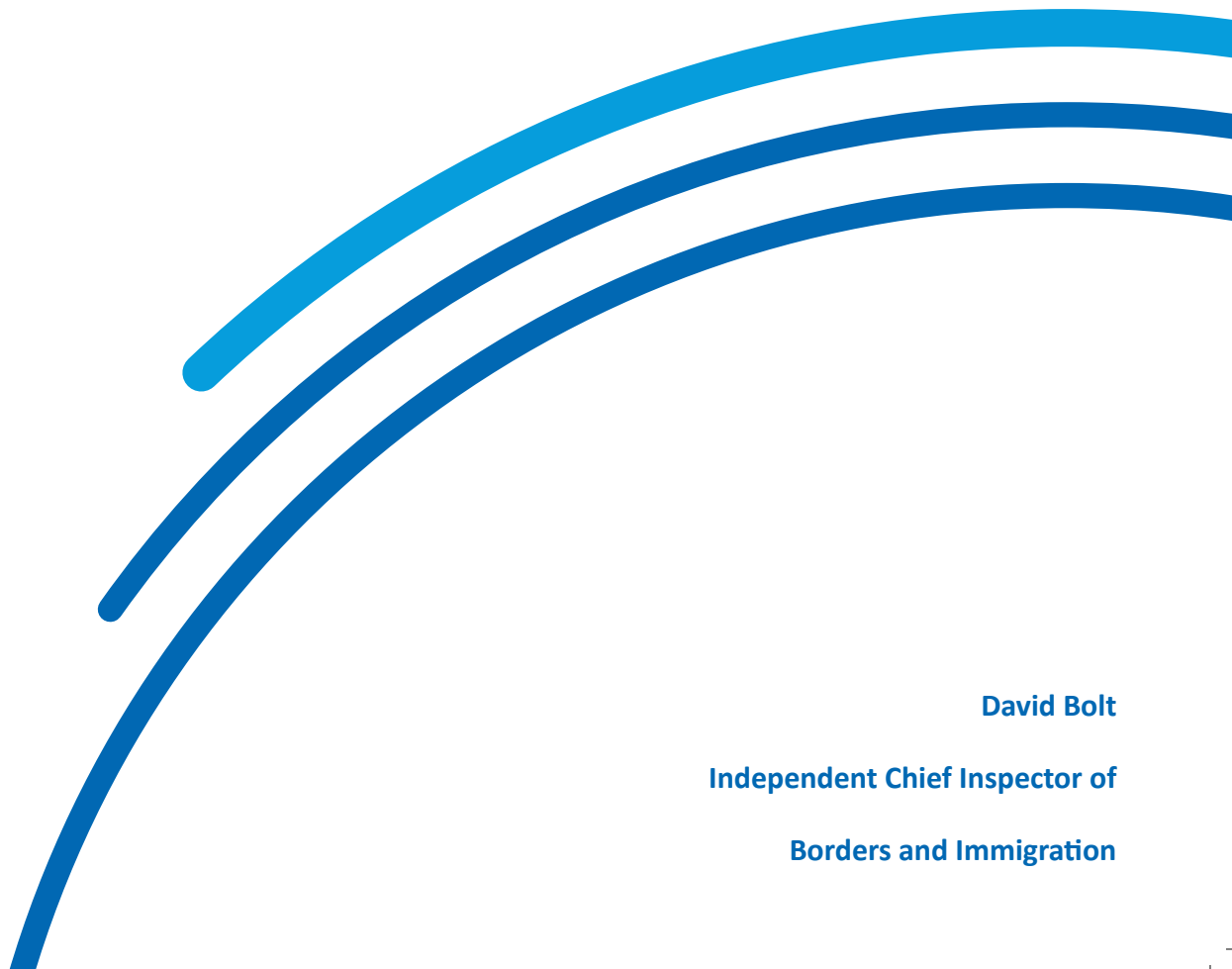




An inspection of entry clearance processing operations in Croydon and Istanbul

November 2016 – March 2017



David Bolt
Independent Chief Inspector of
Borders and Immigration

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November 2016 – March 2017

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Contents

Foreword	2
1. Purpose and scope	3
2. Methodology	4
3. Summary of conclusions	5
4. Recommendations	9
5. Background and context	10
6. Inspection findings: Istanbul and Croydon operations	13
7. Inspection findings: applications and the streaming tool	17
8. Inspection findings: productivity	20
9. Inspection findings: quality of application processing	24
Annex A: Criteria used in this inspection	39
Annex B: Role and remit of the Independent Chief Inspector	40
Acknowledgements	42

Foreword

In 2015/16, the Home Office's UK Visas and Immigration (UKVI) Directorate processed approximately 2.9 million applications for clearance to enter the UK.

For almost a decade, UKVI has been consolidating decision making in respect of these applications into a reducing number of Decision Making Centres (DMCs) or 'hubs'. At the time of this inspection, there were 16 'hubs', each of which was processing applications received from a list of 'spoke' countries.

UKVI's 'hub' and spoke' operating model is intended to produce improved quality and consistency of decision-making, improved efficiency and productivity, and greater resilience and flexibility. This inspection examined UKVI's delivery in each of these areas, as well as its performance in terms of customer service, which is a keystone of its vision and mission statements. It also considered the effect of 'onshoring' decisions into UK DMCs, of which there are currently two, in Croydon and in Sheffield.

The inspection looked specifically at the efficiency and effectiveness of UKVI's entry clearance operations in Croydon and Istanbul, focusing on applications for settlement in the UK and applications to enter as a family visitor.

The most important finding was that first-line quality assurance of decisions and decision notices needed to improve, especially in Croydon, which had operated for many months with a significant shortfall in Entry Clearance Managers (ECMs). In order to achieve its 'world class customer service' mission statement, UKVI needed to ensure that DMCs had sufficient ECMs, with the required experience and skills, not just to identify and correct errors but to provide decision makers with regular, constructive feedback, so that the quality of initial decisions would be continuously improved.

This report makes five Recommendations.

It was sent to the Home Secretary on 25 May 2017.

David Bolt

Independent Chief Inspector of Borders and Immigration

1. Purpose and scope

- 1.1 This inspection examined the efficiency and effectiveness of UKVI's entry clearance¹ processing operations in Croydon and Istanbul. It looked in detail at applications for entry clearance for settlement in the UK and at visitor visas.
- 1.2 In Istanbul, the inspection team took the opportunity to examine the progress made by UKVI in implementing the accepted recommendations from the September 2016 report 'An inspection of family reunion applications'.² The findings are reported separately in 'An interim re-inspection of Family Reunion applications received at the Istanbul Entry Clearance Decision Making Centre (December 2016 – March 2017)'.

¹ 'Entry clearance' is the umbrella term for all types of pre-clearance for entry to the UK. Only certain types of pre-clearance require a 'Visa'.
² <http://icinspector.independent.gov.uk/wp-content/uploads/2016/09/An-inspection-of-family-reunion-applications-January-to-May-2016.pdf>

2. Methodology

2.1 The inspection team:

- researched and analysed open-source material, including Home Office guidance to applicants made available on GOV.UK
- examined material on the Home Office intranet, and requested further evidence including staffing information, performance statistics and operational guidance
- prior to making onsite visits, called for 320 applications and the associated Home Office records, broken down as follows:
 - 80 Family Visit visas processed in Istanbul between 1 August and 31 October 2016 and 80 processed in Croydon in the same period, each batch split evenly between issues and refusals
 - 80 Settlement applications processed in Istanbul between 1 November 2015 and 31 October 2016 and 80 processed in Croydon in the same period, each batch split evenly between issues and refusals³
- visited Croydon and Istanbul to observe, interview and hold focus groups with UKVI staff and managers
- sampled a further 50 General Visit refusals from January 2017 while onsite in Istanbul, and a further 50 from the same period while in Croydon⁴
- in Istanbul, visited the Visa Application Centre (VAC) to observe processes and interview UKVI's commercial partner.

³ Inspectors actually sampled 73 issues of Settlement applications and 77 refusals as a number of the cases provided for sampling were out of scope.

⁴ 49 General Visit visas from Croydon were sampled as one of the cases provided was out of scope.

3. Summary of conclusions

- 3.1 Since 2007, UK Visas and Immigration (UKVI) has been consolidating entry clearance decision making into a reducing number of Decision Making Centres (DMCs) or 'hubs'. It has also begun 'onshoring' more of these decisions. Inevitably, this means fewer UKVI staff will have first-hand experience of the countries from which applications are received, and there is a risk that this loss of local knowledge will impact adversely on decision quality. In locations where there is no DMC, UKVI has become increasingly reliant on overseas-based Immigration Enforcement International (IEI) intelligence staff⁵ to obtain local information, but the capacity of the latter to assist is an issue.
- 3.2 One obvious way of retaining expertise and knowledge is for Entry Clearance Officers (ECOs) to return to a UK DMC on completion of an overseas posting. However, for a range of reasons, a cross-posting to the Croydon DMC to continue doing entry clearance work is not seen as an attractive option by returning ECOs and Entry Clearance Managers (ECMs). According to staff in Croydon, no effective process exists for capturing and sharing the local knowledge and expertise of ECOs who have returned there.
- 3.3 Staffing levels in the Croydon DMC have been well below the agreed headcount. During the second half of 2016/17, the DMC relied on Fee Paid Officers (FPOs), employed on short-term contracts, to supplement ECO numbers. Many were retired Foreign and Commonwealth Office or Home Office civil servants with knowledge of entry clearance work. But, because FPOs could decide when to make themselves available for work, there were risks to business continuity and delivery. In March 2017, UKVI began implementing Fixed Term Appointment (FTA) contracts for new staff and transferring FPOs on to FTA contracts.
- 3.4 The staffing problems at the Croydon DMC were most acute at the ECM grade, where temporary promotions were needed just to complete mandated reviews, and where ECMs had to concentrate on keeping application throughput within customer service standards, so there had been few opportunities to give positive feedback, or to identify poor decision making and improve it. The Home Office performance management regime had largely fallen into abeyance.
- 3.5 By comparison, the Istanbul DMC had had few staffing issues. Retention was good, and numbers were at or close to the agreed headcount throughout 2016/17. Where it had had temporary shortfalls in ECMs, the DMC had been quick to act to fill gaps. Overall, staff in Istanbul felt supported by a group of managers who actively engage with them on a daily basis. Political uncertainty and a number of terrorist attacks in Turkey and in neighbouring countries mean that working conditions in Istanbul are difficult and can be stressful, so maintaining staff morale and a positive working environment is particularly important.
- 3.6 Since 2015, UKVI has been developing and rolling out a 'streaming tool' that assesses the perceived risks attached to an application. The streaming tool is regularly updated with data of known immigration abuses (for example, data relating to breaches of visa conditions after entry

⁵ Immigration Enforcement International (IEI) – previously known as RALON.

to the UK). It streams applications 'Green' (low risk), 'Amber' (medium risk) or 'Red' (high risk). In Istanbul, a fourth rating, 'Super Green', had been in use. This was described as "Applications with evidenced low risk, where limited or no judgement was required and that could be streamed to AO⁶ grade decision makers."

