

**Meeting of the Entry Clearance User Panel
10.00 hours Tuesday 1 April at UKvisas**

Present:

Keith Best	IAS
Azhar Chohan	Paddington Law Centre
Indrani Currie	Coventry Law Centre
Tanya Goldfarb	International Bar Association
Kate Handforth	UKCOSA
Tauhid Pasha	JCWI
Mahmud Quayum	Camden Law Centre
Susan Rowlands	ILPA
Stanislaus Saverimuthu	South London Tamil Welfare Group
Jenny Storey	National Audit Office (Observing)
Robin Barnett (Chair)	UKvisas – Head
Sue Davidson	UKvisas – Deputy Head, Operations
Lorraine Fussey	UKvisas – Head of Policy
Jackie Colton	UKvisas – Head of Communications (Secretary)
Bill Brandon	IND – ICD

Apologies:

Mohamed Akram	British Council of Pakistanis (Scotland)
Richard Dunstan	Citizens Advice Bureaux
Julia Onslow-Cole	International Bar Association

Amendment to minutes of meeting on 9 October 2002

Mohamed Akram – British Council of Pakistanis should read:

Mohammed Akram – Council of British Pakistanis (Scotland)

1. Introduction

Robin Barnett opened the meeting by welcoming those present, in particular Indrani Currie from Coventry Law Centre who was attending for the first time in place of Meena Devlukia. He also introduced new UKvisas staff, Sue Davidson Deputy Head Operations, Resources and Training, Nick Astbury Deputy Head Policy, Correspondence and Communications, Lorraine Fussey, Head of Policy Section and Jackie Colton Head of Communications who will act as Secretary to the User Panel. He invited the Panel to stay for a buffet lunch in his office at the end of the meeting.

Robin Barnett then set out the challenges facing UKvisas:

- 6.5% global increase in applications last year.
- Annual increases of 20% or more in 25 Posts
- More staff and more buildings cannot always be the solution.

One year on from the Dubai workshop on streamlining it was clear that the measures we had introduced had had much impact, for example, the queue in Lagos had now been eliminated and there was good news from both India and Bangladesh on reductions in queues there. It was clear that streamlining worked better in some environments than in others and that much depended on the quality of management, but he was optimistic for further improvements to come.

Looking ahead our main challenges would be:

- The implications of the hostilities in Iraq. Already this had caused the closure of some Visa Sections and restrictions on the service offered by others. Robin had recently written to Panel members and undertook to keep them informed of significant changes. The UKvisas website would continue to be a source of accurate and up to date information on this.
- Wider security issues which were coming to the fore even before the Iraq crisis. UKvisas was striving to strike a balance between competing demands for control, service delivery and a duty of care to staff and applicants. Pakistan had provided useful lessons in this respect. The remote courier-assisted system there, whilst not perfect, has continued to provide some level of service in difficult circumstances.
- Pressing ahead with streamlining initiatives. Most Posts had now introduced some of these measures but we were in the position of having to run fast just to stand still.

Keith Best: What are UKvisas doing to spread Best Practice?

Robin Barnett: Our programme of Regional Conferences has been very successful and will continue. The senior team at UKvisas regularly visit Posts and the Operations Section carry out reviews suggesting how systems and procedures can be improved and streamlined.

Mahmud Quayum: Streamlining measures have improved the speed of service, but this must not be at the expense of the quality of decision-making. There was some evidence that this was happening in Dhaka, with some worrying stereotyping appearing in refusal notices. Also was there any further fee increase in prospect?

Robin Barnett: UKvisas is on target with its deficit recovery plan. It is impossible to predict what may happen in the future but there is at present no plan to increase the visa fee.

Azhar Chohan: More applications are being dealt with on paper. With fewer interviews this must mean savings.

Robin Barnett: If we can cut costs we will be in a position to re-invest the money in the business in the form of more staff and better equipment.

Stanislaus Saverimuthu: Cost-cutting must not go so far that it affects the quality of the work done.

Robin Barnett: I agree. We must focus resources where they are most needed and provide the best quality decision-making.

2. Action Points from previous meeting

- Applications from women with children in Islamabad. Robin Barnett confirmed that Islamabad continues to accept applications from children where the mother is applying at the same time. This point had been raised by Mohamed Akram who

was at the moment in Pakistan. Colin Mulcahy would be seeing him this week and would take the opportunity to clarify this.

