 3

4. **Aznar Chohan:** The review of decisions of applications Pakistan is very important, this can be done by officers at the FCO in the UK if staffing is the problem in Pakistan. The review process is cheaper for the tax payer rather than proceeding to appeal and certainly there are very long waiting times for appeals and then delay of issuing visas once appeals are allowed.

Dealt with under Item 3

5. **Mahmud Qayum:** Is it possible to have a copy of the instructions to Gerry's/Fedex in Pakistan?

Dealt with under Item 3

6. **Mahmud Qayum** I understand that Islamabad is not accepting working holidaymaker applications. Any reason for that?

Dealt with under Item 3

7. **Mahmud Qayum** Entry Clearance work and RRA: what training do ECOs have on this?

RRA training is provided by means of a half day session within the three week ECO training course. This includes a discussion around the Dhaka refusal formula which attracted the RRA challenge. We highlight the dangers of

stereotyping which amount to discrimination and discuss the limits of the exemption under the RRA Act. A copy of the presentation slides and trainer's notes can be provided if any members would like to have a copy.

8. **Mahmud Qayum:** Working holidaymaker statistics. From the statistics made available to me, it appears that a large number of WHM visas were issued from Eastern European countries. These are not Commonwealth countries. It seems unusual that third country nationals would use these posts in such large numbers. such as: Sofia 1000, St. Petersburg 1018, Moscow 708, Kiev 337, Bucharest 678. Is there any explanation for this or is it just a mistake.

These figures are incorrect, and we apologise for this, which happened as a result of a misunderstanding within our Statistics section.

In fact the figure for the number of WHM applications for the whole of Eastern Europe and the former Soviet Union for 2001-2 was 142, and for 2002-3 was 88.

9. **Mahmud Qayum** My concerns are also regarding WHM and the instructions to entry clearance posts. My view is that unless there are clear instructions, despite the changes, black commonwealth countries would not benefit from this and it not be "inclusive". I will be writing to Lorraine Fussey about this separately.

We will circulate copies of the WHM guidance to members. Lorraine Fussey will respond to Mahmud Qayum's letter separately.

10. **Emilie Irwin:** Designated posts, particularly in relation to Iraq.

Amman is the designated Post for applications from Iraq.

11. **Emilie Irwin:** Confirmation of family reunion applications submitted in Zimbabwe

Harare is offering a full service and family reunion applications are accepted as normal. They are currently running at around 20 applications per week with an average wait of one month for a decision.

12. **Emilie Irwin:** Re-entry to the UK following lapse of ILR.

DSPs Ch 20.4 contains the guidance to ECOs with re-admission to the UK following the lapse of ILR

13. **Susan Rowlands /Paul Morris:** Re-establishment of the Somali family reunion policy: the procedural concession.

IND have provided the following line:

The Somali family reunion concession was withdrawn in January 1994.

It was an arrangement by which a UK-based sponsor could seek guidance from the Home Office on the likely outcome of visa applications by relatives in the Horn of Africa.

Since its withdrawal, all Somali nationals who wish to join relatives in the

UK, are required to make entry clearance applications abroad, in the normal way.

We have no plans to re-establish the concession. It was introduced in response to very exceptional circumstances at the time i.e. refugees (many of whom were married to or children of British citizens) fleeing a genocide campaign and unable to get to a British Embassy to apply for a visa.

14. **Susan Rowlands:** Pakistan: when will a full service be provided, and when will the extension of service to deal with fiancé(e) applications, and unaccompanied children, applications happen?

Dealt with under item 3.

15. **Susan Rowlands:** Members experience problems in downloading forms = SB 1

Does this refer to form FV1? If so, it can also be downloaded from the UKvisas website: www.ukvisas.gov.uk/pakistan

16. **Susan Rowlands:** Details of entry clearance procedures for 10 countries nominated for residence permits.

Nationals of the ten Phase 1 countries will be issued with Category D entry clearance. This will mean they will not have to apply for a residence permit after arrival in the UK. Application procedures and fees will be the same as for all other entry clearance applications. We are encouraging Posts to make use of non-present methods of application wherever possible. In addition the facility to submit online applications is being rolled out to a range of Posts over the next six months, including most of the Phase 1 countries.

17. **Susan Rowlands:** Where should practitioners send passports for those people who fail to obtain entry clearance in the 2 month transitional period?