- 3.7 While segmenting applications in order to manage them more efficiently is sensible given the numbers involved, there is a risk that the streaming tool becomes a de facto decision-making tool. This is a particular concern for applications streamed 'Green', where the benchmark⁷ is for 70-75 visit visa decisions per day per ECO, and where the quality assurance regime is geared to checking only anomalous decisions (for example the refusal of a 'Green' or issue of a 'Red'). The assurance regime does not take account of the danger of 'confirmation bias' (an unconscious disinclination on the part of the decision maker to look for or give appropriate weight to evidence that contradicts the streaming rating, and a tendency to select and rely on evidence that supports it).
- 3.8 At the Croydon DMC, in the first two months of 2017, less than 4% of 'Green' applications were refused. Meanwhile, nearly 50% of all visit applications streamed as 'Red' were issued, plus over 80% of those streamed as 'Amber'. The 'Green refusals' and 'Red issues' add up to over 3,600 decisions that 'deviated' from the streaming rating. With only five ECMs in post, managers will have struggled with this volume of decisions to quality assure, and this may go some way to explaining why inspectors found that other management tasks had not been completed.
- 3.9 Benchmarks for the number of applications an ECO was expected to complete a day were in place in both DMCs. These had been agreed between managers and staff and were intended to be stretching but achievable. Daily productivity targets are clearly needed to stay on top of the high volumes of applications, and are integral to UKVI meeting its Customer Service Standards, but the gearing is approximate rather than rigid, reflecting the changing mix of application types.
- 3.10 Inspectors were not able to say with confidence whether the benchmarks themselves were appropriate. However, from the workflow and productivity figures provided, it appeared that Istanbul was operating at daily averages well in excess of the benchmark for visitor visas for four out of five months between June and October 2016, and in November the daily average peaked at 137 decisions per ECO. This translates to just over three minutes per decision, which even for an experienced decision maker allows little time for careful consideration of the evidence, especially where it involves applications streamed 'Amber' or 'Red'.
- 3.11 The data provided for performance against the published Customer Service Standards for the number of days taken to make a decision was for the period 1 November to 31 January 2017, and therefore it was not possible to make a direct comparison with the workflow and productivity data. The processing time data showed both DMCs to have performed consistently better than the Customer Service Standards for decisions for settlement and for non-settlement applications.
- 3.12 However, previous inspections had identified an issue with applications being marked inappropriately as 'complex' (because further essential enquiries needed to be made) to set them outside the Customer Service Standard calculation, and inspectors found this to be the case with over a third (33 of 88) of the applications Croydon had marked as 'complex-other' in January 2017. Inappropriate use of 'complex' was not found to be an issue in Istanbul.

⁶ Administrative Officer is the grade below Executive Officer (EO). EOs fulfil the Entry Clearance Office role.

⁷ Managers at Croydon and Istanbul described benchmarks as the number of decisions that a fully-trained decision maker who had completed a period of mentoring should be able to complete in a single shift. For both locations, the figure for settlement applications was 12, and for visitor visas it was 70 in Istanbul and 75 in Croydon.

- 3.13 By virtue of their collocation in the Consulate General, Istanbul DMC staff had the opportunity to forge good working relationships with colleagues from other parts of the Home Office and other government departments and agencies. They had done so enthusiastically, and the mutual benefits from information sharing and joined-up working were recognised on all sides. DMC managers also held regular discussions with the staff of the Istanbul Visa Application Centre (VAC), who played a crucial role in the overall efficiency of the application process.
- 3.14 Given the overall volumes, the figures for lost documents (sent in with applications) suggested that effective document controls were in place. However, this needs to be set against the fact that UKVI was unable to locate and provide inspectors with 21 of the 160 Croydon files requested for sampling.⁸ Istanbul was unable to locate three of 160 requested files. In both cases, others files were substituted for sampling.
- 3.15 UKVI's 'Operating Mandate' is intended to assist staff in getting "the basics right every time by carrying out the right minimum mandatory security checks, referring to the right guidance where necessary and making consistently competent decisions based on the outcome of those checks". While a small number of errors were identified, inspectors were satisfied that the checks required by the 'Operating Mandate' were completed in the majority of sampled applications.
- 3.16 However, the non-retention on file of documents (copies) that were relied upon to make the entry clearance decision was a concern. The effect of this is that decisions cannot be properly quality assured. The guidance refers to the requirement to retain 'relevant' documents, citing as an example bank statements, where entry clearance has been issued when applications have been streamed 'Amber' or 'Red'. File sampling revealed too many examples where some or all of the relevant documents had not been retained, particularly in Croydon, where managers thought it was because ECOs had to do the administration (such as photocopying) themselves and no allowance was made for this in their productivity benchmarks. In Istanbul, locally recruited staff could assist with these administrative tasks.
- 3.17 The accuracy and completeness of issue notes and refusal notices has been raised in numerous previous inspection reports. Based on file sampling, the Croydon DMC needs to make significant improvements in relation to issue notes, eliminating factual errors and ceasing the use of generic issue notes that fail to reflect the specific circumstances of individual applications and the reasons for decisions. Both DMCs need to improve their refusal notices, particularly for refused settlement applications, and to stamp out factual inaccuracies, the citing of inappropriate grounds for refusal and unclear refusal reasons.
- 3.18 Inspectors disputed the DMC's decision in a number of the sampled applications, in most cases because they considered the interpretation or assessment of the evidence supplied to be incomplete or incorrect. While UKVI did not agree with inspectors in every case,⁹ these disputed decisions added to the sense that the quality assurance of decisions and decision notices at both DMCs, but especially at Croydon, was not fully effective.

In summary

- 3.19 In summary, based on this inspection, the single most important improvement DMCs need to make is in the local quality assurance of their output. In Croydon and Istanbul, mandated ECM reviews were completed in most case, but with some errors. But, the mandated checks

⁸ UKVI commented 'The files requested could not be located within the timescales provided. Files sent to the UKVI contractor (Iron Mountain) are not stored individually and have to be packed into boxes. It is likely the files were wrongly packed within the Croydon Decision Making Centre before despatch.'

⁹ At the time of writing this report, UKVI had reviewed most of these disputed decisions, and had either revoked or maintained the original decision. Some were still to be assessed.

omit 'Green' applications that are issued, which make up the majority of all applications. There are no benchmarks for non-mandated 'additional/rotating' reviews, which are generally retrospective, and these are not seen as a priority when ECM resources are stretched, as was permanently the case in Croydon. While inspectors found that some were done well, many reviews appeared to have been approached formulaically and, as a result, were superficial.

- 3.20 The impact of failing to get the first-line quality assurance right is not only that today's wrong decisions are not identified and corrected, but that the understanding and performance of decision makers does not improve because individuals are not receiving timely and constructive feedback. Ensuring that DMCs are correctly staffed at the ECM grade, in terms of numbers, experience and skills, to deliver not just the appropriate levels of assurance but to be continuously improving the quality of initial decisions is both essential and urgent if UKVI is to achieve its "world class customer service" mission statement.

4. Recommendations

The Home Office should:

1. Develop a resourcing strategy for entry clearance Decision Making Centres (DMCs) that clearly identifies, values and rewards the experience, expertise and knowledge (including, where relevant, language skills) required to make high quality decisions, and encourages the retention of staff experienced in entry clearance work by ensuring that staff returning from overseas postings are retained for an agreed period upon return to the UK.
2. Ensure that Decision Making Centres are correctly staffed at the Entry Clearance Manager (ECM) grade, in terms of numbers, experience and skills, to deliver not just the required levels of assurance but to be continuously improving the quality of initial decisions, through regular, constructive feedback to decision makers regarding both their good and poor decisions.
3. Review the 'Review to Risk' (R2R) quality assurance strategy for entry clearance decisions, and
 - a. address the failure of the 'baseline' regime to take account of the risk of 'confirmation bias' in relation to applications streamed 'Green' that result in a decision to issue
 - b. require each Decision Making Centre to report quarterly the 'additional/rotating' reviews it is planning and has completed, using this not only for quality assurance purposes, but as a 'health check' on resourcing, workflow and performance management actions.
4. Review its file storage arrangements in the UK, establishing the extent of the problem with 'missing' files relating to immigration, asylum, nationality and customs casework, and create an action plan, involving its commercial partner, that reduces the number of files that cannot be located.
5. Review with each Decision Making Centre how guidance regarding the required standards for records of entry clearance decisions is being interpreted and applied, in particular whether the use of templates and 'suggested wording' for different refusal reasons is striking the right balance between clarity, conciseness and consistency and full consideration of the relevant facts of each case.