Azhar Chohan: The real problem is with children applying to join a sole parent in the UK as Fedex are not accepting such applications.

Robin Barnett: As we are not able to carry out interviews at the moment there are hard choices to be made on what categories could be accepted. The case of unaccompanied children joining a parent in the UK was one which we could usefully look at again and we will do so.

- Single point of contact for Appeals. Robin Barnett: With the systems for different appeals separated as they are it is not possible to provide one point of contact, although I sympathise with the desire for greater clarity on this.

Susan Rowlands: This is causing real problems. Furthermore some Posts will not accept copies of determinations forwarded by representatives, while others are taking too long to issue following allowed appeals.

Robin Barnett: We have had some instances of forged appeal determinations, so caution by Posts is necessary. We do accept that there needs to be improvement in this area. I have recently met with Mr Justice Ouseley to discuss sending determinations electronically to certain problem Posts. We will be producing guidance for Posts on the need to respond rapidly once a determination is received, although there would be circumstances, particularly with student applications, where the ECO would wish to re-examine the applicant's circumstances.

Tanya Goldfarb: Where determinations are not being accepted from legal reps what is being done to address this problem and also to deal with those found to be involved in fraud?

Robin Barnett: This is something we are keeping a close eye on. Our focus must be on the central issue of getting determinations out as quickly as possible.

Mahmoud Quayum: There are also problems with explanatory statements which are sent to IND and then taking a long time to be sent out. I have seen many examples and have had success in getting cases listed even with no explanatory statement.

Bill Brandon: This is a long-standing problem and I will take it back to Mary Bowden who is working on opening up lines of communication.

Robin Barnett: IND are making progress on reducing the backlog on asylum appeals. They will then be in a position to devote more resources to Entry Clearance appeals and we are hopeful that this may lead to an improvement.

Indrani Currie: Do all Posts have access to e mail communication with the Court Service?

Robin Barnett: No. We are looking at scanning documents. There are some technical problems which we are working to overcome. We will provide more details at the next meeting.

Keith Best: There must be a way of moving from this paper-based system and doing it electronically.

Robin Barnett: This is a time of radical reform within IND. The new Service Delivery Plan is being put in place, but it will not solve the difficulties overnight.

Bill Brandon: The new Service Delivery Plan will encompass all those involved, including the IAA.

- Provision of a Somali interpreter in Nairobi. Sue Davidson: We have been in touch with Nairobi. The Entry Clearance assistants there speak a variety of languages, and applicants can provide their own interpreter. The Post does not consider it necessary to provide a Somali interpreter and there are no plans to do so.

Mahmoud Quayum: Can applicants provide an interpreter of their own choice?

Sue Davidson: Yes they can.

Azhar Chohan: The problem is that clients are being asked to provide professional interpreters, and as these are in short supply it can be difficult. It is also expensive for them. There is a particular demand for Somali interpreters at this Post.

Robin Barnett: I am not sure that I agree with the Post on this. We will take this away and look at it again. We may be able to look at engaging interpreters for specific days or times.

- Guidance on family reunion applications. Lorraine Fussey: Guidance on the new categories of Humanitarian Protection and Discretionary Leave was issued on 10 March. For HP there will be no entitlement to family reunion until ILR is granted. DL will not automatically lead to ILR, and again there can be no family reunion until this is granted, although in all cases applications based on compelling compassionate circumstances may be referred for a decision at the discretion of the ECO. DSPs will be updated as soon as possible.
- Visa fees in destitution cases. Sue Davidson: My predecessor Tony Mercer wrote to Paul Morris at South Manchester Law Centre on this on 8 November, copied to all Panel members. If anyone has not seen that letter we can provide copies.

3. Operational Overview

Sue Davidson: As Robin said earlier the global growth in demand is impacting particularly on certain Posts. An additional operational challenge is to deal with the closures and restrictions to service caused by military action against Iraq. We are producing a list of these, updated as necessary and these are being circulated to key contacts. If Panel members would find this useful we can include them in the circulation list. Please provide Jackie Colton with an e mail address.

We are currently undertaking a review of where we are on streamlining and what benefits have accrued. One of the aspects of streamlining is outsourcing some of our visa services. Outsourcing in India went live in February and we will be evaluating this shortly. Initial feedback has been very positive. Ministers have agreed to extend outsourcing elsewhere but this will be a planned and phased roll-out.