Phase 1 nationals arriving without the necessary entry clearance will be admitted for six months. Applications for further leave in the form of a residence permit should be made to IND in the usual way.

18. **Susan Rowlands :** New York. This used to be a very accessible post but no longer. It is very difficult to contact named officials, and they will not answer e-mail enquiries, which makes it a bit pointless for them to have an e-mail address.

New York has established a procedure to respond to email enquiries within 48 hours (the address is carried prominently at the bottom of the front page of the "Visas for the UK" page of the website www.britainusa.com). They are now dealing with an average of 120 email enquiries per day. This system does operate anonymously to ensure continuity of responses, regardless of which member of staff handles the enquiry. But the Director of Entry Clearance's (Patrick Owens) contact details are published on the website and in the FCO's Diplomatic Service List (available from the Stationary Office), along with those of the Vice Consuls (Immigration).

Anyone who is not happy with the service provided is encouraged to write to Patrick.

19. **Susan Rowlands:** the DSPs. The posting of these on UK Visas web site shows it was amended on 7.3.03. The amendment is however unsatisfactory for that date. For example, Chapter 18.10 deals with resident domestic workers. It refers to a concession as governing the admission of such people when of course the concession was replaced by a (very different) rule on 18.9.02 by Cm 5597. The ECO in Nairobi would not take our word for it that there were rules to be applied and this resulted in an idiotic waste of time and of clients money in a recent case. Can we be assured in relation to the DSP that:-

- It has now been updated
- That the version on the UK Visas website is the same as that to which the ECO is referred
- That ECOs are reminded that current law should be checked in the Immigration Rules (consolidated on HO IND website) before they embark upon decision making.

Work is ongoing to update the DSPs. Unfortunately the pressure of work caused by the many changes to rules and procedures over recent months has prevented this from happening sooner. Chapter 27 - Appeals has already been changed; Chapter 12 - Students is now with the Home Office for approval. Work on all remaining chapters is under way; Chapter 18 - Non- Work Permit Employment is a priority. Once the DSPs are again up to date, it is planned to introduce a continuous process of updates, rather than a periodic one as has been the practice in the past.

20. **Susan Rowlands:** Nairobi being very slow in dealing with applications and in sending appeal papers.

Dealt with under item 2

21. **Susan Rowlands:** ECOs failing to send thro' all documents from an application to the Appeals Group for the appeal bundle. Can cause huge delays in appeals going to IAA, and means that reps have to put them all in our bundles and assert they were before the ECO (eg a Somali spouse in Ethiopia was refused on DNA testing which we overturned on appeal with our Cellmark test. None of the support and accommodation docs were sent by the ECO even tho' the adjudicator has to be satisfied on those issues before they can allow the appeal. Not every adjudicator will take that as read just because the ECO hasn't raised that reason).

Posts are aware of need to address all points of the rules and to make it clear where they are satisfied as well as where they are not. Of course, an applicants' circumstances can change in the time between refusal and appeal. APC act as a filter and will tell a Post if they think the bundle is incomplete. Mistakes can occasionally happen when dealing with a large volume of paperwork. We hope this is an isolated case.

22. **Susan Rowlands:** Lack of co-operation between ECO and Home Office appeals group (eg letter to a firm from the Appeals group 2 weeks ago - cannot get the papers from the ECO despite reminders so putting our file on hold for time being) (eg Sierra Leone application - appeal lodged 13 August 2002 - still not referred to IAA because ECO will not provide papers) .

Ministers had earlier this year expressed concern at delays in despatching appeals. Comprehensive guidance on dealing with Appeals was issued to ECOs on 2 September 2003 reminding them inter alia of the need to deal with explanatory statements within best practice guidelines (1 month for non-settlement, 3 months for settlement). ECMs have also been instructed to ensure that any delayed statements are expedited.

23. **Susan Rowlands:** ECOs failing to correspond with reps - "our responsibility is to inform the applicant and we are generally too busy to notify reps" - Addis Ababa

Busy Posts under pressure from rising demand face competing priorities, not least balancing the need to offer applicants a quick first decision, with responding to letters and queries. We are aware such occurrences, and we are working on issuing guidance to remind Posts of the importance of dealing with representations

24. **Susan Rowlands:** Why aren't forms of appeal on a website anywhere - recently dealt with a Delhi client who faxed incomplete appeal form, couldn't get a form from the ECO or anywhere else.