5. Background and context

Entry clearance

- 5.1 Visas and Citizenship Directorate¹⁰ part of UK Visas and Immigration (UKVI), has operations running in over 350 locations in 137 countries and overseas territories and in two centres in the UK, in Croydon and Sheffield. Between 1 April 2015 and 31 March 2016, it processed approximately 2.9 million applications (over three quarters of which were for visit visas).
- 5.2 UKVI's webpage on GOV.UK explains: "Entry clearance is the procedure used by Entry Clearance Officers at British missions overseas to check, before a person arrives in the UK if that person qualifies under the Immigration Rules for entry to the UK. In some cases entry clearance is mandatory, in others it is optional."¹¹

Hub and spoke model

- 5.3 In 2007, the Home Office started to restructure its global network of visa sections as part of a wider programme of change, supported by the introduction of biometrics¹² and the outsourcing of the application stage of the process to commercial partners. It reduced the number of locations at which applications were considered through the introduction of a 'hub and spoke' model (decision making moved from small localised visa sections to larger regional 'hub' processing centres).
- 5.4 While Decision Making Centres (DMCs) reduced from 110 in 2006 to 21 by 2016, overseas Visa Application Centres (VACs) run by commercial partners increased in number and stood at over 320 by 2016.
- 5.5 The new model aimed to deliver three main benefits:
 - improved quality and consistency of decision-making
 - improved efficiency and productivity
 - greater resilience and flexibility

'Onshoring'

- 5.6 The creation of the Croydon and Sheffield DMCs has seen a gradual increase in the numbers of applications considered in the UK. UKVI refers to this as 'onshoring'. The approach is in line with its plans to follow government policy to make its business "digital by default".¹³ It intends to consolidate more case working in the UK by 2020, and has an interim target of moving every type of sponsored application to the UK in 2017.¹⁴

¹⁰ At the time of the inspection, Visas and Citizenship Directorate was called 'International Operations'.

¹¹ <https://www.gov.uk/government/publications/what-is-entry-clearance-ecb03/ecb3-what-is-entry-clearance>

¹² All visa applicants are routinely required to provide biometric data (ten-digit finger scans and a digital photograph). There are some exceptions such as heads of state and the under fives.

¹³ <https://www.gov.uk/government/publications/uk-digital-strategy/uk-digital-strategy>

¹⁴ An example of a sponsored application is one where the applicant is seeking to study in the UK and is sponsored by an approved UK educational institution, which must provide proof of acceptance of the named applicant for a course of study.

- 5.7 Expected benefits from ‘onshoring’ include security (for example, greater ability to check UK sponsors), reduced costs and greater resilience due to more joined-up UKVI operations.
- 5.8 UKVI’s vision in its ‘Business Plan 2016-2020’ is to “contribute to reducing net migration to tens of thousands, to counter abuse through strong controls and application of the rules, and to deliver highly competitive customer services supporting the country’s economic growth”.

Customer service and service standards

- 5.9 As well as delivering the ‘highly competitive customer services’ referred to above, UKVI aims to be ‘Consistently Competent’, ‘High Performing’ and ‘Customer Focussed’. It has an International Transformation Programme with four strands to it:
- ‘Digital by default’ (including rolling out an application website)
 - ‘Putting data to work’ (including a single case working system)
 - ‘Embedding a differentiated approach’ (including taking more sophisticated account of risk, previous compliance etc)
 - ‘Managing demand’ (including the consolidation of case working to the UK)
- 5.10 UKVI’s ‘Business Plan 2016-2020’¹⁵ says it is ‘committed to its **customer focus**’. It launched a Customer Service Charter in 2014, including ‘customer commitments’, which are published on GOV.UK. It currently states that its mission is to deliver “world class customer service”.
- 5.11 UKVI holds the Customer Service Excellence¹⁶ award (having been re-accredited in 2016). To achieve this, it demonstrated a commitment to put customers at the heart of what it does, and also showed how it worked with vulnerable customers and made changes to services and processes based on staff insight and experience. It was also required to show that it knew its customers and empowered its staff to participate in the customer-focused culture of the organisation.
- 5.12 UKVI uses Customer Service Standards for measuring its customer-facing performance. For example, in October 2016, UKVI measured that it was processing 99.7% of what it considered to be straightforward decisions within 15 days, and 99% within 60 days. The standards relevant to this inspection are:
- visit applications:
 - ‘90% of non-settlement applications within 3 weeks
 - 98% within 6 weeks and
 - 100% within 12 weeks of the application date
 - (where 1 week is 5 working days).’
 - settlement applications:
 - ‘95% of settlement applications within 12 weeks of the application date and

¹⁵ An internal Home Office document

¹⁶ Customer Service Excellence is an accreditation for public sector organisations who have met approved criteria for customer service standards, focussing on delivery, timeliness, information, professionalism and staff attitude.

- 100% within 24 weeks of the application date (where 1 week is 5 working days).¹⁷

¹⁷ <https://visa-processingtimes.homeoffice.gov.uk/>

6. Inspection findings: Istanbul and Croydon operations

Decision Making Centres

- 6.1 At the time of this inspection, UKVI had 16 ‘hub’ Decision Making Centres (DMCs),¹⁸ including Croydon and Sheffield in the UK. Approximately 1,600 staff were spread across UKVI’s six geographical regions: Africa, Americas, Asia Pacific, South & South East Asia, MENACAPT (Middle East, North Africa, Central Asia, Pakistan & Turkey), UK & Europe.
- 6.2 The Istanbul DMC was dealing with:
- all types of applications submitted at Visa Application Centres (VACs) in Turkey, plus Azerbaijan, north Cyprus, Georgia, Israel, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan
- 6.3 The Croydon DMC was dealing with:
- entry clearance applications submitted at VACs in Armenia, Austria, Belgium, Cyprus, Denmark, Estonia, Finland, Germany, Iceland, Ireland, Italy, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, and Switzerland
 - visit visa applications submitted at the VACs in Algiers, Paris, Rabat, St Petersburg, and Tunis

Impacts of the ‘hub and spoke’ model

- 6.4 UKVI expected that the remodelling into ‘spokes’ where commercial partners received and forwarded applications and a reduced number of ‘hubs’ (DMCs) would bring considerable benefits, most notably reduced cost and greater resource flexibility. However, there was a risk that local knowledge would be lost when UKVI moved out of countries. Staff in Croydon told inspectors that there was no effective process in place to capture and share the local knowledge and expertise built up by ECOs returning from a posting abroad.
- 6.5 UKVI was increasingly reliant on overseas-based Immigration Enforcement International (IEI) intelligence staff to obtain local information from ‘spoke’ countries. However, these staff, working for an international team within Immigration Enforcement, had other priorities including disrupting organised immigration crime and liaising with airlines to reduce the risk of illegal migrants travelling to the UK. Therefore, they did not have the capacity, as a matter of routine, to undertake checks on behalf of the visa section, which included investigating the veracity of documents and checks to corroborate information provided on visa applications.
- 6.6 At the time of the inspection, locally engaged verification teams in the British Consulates in Algiers and Rabat supported the Croydon visa operation. The sampled cases highlighted the value of these locally engaged teams in verifying aspects of applications and adding information. In two cases sampled onsite in Croydon, the team in Algiers had identified that the submitted bank documents were false and both applications were refused as a result.

¹⁸ Five DMCs were closed during 2016 – Lagos, Abuja, Kuwait, Paris and Shanghai.

- 6.7 Managers in Croydon told inspectors that the locally engaged verification teams sifted applications for forgeries and suspicious content prior to the applications being forwarded to the UK. Croydon valued this work as an effective safeguard against fraudulent applications. However, there was no commitment to maintaining this service once the locally engaged staff left and their perceived value to the Croydon operation highlighted the lack of any locally engaged resources in other spoke countries.

Foreign language documents received in Istanbul

- 6.8 Online guidance informs applicants that documents not in English or Welsh ‘must be accompanied by a full translation that can be independently verified by the Home Office. Each translated document must contain:
- confirmation from the translator that it is an accurate translation of the original document
 - the date of the translation
 - the translator’s full name and signature
 - the translator’s contact details’
- 6.9 However, numerous applications submitted in Turkey included supporting documents in Turkish that had not been translated, and these were invariably accepted and considered by the Istanbul DMC. Inspectors asked UKVI whether this was routine and were told: “Istanbul have several Turkish locally engaged ECOs to refer for untranslated docs (sic)”.
- 6.10 While this differential treatment by the Istanbul DMC of applicants providing supporting documents in Turkish was an effective use of the available skills, it was not compliant with guidance and potentially disadvantaged other applicants who had provided equally weighted evidence to the same DMC in other foreign languages.
- 6.11 At the time of the Inspection, the Istanbul DMC was expecting an increase in applications from Georgia as there were to be two new direct flights per week from Tbilisi to Luton and Gatwick Airports. There was no locally engaged resource in Georgia to carry out verifications, but the DMC was hoping to be able to make use of the British Embassy in Tbilisi to provide a language capability.

Local disruption and other challenges in Istanbul

- 6.12 Political uncertainty and a number of terrorist attacks in Turkey and in neighbouring countries mean that working conditions in Istanbul are difficult and can be stressful. On the first afternoon of the onsite visit to the DMC, a series of power cuts meant that Proviso¹⁹ and other IT systems could not be used. As a result, the visa section was unable to function effectively for the final 90 minutes of the day. Experienced staff told inspectors that power cuts were not uncommon, although they did not routinely cause the visa section to close early.
- 6.13 The Istanbul hub receives applications from countries that are politically and economically unstable, making some applications hard to assess. Space was an issue in Istanbul. The DMC had limited space to receive, process and store applications. Staff were spread across different buildings, floors and rooms, making team cohesion a challenge for managers. Despite all of these challenges, inspectors were satisfied that all staff in the DMC in Istanbul were committed to providing a service that met the published customer service standards.