Susan Rowlands: Could outsourcing eventually mean all applications being dealt with in the UK?

Robin Barnett: I cannot envisage this happening.

Susan Rowlands: Are you using spare capacity at one Post to decrease the pressure in another?

Sue Davidson: Outsourcing allows us to continue to deal with applications in-country.

Susan Rowlands: So this is not what was happening in Dubai?

Robin Barnett: The staff in Dubai were a special team including staff from the UK and staff from Islamabad who had valuable local knowledge. The operation was successful and has now come to an end. There may be circumstances, for example in

South America, where a “hub and spoke” operation may be appropriate but no final decisions have been made as yet. Remote services work well where few interviews are necessary.

Mahmoud Quayum: But the decision remains with the ECOs wherever they are located?

Robin Barnett: Yes, and it will continue to do so to maintain the integrity of the decision-making process.

Mahmoud Quayum: Things do change. I recall it used to be the case that Ministers would not agree to visas being issued without an interview.

Keith Best: Many of the checks could be done for the ECO, for example the checks on student applications which are in some Posts done by the British Council. I am sure there is more scope for outsourcing in this way.

Robin Barnett: We want to stop ECOs doing what can be done by others. This will free up time for decision-making and improve the quality of those decisions.

Azhar Chohan: Does the outsourcing in India work with couriers like in Pakistan?

Robin Barnett: I wrote to Panel Members in February with an outline of how the system works. I will see that you get a copy of my letter. The new procedures are working well and we have had some very good initial feedback.

Mahmoud Quayum: The new appeals provisions come into force today. Have Posts got access to the new forms?

Lorraine Fussey: Copies were sent to all Posts last week.

Bill Brandon: ICD also have access to them.

Azhar Chohan: On the appeal forms in Pakistan it asks for them to be returned to Fedex but gives no address or fax number. Some appellants send the forms to the UK and it is difficult for sponsors to get them to the correct place. As the forms will eventually need to get to the ECO can they be sent straight there?

Robin Barnett: There may be problems with the High Commission being able to accept postal packages but it may be possible by fax. We will look into this.

Indrani Currie: What is happening about the visa regime for Jamaica? I have heard that an airline advised a client it was to be removed.

Robin Barnett: The visa regime for Jamaica is working well and will remain for the foreseeable future. It has resulted in much improvement on arrival for Jamaican citizens who no longer have lengthy waits to clear immigration.

Tauhid Pasha: There was a problem in the past with Jamaican visitors being granted less than six months on entry. A JCWI member has suggested there is evidence that this is now being done by ECOs. Could I write to you on this.

Robin Barnett: Yes, please do and we will look into it.

Keith Best: There has been a huge increase in work permit applications, but there is still a problem where a work permit is granted but a visa is refused. What are you doing on this?

Robin Barnett: Andrew Bennett in our Policy Section has worked hard to build up a very productive working relationship with Work Permits UK. WPUK continue to participate in our regional conferences and workshops, and we have identified some WPUK staff who will shortly be posted overseas as ECOs. We want it to be a seamless process but at the same time it is a two-stage process. We need to do some more work on getting the message out so that people understand this.

Keith Best: We are still awaiting the outcome of the consultation exercise on working holidaymakers, and the question of issuing provisional work permits. When can we expect news on this?

Lorraine Fussey: The announcement has been held up pending the local elections but it should now be made in the last half of May. The aim was to see if the WHM scheme could be made more inclusive, but as I have not seen the report I cannot comment.

Keith Best: There has also been a big increase in student applications, which we are aware can be particularly susceptible to forgery. What plans do you have to deal with this?

Robin Barnett: We want to be an attractive destination for students but unscrupulous people do prey on the unwary. We are working on being better at collating and disseminating intelligence, and we are continuing our efforts in the fight against forgery. To help in this we are encouraging closer working at Posts with organisations such as the British Council, who are equally enthusiastic. This is an area which clearly illustrates the challenge we face in balancing service delivery with control.

4. Update on Pakistan

Robin Barnett: The last few weeks have been difficult. An increased threat level has meant that we have had to stop doing interviews in Islamabad, and we are now slightly behind with our plans to restore a full service. New permanent staff have been identified and some of them are already there, and I am confident we will be up to full strength by Summer. We are committed to resuming as near a normal service as possible as soon as the situation permits.