Blank N2 appeal forms can be downloaded from the UKvisas website: DSPs Chapter 26 - Refusals, annex 26.2

25. **Susan Rowlands:** Failure to respond to representations sent with appeal. When refusal overturned in light of the reps, failure to advise rep that the decision has been reversed and failure to then get the rep or the client to withdraw outstanding appeal. This has been a recent sore point with Kingston, Jamaica, in particular, and it begs the question of what they were planning to do with the pending appeal.

There is continuing and extensive building work in Kingston, along with a more than five-fold increase in staff. In spite of this the visa section has been able to meet the PSA targets relating to resolving applications throughout this time. While regrettable there was an unavoidable knock-on effect on the way that appeals, and other correspondence was handled. There was a small backlog of appeals of around 1-2 months beyond Best Practice guidelines for family visits, and 1 month for a few settlement applications. The family visit backlog has almost been eliminated and the settlement backlog will be addressed over the next couple of weeks.

When refusals are overturned, the priority is to advise the applicant and get the visa issued as quickly as possible. Post aims to contact representatives to advise them of this and apologise for any oversights when this has not been done. The ECM is addressing immediately the fact that withdrawal notices are not routinely signed.

26. **Susan Rowlands:** Mistakes on visas/entry clearance stamps - especially for refugee or ELR family reunion - re sponsorship, public funds, nationality (2 Sierra Leoneans written up as Gambians). Also the fact that visas are still unclear to people not used to reading them - e.g. there is no letter explaining the circumstances of someone granted settlement, or entry as a spouse, at the airport and the visa itself is time-limited.

Dealt with under Question 27 and Action Points, Bullet 9

27. **Kate Handforth:** What procedure should be used by entry clearance holders who want mistakes made by ECOs in granting entry clearance to be corrected, here in the UK, without paying a fee?

Visa applicants should be encouraged to check their entry clearance once they receive it. Those who notice an error prior to departure should contact the visa office concerned to have it rectified locally. There have been isolated incidences of incorrect visa endorsements only being discovered at the port of arrival in the UK. Immigration Officers may no longer vary leave. In such a case the port of arrival or the applicant should make contact with the Post abroad if possible and ask them to confirm officially, in writing, that an error has been made. Such a document can then be presented at the Home Office PEO, where variation may then take place without charge. Guidance will be revised to reflect this procedure. We will also ask Croydon to provide a postal address to which representatives can direct such cases. Members are asked to notify UKvisas of such cases so that we can monitor the scale of the problem.

28. **Kate Handforth:** Would you confirm that ECOs in the US will allow (and not deter) US nationals coming to the UK for less than 6 months from applying for entry clearance? It is the only way in which a US short term student can ensure that they receive conditions allowing them to work in the UK - immigration officers at ports of entry regularly prohibit US nationals from working even though they ask for a Code 2 stamp ('work (and any changes) must be authorised'), despite guidance to the contrary.

ECOs will not deter applicants from submitting applications for non-mandatory entry clearance, but it is important to bear in mind that sudden increases in demand at a Post may well mean that waiting times for all applicants will increase. In those circumstances the only short term option would be to prioritise applications from those for whom entry clearance is a requirement of the Rules.

We remain of the view that a better way to tackle the problem of incorrect landing conditions is to continue to press IND to ensure that Immigration Officers are correctly instructed.

29. **Kate Handforth:** Please explain what the 'special arrangements' for British Nationals (Overseas) from Hong Kong will be from 13th November 2003.

From 13 November prior entry clearance will continue to be optional for BN(O) passport holders from Hong Kong. Those wishing to obtain entry clearance in advance may do so free of charge from the British Consulate General in Hong

Kong. They will be given an Entry Clearance Certificate in the first instance, although new UK Residence Permits - which will incorporate enhanced security features – will be available in Hong Kong by the end of the year. The British Consulate General has set up a special unit to provide a fastrack service, and aims to offer a same or next-day service to personal callers.

30. **Kate Handforth:** Have entry clearance posts in those non-visa national countries that are not phase one countries been adequately staffed to cope with all those nationals who will choose to apply for entry clearance in order to avoid paying charges to IND at the end of their first 6 months in the UK?