¹⁹ The electronic case working and records system used by DMCs.

Staffing the Croydon DMC

- 6.14 Space, and staff being spread across different floors and rooms, were also challenges for the Croydon DMC. However, here the biggest challenge was that of attracting and retaining staff. Figures 1 and 2 set out UKVI's Entry Clearance Officer (ECO)²⁰ and Entry Clearance Manager (ECM)²¹ staffing levels from August 2016 to the end of January 2017.

Figure 1: Resourcing of ECOs in Croydon August 2016 to January 2017

	Aug	Sept	Oct	Nov	Dec	Jan
Agreed headcount	30	26	26	29	28	29
Staff in post	19.6	18.4	27.4	29.9	35.4	34.2
-Substantive ECOs (FTEs ²²)	13.6	14.6	18.6	21.1	19.6	19.6
-Temporary/acting ECOs	4	0	0	3	2	3
-Fee Paid Officers	2	3.8	8.8	5.8	13.8	11.6

Figure 2: Resourcing of ECMs in Croydon August 2016 to January 2017

	Aug	Sept	Oct	Nov	Dec	Jan
Agreed headcount	8	8	8	8	8	8
Staff in post	2	3	3	6	5	5
-Substantive ECMs	2	3	3	4	3	3
-Acting ECMs	0	0	0	2	2	2
Shortfall	-6	-5	-5	-2	-3	-3

- 6.15 Managers and staff told inspectors that it was very difficult to attract experienced staff to work in Croydon and to retain the staff who do work there. ECOs returning from DMCs abroad were offered the choice of working in Croydon or in Sheffield. Most chose Sheffield, or sought new roles in other parts of the Home Office, sometimes after having indicated they would be taking up a Croydon posting. This had resulted in staffing levels in Croydon being almost permanently well below the agreed headcount. Staff were anxious about ongoing shortages in Croydon, and a number said it seemed to them that UKVI would prefer to shut Croydon down and operate only the Sheffield DMC.
- 6.16 The staffing problems at the Croydon DMC were most acute at the ECM grade. Temporary promotions were needed just to undertake the mandated reviews of decisions, and this in turn depleted ECO numbers. ECMs had had to concentrate on keeping application throughput within customer service standards, so there had been few opportunities to give positive feedback, or to identify poor decision making and improve it. ECMs had had no capacity to carry out performance management meetings with staff, as required by the Home Office's performance management system. Staff complained to inspectors that there had been no time for personal development, and they had not been encouraged by managers to progress their Civil Service careers in line with Home Office policy.

²⁰ Executive Officer grade

²¹ Higher Executive Officer grade

²² Full-time Equivalents

- 6.17 Staff in Croydon also raised concerns about the lack of an induction package, and that supplementary guidance was being provided to decision makers via meetings and emails, meaning that part-time staff not scheduled to work on the day of such meetings missed out. A number said they had received only negative feedback about the quantity of decisions they made. One described being emailed by a manager telling them to do better against the productivity benchmark, but without any coaching or guidance on how to do so. Inspectors were told repeatedly that staff felt the focus of the DMC operation was on quantity and not on quality.
- 6.18 Because of the shortage of substantive, permanent ECOs in Croydon, in the latter half of 2016/17 the DMC had relied on Fee Paid Officers (FPOs) to supplement ECO numbers. Many were retired civil servants with previous experience of working for the Foreign and Commonwealth Office or the Home Office and professional knowledge of entry clearance work. They were employed on short-term contracts, but there was a risk to business continuity and delivery because each FPO could decide when they would be available for work.
- 6.19 In March 2017, UKVI began a recruitment campaign for ‘Short Term Entry Clearance Officers’ to fill short-term postings. Successful recruits had to agree to being posted anywhere overseas or in the UK at short notice. These postings were on a fixed term basis, would typically be for three to six months duration and could be offered as a succession of postings. At the same time, UKVI was looking to change the terms and conditions of FPOs to give it more certainty about their availability, but there was some concern that existing FPOs would not be willing to give up their current flexibility.
- 6.20 Entry Clearance Assistants (ECAs)²³ in Croydon told inspectors they enjoyed moving between different tasks, such as inputting applications and returning documents, but they did not always get long enough in a role to gain expertise. UKVI trains some ECAs to be decision makers (referred to as ‘Bespoke Activity ECOs’), and uses them to decide the applications rated as lowest risk. The training on some elements of the work, for example the ‘Operating Mandate’ and issue notes, is less than that received by substantive ECOs.²⁴

Staffing the Istanbul DMC

- 6.21 By comparison, Istanbul had few staffing issues. The departure of a group of ECOs at the same time (had arrived at the same time) had caused some disruption, but the DMC had coped. One ECM vacancy from September 2016 to January 2017 had been filled by rotating four ECOs to give them each a development opportunity. The DMC had engaged two FPOs in October 2016, but had not needed any between November 2016 and January 2017. Overall, staff felt supported by a group of managers who actively engaged with them on a daily basis.

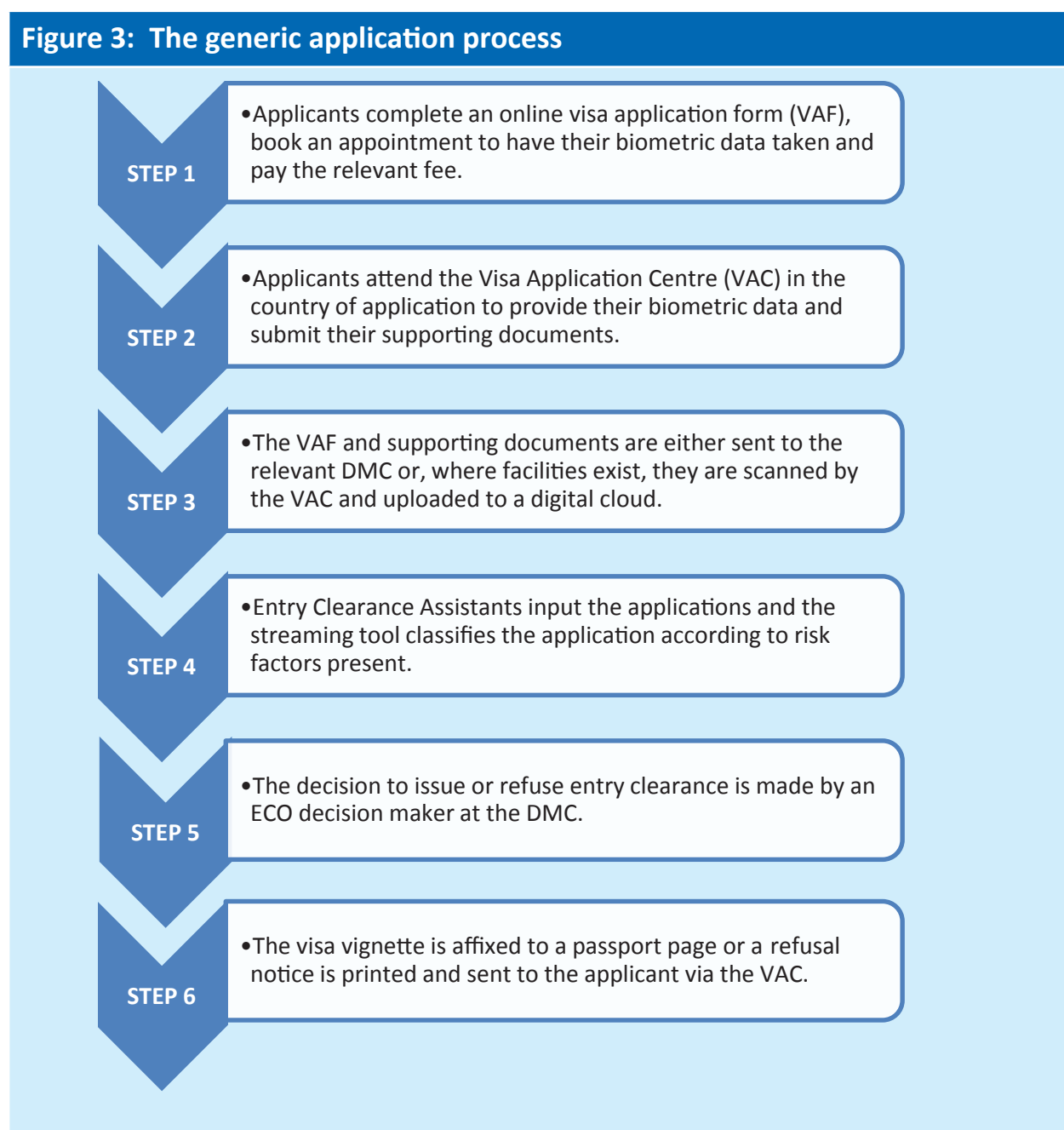
²³ Administrative Officer grade.

²⁴ Inspectors were told that the trade union position was that entry clearance decisions should be made at Executive Officer grade. In its written response to the draft report UKVI stated ‘The Trade Unions have received a full response saying the grade assessment was completed fairly and did not require Trades Union involvement.’

7. Inspection findings: applications and the streaming tool

The application process

7.1 Figure 3 shows the generic application process.



Fees

- 7.2 At the time of the inspection, it cost £87 to apply for a six month visitor visa, and £1,195 to apply for entry clearance for settlement in the UK as a spouse. There was no fee for applications for Family Reunion entry clearance (where dependent family members of individuals who have been granted asylum or five years Humanitarian Protection in the UK may apply to be reunited in the UK).