Azhar Chohan: I have recently visited Pakistan and took the opportunity to visit some Fedex offices. Generally people are positive about the system but there are a few problems. First of all the problem with the appeal forms which I spoke about earlier. Also I did note that the Fedex staff were helping applicants to fill in application forms, sometimes discarding those already filled in by UK sponsors. They also advise on necessary documentation, sometimes wrongly. Are they adequately trained for this?

Robin Barnett: Generally I have been impressed with the Fedex staff and their management. If you could write to me on this I will raise these points with Colin Mulcahy.

Azhar Chohan: I was also impressed with the service. It is much better than having applicants travelling and queuing at the High Commission, and sometimes not even being seen. On the question of travelling, there is no Fedex office in Azad Kashmir so applicants face an 8 hour journey to the nearest one.

Robin Barnett: I am happy to look into that as well.

Keith Best: What is the position regarding Lahore and Karachi?

Robin Barnett: There is no prospect of re-opening in Lahore as the premises there are unsuitable in the current security situation. The facilities in Karachi are good and we would like to re-open there when the situation permits, particularly as it will not be sustainable in the long term to cope with the rising level of demand using Islamabad alone. Our problem may be in identifying staff willing to work there.

5. Pre-assessment and sifting

Robin Barnett: We have issued guidance that pre-assessment and sifting should be kept to a minimum. Some Posts are still using it more than I would like. But there are circumstances where it has a use and I would wish to see it banned completely.

Mahmoud Quayum: So long as the final decision rests with the client.

Robin Barnett: This has been made clear in the guidance. No one can be denied the right to make an application, and if you know of any instances of this happening please bring them to our attention.

6. Appointment of Independent Monitor

Lorraine Fussey: Capita RAS has been appointed to recruit the new Independent Monitor by open competition. Advertisements will be appearing in the Press during the week of 7 April with a closing date of 2 May. The assessment centre and interview process will take place in the week of 26 May.

Mahmoud Quayum: What will be the period of the appointment?

Lorraine Fussey: It will be for two years with the possibility of extension.

Robin Barnett: Ministers are committed to getting the right candidate through open competition. Provided the appointee is in post by June there should be no difficulty in producing the Annual Report.

7. Family Visit Applications

Lorraine Fussey: Citizens Advice Bureaux had produced a paper discussing the recent rise in the refusal rate for family visit applications. This had been considered by Ministers and Bill Rammell had replied on 31 March. Key points covered in his reply were:

- Applications were judged individually on their merits. The question of the existence or otherwise of a right of appeal was not part of the consideration;
- The number of family visit appeals has increased but not the proportion which are allowed;
- The abolition of sifting may have had an impact. More of those likely to be refused are now applying;
- Work is in hand on an interdepartmental review of family visit appeals.

Mahmoud Quayum: Why has this taken so long?

Lorraine Fussey: This has been due to pressure of work within the Home Office.

Tauhid Pasha: The increase over the past six months has been massive. This must be as a result of some kind of guidance going out to ECOs.

Lorraine Fussey: The imposition of the Jamaica visa regime and the re-opening of Algiers will have contributed to this.

Tauhid Pasha: But there has been a worrying across the board increase.

Robin Barnett: You are not comparing like with like. No guidance has been issued on tightening up any aspect of visa-issuing. The reality is that a consistent, concerted approach by ECOs is something we struggle to deliver on anything.

Tauhid Pasha: I accept this, but this is something which needs to be kept under review.

Keith Best: Is it not possible to identify family visit as a separate category on the application form?

Robin Barnett: I cannot recall why this was not done. I will look at the papers and write to you, copying to Panel members. We have updated drafts of the new application forms and we will circulate the latest versions along with the minutes.

Susan Rowlands: It can be difficult for applicants to decide if it is a family visit or not. A tick box would help to clarify this.

Mahmoud Quayum: What flexibility is there for ECOs issuing family visit visas in terms of validity? Can they be issued six months in advance?

Lorraine Fussey: A visa can be post-dated for up to three months.

Mahmoud Quayum: Is there clear guidance on this?

Lorraine Fussey: We will check and if necessary we will issue guidance.

8. Members Forum

Questions raised in advance and responses are attached at Annex A

Mahmoud Quayum: Are there any instructions to ECOs on interpretation of “intention to live together?”

Azhar Chohan: In the days of primary purpose this was rarely invoked but it is now being more commonly used. Is this now replacing primary purpose?

Lorraine Fussey: It shouldn't be.