Mandatory entry clearance for all non-visa nationals staying more than six months will be phased in over a two year period. We have provided additional staff and resources across the twelve Posts in the Phase 1 countries to deal with the additional work which we have forecast. It is not possible to predict how many travellers, if any, will choose to apply for entry clearance where this is not a requirement for entry. We will monitor the situation and consider requests from Posts for additional staff alongside other competing priorities.

31. **Kate Handforth:** What are the current waiting times for interviews for student entry clearance in Nigeria, Kenya and Ghana?

Accra: Tier 1/2 in August - 93%; Tier 3 - same day decisions

Students lodge their applications between 7 and 10am and can return to receive the decision the following morning. Exceptionally during the busy summer period, some applicants were asked to return 48 hours later for the decision. If an interview is required this will be on the next day (48 hours in total), or later if the applicant wishes.

Abuja (Tier 1/2 in August - 78%; Tier 3 - 1 day) and **Lagos** (Tier 1/2 in August - 91%; Tier 3 - same day decisions)

Over 95% of students that applied received an answer with 24 hours. Those applying through the drop-box that needed an interview were offered an appointment within 2 days. Those not eligible for the drop-box are offered an appointment within 5 days. However, there are some who were not able to make their applications and missed the start of the academic year. A recent customer survey has shown that time taken to secure a telephone appointment is from 2 days to 2 weeks.

Nairobi: (Tier 1/2 in August - 98%; Tier 3 - 28 days)

Current interview queue for students - 4 weeks

Initially the waiting time for students at height of summer rush was 3 months, But quick reaction by Post in reallocating resources and priorities quickly brought this down to only four weeks. 65% of applications were decided at tiers one and two (no or brief interview) and 35% at tier 3 (substantive interview). 88% of tier three decision were made within 24 hours. There are currently only 3 students awaiting interview.

32. **Kate Handforth:** When will the version of the DSP that is available on the internet be updated?

Work is ongoing to update the DSPs. Unfortunately the pressure of work caused by the many changes to rules and procedures over recent months has prevented this from happening sooner. Chapter 27 - Appeals has already been changed; Chapter 12 - Students is now with the Home Office for approval. Work on all remaining chapters is under way; Chapter 18 - Non- Work Permit Employment is a priority. Once the DSPs are again up to date, it is planned to introduce a continuous process of updates, rather than a periodic one as has been the practice in the past.

33. **Gemma Juma:** What progress is being made on the establishment of Protection Entry Procedures as a means of enabling refugees to access protection in EU member states?

IND will respond directly on this point.

34. **Don Flynn:** We understand that applicants for the new visa are being informed that an application will not normally succeed if the person has not been outside Ghana before. We are advised that first time travellers are being invited to withdraw applications for WHM visas and instead submit an application for a normal visitor visa. My informant tells me that most applicants are inclined to do this, understanding that a WHM application has no chance of succeeding.

Applicants are not advised not to apply unless it is clear they would be a mandatory refusal (e.g. age) There is no policy to stop first timers from applying. In practice many WHM applicants are students who have been before and who only want to work in their student holidays.

Annex B

Summary of Action Points

Item	Action	By
2.1	Write to the User Panel on current waiting times for family reunion applications in Accra and Harare.	Sue Davidson
3.1	Members to inform Colin Mulcahy of any instances where Fedex advice or procedures have raised concern.	Panel members
3.2	Members to liaise with Colin Mulcahy where they have suggestions for improving the advice and guidance available on the BHC Pakistan website.	Panel members
4.1	Collate data on appeal outcomes at ten largest Posts	Lorraine Fussey
4.2	Report back to next meeting on the forthcoming visit to Dhaka	Robin Barnett
4.3	Monitor the impact of the new application forms	Carol Doughty
6.1	Investigate the possibility of a simultaneous acknowledgement to the sponsor or legal rep once the application reaches HO.	Lorraine Fussey/Keith Lambert
6.2	Members to notify UKvisas of cases of serious delay in issuing following an allowed appeal.	Panel members
6.3	Investigate providing an electronic copy of the explanatory statement to reps/sponsors when it is sent by Post to HO.	Lorraine Fussey
7.1	Ensure that applications from children to join a sole parent are accepted in Islamabad	Colin Mulcahy
7.2	Provide a point of contact for cases where delay in processing appeals is unsatisfactory.	Keith Lambert
7.2	Provide figures on the numbers of cases in which ECO appeal bundles are incomplete	Keith Lambert
7.9	Circulate guidance on “intention to live together”	Attached to minutes
7.10	Circulate draft guidance on vignette endorsements by mid-January	Lorraine Fussey
8.9	Circulate guidance for ECOs on changes to WHM rule	Attached to minutes
8.27	Guidance to be issued to ECOs on new procedures for amending erroneous visa endorsements	Lorraine Fussey
8.27	Provide a contact address at IND for representatives dealing with erroneous endorsements	Lorraine Fussey
8.27	Notify UKvisas of cases of erroneous visa endorsements	Panel members
10	Arrange next meeting	Jackie Colton