Streaming tool

- 7.3 Since 2015, UKVI has been developing and rolling out a 'streaming tool' to assess the perceived risks attached to each application. Managers explained that the streaming tool was fed with data of known immigration abuses (for example, data relating to breaches of visa conditions after entry to the UK).
- 7.4 The tool streams applications green, amber or red. Croydon adopted the streaming tool in the first quarter of 2015, where it is firmly embedded, and Istanbul at the beginning of August 2016.
- 7.5 The tool uses a 'decision tree' approach²⁵ with a series of yes/no questions to determine an applicant's risk rating. There are three possible ratings:
- **Green:** Low risk applications, more likely to have known positive attributes and evidence of compliance
 - **Amber:** Medium risk applications, with limited evidence (or equally balanced evidence) of negative and positive attributes so potential for refusal
 - **Red:** High risk applications, appearing to have a greater likelihood of refusal because of the individual's circumstances
- 7.6 In Istanbul a fourth rating, 'Super Green', was in use at the time of the inspection. UKVI described this as 'Applications with evidenced low risk²⁶, where limited or no judgement was required and that could be streamed to AO grade decision makers.'
- 7.7 The UKVI 'Business Plan 2016-2020' states that the streaming tool will "support transformation and cost-reduction by enabling streaming of all applications according to customer attributes, which will enhance the security of decision-making and support more efficient processing."
- 7.8 The streaming tool is updated regularly using feedback from decision makers and intelligence. This is done more frequently in Istanbul than in Croydon. Overseas DMCs have the flexibility to customise the streaming tool to reflect key local factors, but the frequency of the updates appeared to have led staff in Istanbul to have less confidence in the process than their counterparts in Croydon.
- 7.9 The tool is sensitive and staff in Croydon described an occasion when temporary deletion of just one question caused some cases normally rated Green to be rated as Amber, which led to additional work as Amber and Red rated applications require more scrutiny (a process known as 'enrichment').²⁷

²⁵ The decision tree approach provides a structure (algorithm) within which options and their possible outcomes can be evaluated, particularly the risks from outcomes and the probability of their happening.

²⁶ In its written response to the draft report UKVI explained that this was 'evidenced previous UK travel and applying in similar circumstances.'

²⁷ 'Enrichment' may include document verification, checking previous compliance with trips to the UK, telephoning claimed employers and interviewing UK sponsors.

- 7.10 A tool that streams applications Green, Amber, Red carries the risk of ‘confirmation bias’ (an unconscious disinclination on the part of the decision maker to look for or give appropriate weight to evidence that contradicts the streaming rating, and tendency to select and rely on evidence that supports it). This may be exacerbated when the productivity targets for decisions are challenging. The benchmark for visit visa decisions streamed Green, for example, is 70-75 decisions per day, depending on location.²⁸
- 7.11 Inspectors asked staff about this. Some said that the streaming rating was correct in the majority of cases, although they understood it was only a guide. Managers in both locations emphasised that the tool remained a ‘work in progress’ and the streaming rating was simply and indicator of risk. Although it allocated a high percentage of applications to the correct category, there were still instances where the streaming rating appeared to be wrong. However, when inspectors later disputed certain decisions during file sampling (see Chapter 9), managers appeared to use the streaming rating to justify the decisions.
- 7.12 Inspectors requested statistics for decisions and streaming ratings. In January and February 2017, Croydon issued 72.22% of settlement applications that had been streamed Red, and 62.5% of those streamed Amber. The statistics for the same period for visit visa applications are at Figure 4.²⁹

**Figure 4: Decisions and streaming tool ratings for Croydon visit visa applications
1 January to 28 February 2107**

Streaming rating	Applications	Percentage issued	Percentage refused
Green	13,560	96.36%	3.64%
Amber	3,662	81.08%	18.92%
Red	6,421	48.59%	51.41%

- 7.13 The ‘Green refusals’ and ‘Red issues’ add up to over 3,600 visit visa decisions that ‘deviated’ from the streaming rating. With only five ECMs in post, managers will have struggled with this volume of decisions to quality assure, and this may go some way to explaining why inspectors found that other management tasks had not been completed.
- 7.14 There is no requirement for local managers to review any applications where the decision is in line with the streaming rating, except as part of an overall quality assurance regime. It is difficult to see how managers in Croydon would have had any capacity to review the decisions made in January and February 2017 to issue visas for those applications streamed Green.

²⁸ During the onsite visit to Croydon, managers told inspectors that ‘ranges’ would be replacing the fixed benchmark so green cases would attract a ‘range’ of 65 to 75 decisions per day.

²⁹ UKVI also provided statistics for Istanbul, but in a different format, making a direct comparison impossible.

8. Inspection findings: productivity

Benchmarks (expectations for daily throughput)

- 8.1 At the time of the inspection, the daily benchmark for decision makers for settlement applications in Istanbul and in Croydon was 12 decisions per day. The benchmarks for visit applications were as set out in Figure 5.

Figure 5: Daily benchmarks for deciding visit applications

Location	Streaming Rating			
	Super Green	Green	Amber	Red
Croydon	N/A	75	35	25
Istanbul	100	70	35	30

- 8.2 Managers in both locations described benchmarks as the number of decisions that a fully-trained decision maker who had completed a period of mentoring should be able to complete in a single shift. They told inspectors that these benchmarks were set in conjunction with the staff to ensure that the daily targets were stretching but achievable.
- 8.3 Figure 6 shows workflow and productivity statistics for Croydon (Cro) and for Istanbul (Ist) visit and settlement applications from June to October 2016. It gives an indication of the respective workloads, and shows why daily benchmarks for decisions are needed. In terms of the relative efficiency of the two DMCs, and their month on month performance, the statistics provide only a rough guide as the mix of application types and streaming ratings differed between the two and from month to month.

Figure 6: Workflow and productivity June to October 2016

	Jun		Jul		Aug		Sept		Oct	
	Cro	Ist	Cro	Ist	Cro	Ist	Cro	Ist	Cro	Ist
Working days	22		21		23		18		21	
Applications	1978	1708	1536	1028	1276	1088	1035	917	1264	1215
Decisions	1518	1369	1662	1326	1257	1115	858	791	1125	1187
Total ECO working days	506	321	483	274	598	239	504	159	630	207
Visit decisions per ECO per day (ave.)	76	92	69	90	59	92	34	72	42	117

Settlement decision per ECO per day (ave.)	20	8	25	12	25	12	25	12	25	9
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- 8.4 Istanbul stated that, in October to November 2016, the number of family visit applications went up, and decisions increased to an average of 137 per ECO per day. This would mean just over three minutes per decision in a standard working day, which even for an experienced decision maker would allow little time for careful consideration of the evidence, especially where it involved applications streamed Amber or Red.
- 8.5 Inspectors raised concerns with senior management who reported that some decision makers had been borrowed from elsewhere and a number of staff may have been working slightly longer days to stay within the customer service standards.

Customer Service Standards

- 8.6 In light of UKVI's commitments to customer service excellence, inspectors reviewed performance data for 1 November 2016 to 31 January 2017 provided by UKVI against its published Customer Service Standards (see Chapter 5).
- 8.7 Except for a small percentage of non-settlement applications processed by Croydon in January 2017, both DMCs met or bettered the Customer Service Standard target times for decisions for settlement and for non-settlement applications during this period:
- Istanbul processed
 - 100% of settlement applications within 60 days
 - 98% of non-settlement applications within 10 days
 - 100% of non-settlement applications within 15 days³⁰
 - Croydon processed
 - 100% of settlement cases within 60 days
 - 100% of non-settlement applications within 15 days in November and December 2016
 - 96% of non-settlement applications within 15 days in January 2017
 - 100% of non-settlement applications within 18 days in January 2017

Applications marked as 'complex'

- 8.8 DMCs are able to mark certain applications 'complex', and to remove them from Customer Service Standards and performance figures.
- 8.9 Home Office guidance states that the reasons for marking an application 'complex' must be 'legitimate and recognisable', and gives the following examples:

³⁰ 15 working days is the published customer service standard for deciding a straightforward non-settlement visa application.

- verification of documentary evidence
- referral to intelligence units
- specific safeguarding or policy issues are involved
- the decision is ‘blocked...for reasons outside the control of the DMC’.

8.10 Between 1 November 2016 and 31 January 2017, Croydon marked 1.75% of its non-settlement applications ‘complex’. During the same period, Istanbul marked 0.82% of its non-settlement applications ‘complex’.

8.11 Of the 50 applications sampled when inspectors were onsite in Croydon, five had been marked on or after Day 13 from receipt as the sub-group ‘complex-other’, giving a technical issue with the document-scanning tool as the reason. The guidance states that applications ‘must not be defined as non-straightforward and must not be marked as ‘complex’ when the holdup is due to ‘logistical delays’ such as ‘IT failure’. Senior management at Croydon accepted that these five applications had been marked as ‘complex-other’ inappropriately.

8.12 Inspectors examined all 88 applications marked ‘complex-other’ by Croydon in January 2017. Of these, inspectors assessed 33 to have been marked inappropriately, based on the guidance. Figure 7 provides a breakdown.

Figure 7: Reasons given for 33 applications inappropriately marked as ‘complex-other’ by Croydon DMC in January 2017

Reason	Number
IT issues	8
Awaiting Home Office checks/reports	11
Awaiting documents not forwarded by VAC	4
Requesting applicant to withdraw	4
Reason not clear	6
Total	33

8.13 In the same period, Istanbul had marked 67 applications as ‘complex-other’. Inspectors examined these and assessed that only one had been inappropriately ‘complexed’. The shortfall in ECMs at Croydon may explain this difference in performance.