Keith Best: Guidance was issued on this when it was raised four or five years ago. It may be time for it to be looked at again.

Lorraine Fussey: I will look at whether there is a need for new guidance.

Mahmoud Quayum: Are there any statistics on what rule applications are refused under?

Robin Barnett: We don't keep statistics on different refusal reasons as this would give rise to disproportionate costs. We do discourage the use of extraneous reasons on refusal forms.

Azhar Chohan: Misunderstandings over the meaning of endorsements on vignettes are still occurring. A case recently was brought to our attention of a family who were left homeless because the Housing authority were unable to clarify an endorsement with IND after 5 pm on a Friday.

Robin Barnett: I may be possible to produce guidance but it would be of limited use.

Keith Best: Could it be published on the web-site?

Azhar Chohan: Could you produce a leaflet or information sheet with the vignette?

Bill Brandon: The Evidence and Enquiry Helpline run by IND is open between 0800 and 2100, and also at weekends. This is there to answer queries from all government departments.

Susan Rowlands: We need to look at whether we need to issue guidance to practitioners.

Bill Brandon: I will consult IND to see what can be done to improve information flows.

Tanya Goldfarb: From today applications under the Highly Skilled Migrant Programme will be dealt with direct by Work Permits UK. Are Posts aware of this?

Lorraine Fussey: We issued guidance yesterday.

Tauhid Pasha: A great number of applications made under EC law are still being referred by ECOs for decisions. Do ECOs have adequate guidance on this area?

Lorraine Fussey: Referral is not mandatory in such cases and Posts do have guidance.

Robin Barnett: This is a complex area of law which must be applied in addition to our own Rules, so it is inevitable that ECOs will seek guidance more often. A member of our Policy Section has recently visited a Post which deals with a large number of these applications to see how things can be improved.

Susan Rowlands: There was a large backlog in Sofia.

Robin Barnett: Yes there were problems and misunderstandings there which is why we went there. The ECM from Bucharest also attended. We are confident that the

situation will now improve. When issues like this are brought to our attention we are happy to respond.

Lorraine Fussey: We will be writing to the two law firms who have been corresponding with us specifically on this matter.

9. Any Other Business

Robin Barnett:

- We would be grateful if Panel members could spare the time to fill in the questionnaire on their experience of the Panel. I should particularly welcome your views on additional organisations or individuals we could invite to join the Panel.
- I think it would be useful to arrange for the Panel to meet with one or both of our Ministers. If you agree I will pursue this and write to Members.

10. Date of next meeting

To be arranged and notified to Panel Members.

Mahmoud Quayum: We would be happy to host the next meeting at Camden Law Centre.

Jackie Colton
April 2003

Item	Action	By
2	Consider adding children joining sole parent in UK to list of categories accepted in Islamabad	Robin Barnett
2	Raise with AAPD delays in explanatory statements being sent out by IND	Bill Brandon
2	Issue guidance to ECOs on the need to act promptly in cases of allowed appeals.	Lorraine Fussey
2	Report to next meeting on progress towards improving communications between Posts and the Court Service	Robin Barnett
2	Go back to Nairobi on the case for provision of a Somali interpreter	Sue Davidson
3	Members to receive updates on Visa Section closures and restrictions to service	Jackie Colton
3	Examine feasibility of appeal forms being faxed to BHC in Pakistan	Lorraine Fussey
3	Write to Robin on Jamaican visit visas issued for less than six months	Tauhid Pasha
4	Write to Robin on issues regarding Fedex in Pakistan	Azhar Chohan
7	Write to Keith Best on including family visit tick box on new application form	Robin Barnett
7	Consider need for guidance to ECOs on post-dating visas	Lorraine Fussey
7	Circulate latest drafts of new application forms	Jackie Colton
8	Consider need for guidance to ECOs on "intention to live together"	Lorraine Fussey
8	Consider ways of producing guidance for interpreting endorsements on vignettes	Bill Brandon/Robin Barnett
8	Write to law firms concerned on issues regarding EEA applications	Lorraine Fussey
9	Complete and return questionnaires	User Panel
9	Arrange next meeting	Jackie Colton

Annexes:

Annex A: Members Forum questions submitted in advance with responses

Annex B: Updated draft of new application form (Settlement)

Annex C: Updated draft of new application form (Non-settlement)

Annex D: N2 - Notice of Appeal Overseas

Annex E: Action Points from meeting