Annex C

Guidance to ECOs on intention to live together

SUBJECT: CHANGES IN THE MARRIAGE IMMIGRATION RULES

SUMMARY

1. Changes announced to the marriage Immigration Rules from 1 April. Definition of "present and settled" and "intention to live together" supplied.

DETAILS

2. The following changes to the marriage Immigration Rules have been announced to take effect from 1 April:

i) the probationary period following marriage is increased from 1 year to 2 years.

ii) the probationary period removed where a spouse has been married to a UK citizen and both have been living abroad together for more than 4 years. In these cases ILE may be granted.

iii) those given LTE for 6 months or less will not be allowed to switch into the marriage category.

iv) the age at which a person can sponsor a marriage application will be raised to 18.

v) applicants for fiance(e) visas must be 16 or over.

PRESENT AND SETTLED

3. "Present and settled" means that the person concerned is settled in the UK and, at the same time that an application under the Immigration Rules is made, is physically present in the UK or is coming here with or to join the applicant and intends to make the UK their home with the applicant if the application is successful.

INTENTION TO LIVE PERMANENTLY WITH THE OTHER.

4. "Intention to live permanently with the other" means an intention to live together, evidenced by a clear commitment from both parties that they will live together permanently in the UK immediately following the outcome of the application in question or as soon as circumstances permit thereafter.

5. DSP will be amended in due course.

Annex D

Guidance to ECOs on changes to the Working Holidaymaker scheme

The following changes to the WHM Scheme will come into effect on 25 August (but WHMs already in the UK will be able to benefit from the changes immediately after the Ministerial announcement on 20 June):

- The upper age limit will be increased from 27 to 30
- All existing employment restrictions will be removed
- Applicants will no longer have to show that they do not have commitments that require them to earn a regular income
- WHMs will be permitted to switch into work permit employment after one year in the UK

The changes are intended to make the scheme more responsive to labour market needs and inclusive of the whole Commonwealth.

Prior entry clearance will remain mandatory for entry under the scheme. From 25 August, the requirements to be met by a person seeking entry clearance as a WHM will be that he/she:

- a) is a Commonwealth citizen; and
- b) is aged 17-30 inclusive (or was so aged when first given leave to enter in this capacity); and
- c) is unmarried or is married to a person who meets requirements for entry as a WHM and the parties to the marriage intend to take a working holiday together; and
- d) has the means to pay for his return or onward journey; and
- e) is able and intends to maintain and accommodate himself/herself without recourse to public funds; and
- f) intends to take employment as an integral part of a working holiday; and
- g) does not have dependent children any of whom are 5 years of age or older or who will reach 5 years of age before the applicant completes his/her working holiday; and
- h) intends to leave the UK at the end of his/her working holiday; and
- i) if he/she has previously spent time in the UK as a WHM, is not seeking leave to enter to a date beyond 2 years from the date he/she was first given leave to enter in this capacity.

Entry clearance/leave to enter may be granted for a period not exceeding 2 years and should commence on the date the applicant is due to arrive in the UK. Posts are reminded that the 2 year period runs continuously from the date the applicant was first given leave to enter as a WHM i.e. leave may not be aggregated if a WHM leaves and re-enters the UK.

The removal of all employment restrictions should make it easier for less affluent applicants to satisfy an ECO that they will be able to maintain and accommodate themselves without recourse to public funds. Applicants should have sufficient funds to support themselves in the UK for at least one month.

Although WHMs will be able to switch into work permit employment once they have spent more than 12 months in the UK, they must, at the time of application, intend to leave at the end of their working holiday. Failure to meet all the requirements for entry as a WHM, as set out in paragraph 95 of the Immigration Rules, should result in the refusal of entry clearance.