Working with the Visa Application Centres (VACs)

8.14 The efficiency of the overall application process is dependent on the Visa Application Centres (VACs) that receive, prepare and deliver the applications to the DMCs. Inspectors visited the Istanbul VAC, which is managed by a commercial partner under contract to the Home Office and is housed away from the DMC in a shopping district. The VAC operation appeared to be both efficient and secure, and the modern premises, simple step-by-step process and helpful VAC staff added to the sense of customer focus. DMC managers and VAC staff both told inspectors that they had regular discussions regarding performance and process improvements.

- 8.15 Similarly, managers in Croydon were positive about their relationships with the VACs feeding into the DMC. They pointed to the large volumes of applications, passports and supporting documents transported (or transmitted where a partner was scanning applications and documents electronically) with low levels of loss as evidence of their efficient and effective relationships.

Working with others

- 8.16 DMCs work with other Home Office teams, in particular with Immigration Enforcement International (IEI). DMC staff in Istanbul and Croydon were both positive about the working relationship between UKVI and IEI. Examples were given of how IEI colleagues feed into staff briefings, and provide 'news flashes' to decision makers when a risk or pattern of abuse is identified.
- 8.17 In Istanbul, DMC staff had formed effective working relationships with other government departments housed within the Consulate General. Officers from the National Crime Agency (NCA) and Department for International Trade staff spoke enthusiastically about a positive working relationship with UKVI. NCA, in particular, described several examples of joined-up working that had been mutually beneficial. NCA brief all new DMC staff on its role and priorities, and ECOs can make referrals to NCA in order to assist them in making decisions. NCA can also liaise with the Turkish Ministry of Justice, if required.

9. Inspection findings: quality of application processing

Document control and file storage

- 9.1 Inspectors found that, in general, the document return process worked well and was completed in a timely fashion. In the twelve months from 1 November 2015 to 31 October 2016, six passports were lost in transit to the Croydon DMC and a further three in the DMC. The Home Office paid compensation for the latter three, and the commercial partner for the six lost in transit. Istanbul had lost five passports in the same period and had paid compensation in three cases. Given the overall volumes, these figures suggested that effective document controls were in place.
- 9.2 However, this needs to be set against the fact that UKVI was unable to provide inspectors with all of the applications requested for file sampling. It could not locate 21 of the 160 Croydon files requested, which it blamed on the Home Office's commercial provider of file storage facilities. Istanbul was unable to locate 3 of 160 requested files. In both cases, others files were substituted for sampling.

General guidance

- 9.3 UKVI's 'Operating Mandate' is designed to provide a simple guide to the mandatory checks for each type of application. Its stated purpose is to assist staff in getting "the basics right every time by carrying out the right minimum mandatory security checks, referring to the right guidance where necessary and making consistently competent decisions based on the outcome of those checks".
- 9.4 Inspectors were satisfied that the checks required by the 'Operating Mandate' were completed in the majority of sampled applications. However, there was no evidence that applicants' maiden names had been checked in three Croydon applications and three Istanbul applications,³¹ and there was some uncertainty about whether full checks were required where alternative personal details had been provided.
- 9.5 In the case of one visit visa issued in Istanbul, the mandated date of birth check was not completed for an alternative date of birth provided by the applicant in a previous application. The date of birth provided in the new application returned no matches, despite the applicant having had two previous applications refused. The application history came to light via biometric records (fingerprints). When asked to comment, UKVI referred to staff being able to request additional checks beyond those set out in the 'Operating Mandate', and that they were awaiting policy clarification on whether these checks were actually mandatory.

³¹ UKVI commented that "the current UKVI Operating Mandate has no requirement that maiden names should be checked. Decision Making Centres can and do make additional checks beyond the requirements of the Operating Mandate according to the risk factors associated with their relevant caseloads."

Retention of documents relevant to decisions

- 9.6 Internal guidance instructs decision makers to retain no 'documents' (usually meaning photocopies) for applications streamed 'Green' where the decision is to issue. Instead, the issue notes should include the justification for the decision. The guidance states that copies of documents 'relevant' to the decision should be retained when applications streamed 'Amber' or 'Red' lead to issues. It refers to bank statements, relationship documents and invitations as examples of relevant documents. For refused applications, a "copy of documents **relevant** to the decision" should be retained, for example relevant pages of a bank statement or other financial documents for a refusal for lack of funding or income.
- 9.7 File sampling found that relevant documents were not retained where guidance indicated that they should have been. In 47 of the applications processed by Croydon DMC and 14 of applications processed by Istanbul DMC no documents had been retained.³² There were further cases where some but not all relevant documents had been retained. This indicated inconsistent application of the guidance and ineffective quality assurance.
- 9.8 Staff in Istanbul and Croydon told inspectors that they were aware of which documents needed to be retained and that they followed the guidance. However, managers in Croydon thought that the guidance was not universally applied because ECOs had to do the administration (such as photocopying) and no allowance was made for this in their productivity benchmarks. In Istanbul, locally recruited staff could assist with these administrative tasks.

Case Study 1: Document retention not in line with guidance for refusals

The applicant applied on 12 September 2016 for settlement:

- as the spouse of a British national
- relying on his spouse's earnings from UK full-time employment as evidence of meeting financial requirements in the Immigration Rules

The ECO decision maker in Istanbul:

- refused the application, being neither satisfied that the relationship was 'genuine and subsisting' nor that the sponsor met the 'income threshold' because of discrepancies between payslips and bank statements

The refusal notice referred to the ECO having seen:

- 'photographs' showing applicant and sponsor together at their wedding ceremony
- 'some evidence of social media contact'
- 'payslips for a period of over 6 months covering the period 20/11/15 to 29/07/16'
- 'bank statements covering the same period'

³² Figures derived from both offsite and onsite samples of settlement and visit cases.

Proviso notes:

- made no specific mention of any documents submitted by the applicant
- recorded an ECM review of the case, which found ‘all relevant documents have been retained and/or noted in the issue notes’

Document retention:

- included 93 pages of screen prints of social media communications and call records
- did not include any of the bank statements and pay slips

Inspectors’ comment:

Document retention guidance instructs ECOs to retain bank statements and financial documents where a key refusal reason is income, but discourages retaining and storing large amounts of documentation. Meanwhile, Proviso notes could have covered the 93 pages of routine communications.

The document retention errors in this case should have been identified during the ECM review, particularly as this was an application with a right of appeal.

9.9 Inspectors presented a selection of 17 applications from the offsite sample where no evidence had been retained to the DMC managers in Croydon. UKVI responded to the concerns expressed by inspectors about poor document retention found in the sampled records:

“The visa application form detailing the reasons for travel and an applicant’s personal circumstances are available in all these cases together with the outcome of any mandatory checks and other enrichment activity. We accept there has been some inconsistency in the way that the document retention policy has been followed in these cases, however, ECOs are discouraged from retaining and storing large amounts of personal documentation on file. This, in itself, represents a potential integrity risk. The guidance on document retention and file registry has recently been updated and re circulated to all staff.”

9.10 Failure to retain relevant documents makes it harder to demonstrate that a decision was reasonable according to the information available to the decision maker at the time. Where the decision maker has interpreted evidence, the quality of their interpretation cannot be assured. Figure 8 gives the number of applications sampled where inspectors were unable to confirm from what had been retained that the decision was reasonable.

Figure 8: Decisions inspectors could not confirm as reasonable based on retained documents

	Croydon	Istanbul	Total
Settlement applications	14 of 76	14 of 74	28 of 150
Visit visas sampled prior to onsite visit	19 of 80	16 of 80	35 of 160
Visit visa decisions sampled onsite	8 of 49	10 of 50	18 of 99
Total	41 of 205	40 of 204	81 of 409

Quality of issue notes

- 9.11 Notes placed on Proviso for successful applications are known as ‘issue notes’. These should always be accurate and provide the key reasons why a visa was issued.
- 9.12 In 2012, UKVI issued a guidance note to staff entitled ‘Minimum standards for issue notes’. This included the following passage:

“Recent Chief Inspector reports have been critical of the standard of issue notes stating that it is often ‘almost impossible for me to understand some of the reasons for Entry Clearance Officers’ decisions to issue ... applications’. Entry Clearance staff are reminded that when a visa/entry clearance is issued, the rationale for the decision be clearly recorded on the IT case working system.”

- 9.13 Before visiting Istanbul and Croydon, inspectors sampled 80 issued visit visas (40 from each DMC) with the 2012 guidance in mind, assessing accuracy and completeness.

Figure 9: Factually inaccurate and incomplete issue notes in 80 sampled visit cases³³

	Croydon	Istanbul	Total
Factually inaccurate issue notes	2 of 40	3 of 40	5 of 80
Incomplete (or generic) issue notes	25 of 40	0 of 40	25 of 80
Total	27 of 40	3 of 40	30 of 80

Inaccurate issue notes

- 9.14 Two examples of factually inaccurate issue notes are set out below.
- The applicant applied for a visit visa to accompany her son to the UK and help him settle into his two-year residential GCSE course, but the issue note said: ‘daughter is graduation’ (sic).³⁴
 - An applicant’s sponsor was a non-EEA national with limited leave to remain in the UK, but the issue note incorrectly recorded: ‘sponsor is UK citizen’.³⁵

Incomplete or generic issue notes

- 9.15 The 2012 guidance note emphasised to staff that others without access to the visa application and submitted documents “will require a full picture of your assessment when they read your notes”. The guidance states that a minimum note should include the length, purpose and destination of travel along with a brief description of employment details, bank balance and salary. Inspectors were also shown a PowerPoint presentation, which was given to DMC staff in Istanbul in January 2017. It explained that issue notes on Proviso must be “honest, fair, clear, brief and detailed” and reminded decision makers to “detail the evidence seen including (for example) actual bank balance, IELTS³⁶ score”.

³³ Three issue notes were assessed both factually inaccurate and incomplete.

³⁴ The Home Office accepted that ‘Issue notes do not reflect the circumstances of the application accurately.’

³⁵ The Home Office responded: ‘Whilst the decision was correct on the evidence contained within the application, the justification recorded is inaccurate and does not include reference to the elements that have satisfied the ECO about intention to leave the UK. The application was streamed as low risk... given previous travel history, incomplete evidence either supplied or retained.’

³⁶ International English Language Testing System (IELTS). Exam-based language test used for evidence of English language competence as part of some UK entry applications. <https://www.ielts.org/what-is-ielts/ielts-for-migration>

- 9.16 Sampling of Croydon issue notes identified a large number where a generic template had been used with no tailoring to reflect the specific circumstances of individual applications and the reasoning behind the decision to issue. The following generic template (with slight variations) was used in 13 Croydon issue notes with no personalisation:

“Details of enrichment activity were not material in decision to issue visa. Details of interview were not material in decision to issue visa. CRS check – previous applications noted. Streamed Green. Risk assessment – Low. Electronic VAF has been viewed by ECO and applicant’s circumstances have been taken into consideration. Satisfied evidence provided supports VAF statements regarding personal circumstances, stated intentions, funding and previous travel history.”³⁷

- 9.17 Inspectors found that there was no record of meaningful consideration of the application in these cases, and the audit trail was insufficient to justify why the ECO was satisfied that the applicant met the Immigration Rules. Case study 2 illustrates this point.

Case Study 2: Generic issue note that does not sufficiently evidence the reasons for the decision

A man who held temporary residence elsewhere than his home country to play for a local sports team:

- in July 2016, applied to visit his British wife for a period of three months from 21 August 2016
- held limited leave to remain in Morocco due to expire on 9 February 2017
- provided statements from his three bank accounts (in his home country), which showed activity inconsistent with the claimed income and outgoings
- declared that his spouse would fund all expenses including travel, but her closing bank balance was just over £400 and her earnings of £10,400 per annum had to support her and her dependent daughter
- submitted an unusually large amount of documents for a family visit application, including contracts of employment for applicant and spouse, tenancy agreements, medical documents relating to his spouse’s former partner, and a 17-page letter from his spouse’s solicitor quoting potential for a contravention of the applicant’s Human Rights under Article 8 of the European Convention on Human Rights³⁸ should the application be refused

UKVI issued the applicant a visit visa with the following justification:

- ‘Details of enrichment activity were not material in decision to issue visa. Details of interview were not material in decision to issue visa. CRS checks completed - no match. Streamed Amber. Level 2 Enrichment completed. Electronic VAF has been viewed by ECO and applicant’s circumstances have been taken into consideration. Satisfied evidence provided supports VAF statements regarding personal circumstances, stated intentions, funding and previous travel history.’

³⁷ Some punctuation has been added for the convenience of the reader.

³⁸ Respect for private and family life.

Inspectors asked UKVI:

- why the issue note made no reference to the specific circumstances of the case
- why the ECO was not concerned that the applicant's representatives were citing Article 8 of the Human Rights Act in a visit application
- why the ECO did not appear concerned that the applicant's Moroccan residence permit was due to expire shortly
- how the ECO was satisfied that the sponsor could fund a three month visit
- what Level 2 Enrichment had been completed

UKVI responded:

- 'This is an error on the ECO's part
- The applicant's Moroccan registration card is valid until 9.2.17
- The sponsor has submitted detailed bank statements, and although the balance is relatively low, these show consistent deposits. The applicant has also submitted a job offer which post dates the bank statements submitted, which the ECO has taken into consideration
- No Level 2 Enrichment was carried out
- MIDA checks³⁹ showed the applicant stayed 30 days in the UK on this visa'

Inspectors' comment

The generic issue note provides no audit trail of the ECO's evaluation and interpretation of evidence and, overall, is insufficient to justify how the decision maker was satisfied that this applicant met the Immigration Rules. In addition, it is inaccurate regarding the Level 2 Enrichment.

That the applicant remained in the UK for only one month and not three as requested is not an endorsement of the decision to issue as implied in the Home Office response, but rather the reverse.

- 9.18 Inspectors asked the Croydon DMC staff about the generic issue notes. They said that, while their training course had required them to tailor and personalise issue notes in line with the 2012 guidance, the local operational instructions were to use the generic 'copy and paste' template. They understood that the latter had been developed at the Sheffield DMC. Inspectors wrote to UKVI about this. UKVI responded:

"For low risk issued cases the ECO is required to confirm they are satisfied that the information provided supports the statements made on the VAF regarding the applicant's personal circumstances and stated intentions in the UK. More detail would be required where, for example, the ECO has undertaken an enrichment check or where the application, during assessment, has been found not to be a low risk application."

- 9.19 UKVI subsequently said that there was no local guidance issued to staff, and that staff were referred to the 2012 guidance. UKVI also stated, in response to a further question on whether managers would ever revoke a decision on the basis of a poor issue note: 'Where the issue notes are not of sufficient quality, this will be fed back to the ECO as a

39 Management Information & Data Analytics Service(MIDA). This is a reference to checking passenger information to provide exit data and evidence of compliance with previous entry clearance conditions.

development point.’ However, according to staff, and based on file sampling, there was no systematic feeding back to staff when notes were deficient.

- 9.20 As well as enabling entry clearance decisions to be quality assured and, where required, reviewed, issue notes allow decision makers to demonstrate that they have acted with integrity and honesty in line with the Civil Service Code.⁴⁰ Issue notes may also become important to Border Force and Immigration Enforcement, and to other departments and agencies, for example for intelligence and counter terrorism purposes.

Refusal notices

- 9.21 Guidance available on GOV.UK informs applicants that an ECO should normally refuse an applicant who does not meet the requirements of the Immigration Rules (allowing for any compelling circumstances).⁴¹
- 9.22 The refusal is communicated to the applicant in a letter (the ‘Refusal Notice’) outlining the reasons for the decision. The guidance to decision makers in respect of refusal notices states: “You must keep the reasons for refusal clear and concise and relevant to the applicant and the evidence provided.”
- 9.23 File sampling applications raised concerns regarding the quality of the refusal notices. Figure 10 gives a breakdown of refused applications where inspectors assessed the refusal notice as unsatisfactory.

Figure 10: Unsatisfactory refusal notices			
	Croydon	Istanbul	Total
Settlement applications ⁴²	15 of 40	12 of 37	27 of 77
Visit visas sampled prior to onsite visit	5 of 40	6 of 40	11 of 80
Visit visa decisions sampled onsite	24 of 49 ⁴³	9 of 50	33 of 99
Total	44 of 129	27 of 127	71 of 256

- 9.24 Inspectors identified three broad themes.
- Factual inaccuracy, for example:
 - Five cases refused for lack of evidence of ongoing courses of study, despite documentary evidence on file showing enrolment in ongoing courses
 - Six refusals that asserted there was no evidence of income, where evidence had been provided
 - A Family Visit refusal on the basis that the applicant could not afford the proposed visit, when there was undisputed evidence of £24,000 in savings
 - Country confusion, including two refusals that incorrectly considered the applicants’ circumstances in countries in which they had neither lived nor claimed ties, and another that considered the application in relation to circumstances in Turkey when it was made in Tel Aviv

⁴⁰ <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code>

⁴¹ <https://www.gov.uk/government/publications/refusing-an-applicant-rfl01/refusing-an-application-rfl-11>

⁴² Of 80 issue cases requested, 7 were out of scope. Of 80 refusals, 3 were out of scope.

⁴³ One of the cases provided by the Home Office was out of scope for this inspection.

- Four Settlement applications refused on the basis of no evidence that the applicant had taken an English Language test administered by a centre ‘approved by UKBA’ (UKBA was formally dissolved in 2013)
- Inappropriate grounds for refusal, for example:
 - A Family Visit application refused because the applicant had made two previous applications to ‘live permanently’ in the UK when those applications were for 15 day visits
 - A refusal based solely on submitted documents being ‘too faint’(sic) and therefore illegible, while inspectors found all submitted documents to be legible and the DMC manager agreed
 - A Family Reunion application refused on the basis of an alleged consanguineous marriage, which on review the DMC agreed was not within the legislated prohibited degrees of relationship⁴⁴
 - A Family Reunion application refused on the basis of ‘such a limited body of evidence’ to demonstrate a genuine and subsisting relationship with the UK-based husband, that ignored the fact that the husband had given details of the marriage during his asylum interview, and that the applicant had submitted a marriage certificate and passports for their four dependent children born over a ten year period
- Unclear refusal reasons, for example:
 - Four Settlement refusals that instructed the applicants they had not provided all of the mandatory evidence listed in guidance to applicants, without specifying which evidence was unsatisfactory or missing
 - A Settlement application refused for failing to meet the relationship requirements, but incorrectly concluding that the applicant met the maintenance requirements
 - A Family Reunion refusal that stated “I am therefore not satisfied...that your marriage took place **after** the person granted refugee status left the country of his former habitual residence.” The ECO should have been looking at whether the marriage had taken place **before** leaving the home country

9.25 Inspectors also found five decision letters that contained significant grammatical errors, plus others in which paragraphs appeared to have been cut and pasted from notices for other cases.

Overall decision quality and disputed decisions

9.26 Inspectors found a number of problems with decision quality, in terms of overall outcomes and in how some evidence was interpreted.

9.27 Figure 11 provides a breakdown of decisions inspectors disputed as flawed and the result of the UKVI’s review of those cases.

⁴⁴ The applicant and the sponsor were first cousins. Marriage between first cousins is banned in some countries, but is allowed by UK marriage law - ‘Marriage (Prohibited Degrees of Relationship) Act 1986’.

Figure 11: Disputed decisions and outcomes of UKVI reviews⁴⁵

Offsite file sample		
	Disputed decisions	UKVI review outcomes
Istanbul	1 settlement issue	1 family visit refusal revoked
	4 settlement refusals	7 decisions maintained
	1 family visit issue	
	2 family visit refusals	
Croydon	1 settlement issue	2 family visit decisions agreed to have been of poor quality
	1 settlement refusal	4 decisions maintained
	4 family visit refusals	
Onsite file sample		
Location	Disputed decisions	UKVI review outcomes
Istanbul	5 visit visa refusals	3 decisions revoked
		2 decisions maintained
Croydon	11 visit visa refusals	3 decisions revoked
		1 decision maintained
		7 decisions agreed to be reassessed

9.28 Case studies 3 and 4 illustrate areas of decision making where inspectors disagreed with UKVI's assessment.

Case Study 3: Decision quality - inappropriate grounds for refusal

A non-EEA applicant, resident in Israel, applied for a 5 day visit visa with his wife and son:

- he stated that he had been employed for two and a half years employment as a delivery driver for a large soft drinks company (paid c. £2500 per month)
- he stated that he was one of 700 employees and their family members being treated to a trip to the UK as an all expenses paid bonus
- he submitted an Israeli issued travel document

⁴⁵ UKVI was under no legal obligation to take any further action, but agreed to review the disputed decisions. Where the initial decision had been to issue the visa there was little that UKVI could do as it was likely that the visa had already been used. Where a refusal decision was revoked, UKVI undertook to contact the applicant to offer the opportunity to undertake the proposed travel, and to ensure that the initial adverse immigration decision was removed from the individual's Home Office record.

UKVI refused the application for the following reasons:

'You state you are a delivery driver at [name of soft drinks company] earning 12000NIS (£2536) a month. You state this trip is a gift from your employer for you and your family and that they will finance it in its entirety. You have submitted a letter from [name of soft drinks company] confirming the above, however aside from this there is nothing to show that your income is as stated. Nor is there any evidence of your employers financial circumstances or if they have the ability to finance this visit. You have provided no further evidence of your personal and financial circumstances. As a result I am not satisfied your circumstances are as you have indicated, nor on your intentions in wishing to travel to the UK now. Given the above I am not satisfied that you are a genuine visitor and will leave the UK at the end of your visit or that you have sufficient funds available to cover your costs whilst in the UK without working or accessing public funds.'

Inspectors' comment:

Inspectors found that, as part of the initial consideration of this application, UKVI had contacted the claimed employer who had confirmed all the details provided by the applicant. An internet search quickly established the status of the soft drinks manufacturer and its capacity to fund the visit. A wealth of positive evidence about the applicant's personal and economic circumstances had been disregarded and was not considered when assessing the application on the balance of probabilities. As a result, the initial refusal notice contained inappropriate grounds for refusal.

UKVI action in response:

The refusal decision was revoked and reconsideration resulted in the decision to issue the visa at the start of March, but the applicant had missed the group trip.

In April, the employer responded to UKVI and stated that they were no longer willing to finance a trip to the UK for the applicant and his family. The application was refused for a second time at the start of May.

Independent Chief Inspector's comment:

Because of poor initial decision making by UKVI the applicant now has a visitor refusal decision on his UK immigration record, which may adversely affect future applications. This is unreasonable and should be remedied.

Case Study 4: Decision quality – failure to consider credibility

An Afghan woman who applied to visit her daughter (a German national) in the UK for 8 days:

- was married to a German national, held a German residence permit and had lived in Germany for over 10 years
- had previously been issued with six UK visas, both visit visas and EEA Family Permits (when being accompanied by her German spouse)

UKVI refused the application on the basis that:

- some documents supplied were not accompanied by English translations
- the applicant had not demonstrated the source of her income
- the applicant had not evidenced sufficiently strong family, social or economic ties to “your country of origin to demonstrate that you intend to leave the United Kingdom”.

Inspectors’ comment:

The ECO appears to have disregarded the applicant’s positive history of issued visas and compliance. It was incorrect to use the ‘country of origin’ reference given that she was married to an EEA national and had been formally settled in a third country (Germany) for a significant period of time. This decision focused on documents provided (or not provided) without a balanced consideration of the applicant’s credibility arising from her personal circumstances and UK travel history.

UKVI action in response:

UKVI decided to reassess the application. At the time of writing this report, case records showed no action had yet been taken.

Faulty interpretation of evidence

- 9.29 File sampling found a number of instances where the decision was reasonable in view of the evidence available at the time, but the interpretation or assessment of some of the supplied evidence was incomplete or incorrect. There were 14 such examples (out of 320) in the applications sampled prior to the onsite visits, and a further five (out of 100) amongst the applications sampled onsite.
- 9.30 Case study 5 is an example of failing to provide an applicant with accurate reasons for refusal, resulting in poor customer service, since the applicant would undoubtedly have been confused about what evidence UKVI required.

Case Study 5: Decision quality – faulty interpretation of evidence

In November 2015, a woman made a settlement application to join her British husband in the UK.

UKVI refused the application on the basis of:

- lack of specified evidence to demonstrate meeting financial requirements
- lack of evidence of being able to accommodate the applicant
- no evidence of a subsisting relationship

Inspectors' comment:

The application did not satisfy the Immigration Rules as the UK sponsor failed to submit the required evidence of income and suitable accommodation. These are mandatory 'specified documents', and finance and accommodation having been identified in the refusal notice the applicant could reasonably be expected to understand what she needed to provide with any re-application.

However, refusing the application also on the basis that there was no evidence of a subsisting relationship did not fit the facts of this case. UKVI had issued the applicant with a marriage visa in May 2015, and a marriage certificate showed the couple had married in September 2015, just over two months before the application was made. In the circumstances, the applicant could not be expected to understand what further evidence she could provide.

UKVI Response:

UKVI accepted that refusal on the basis of no evidence of a subsisting relationship was incorrect.

Further outcome:

The applicant reapplied for settlement in February 2016 and an entry clearance was issued.

Quality Assurance Reviews by ECMs

- 9.31 Quality assurance work by Entry Clearance Managers (ECMs) is governed by UKVI's 'Risk to Review' (R2R) strategy. At the time of the inspection, UKVI was reviewing R2R. Its aim was for R2R to be applied consistently across all regions, with all DMCs operating the two types of R2R regimes - 'baseline' and 'tactical operational'. This new R2R strategy was issued in April 2017.
- 9.32 UKVI's intention is that all DMCs carry out the same 'baseline' reviews. These reviews will focus on the risk to immigration control and involve a 'second pair of eyes' check of decisions that deviate from the norm before the decision is given to the applicant. 'Deviations' include where the decision is not consistent with the streaming tool result. For example, where an ECO decides that an application streamed Red should be issued they must obtain an ECM's approval before issuing. Other examples include applications where the Home Office holds an adverse immigration record and those where deception is suspected. The ECM's approval may be oral, but the ECM must create a note on the case management system to justify the decision.
- 9.33 In the sampled applications, in most instances where a review was mandated it had been carried out. It appeared, therefore, that where applications were recognised as higher risk referral to an ECM to review the decision was providing an effective safeguard against decision errors. However, file sampling also indicated that insufficient attention was being given to the quality of refusal notices in these reviews. In two of the decisions from the onsite Croydon sample, for example, the mandatory ECM review failed to identify that the wrong sub-section of the Immigration Rules had been cited in the refusal notice. In these cases, the applicants were wrongly refused for failing to disclose material facts when they should have been refused for submitting false documents.

- 9.34 At the time of the inspection, ‘additional/rotating’ reviews were applied to a random ‘dip sample’ of cases from specific streams of work, including where the DMC had concerns about decision quality. They were carried out after the decision had been sent to the applicant. They involved a full review of the case, including the application form, supporting evidence, enrichment results and Proviso notes.
- 9.35 Unlike the ‘baseline’ reviews, the R2R strategy does not set benchmarks for ‘tactical operational’ reviews, and there is therefore a risk they will not be seen as a priority when ECM resources are stretched. In Croydon, where ECMs were significantly below strength during most of the period covered by the inspection, ECMs told inspectors that they had been unable to do any dip sampling.
- 9.36 Most of the ECM reviews in the file sample were recorded in a template minute on Proviso, giving the impression of a superficial approach. A large number failed to identify record keeping and decision making errors, reinforcing this impression. Inspectors identified the examples of poor ECM reviews in both the Croydon and Istanbul file samples.
- Eight applications had particularly poor document retention or record keeping, yet the ECM minutes made reference to being satisfied that sufficient notes had been made or relevant documents retained
 - Four decision notices were reviewed, but still sent to the applicant with inappropriate references to ‘UKBA’⁴⁶
 - One decision advised the applicant wrongly that they had met the financial requirements of the Immigration Rules
 - One decision referred to a lack of evidence of support from a cousin in the UK when the applicant was actually supported by his father in his home country
 - One decision was revoked following an ECM review so that an inappropriate refusal paragraph could be removed, but the amended decision retained inappropriate wording despite having been reviewed for a second time by the same ECM
- 9.37 However, there were also examples in the file sample of effective ECM reviews that had identified and corrected errors within decisions. See the case study below.

Case Study 6: Example of an effective ECM review that identified and corrected decision making errors

The applicant, who requested a settlement entry clearance as the spouse of a British national:

- submitted a recent marriage certificate but no other documents to evidence a genuine relationship
- submitted an English language certificate from an institution not recognised by the Home Office

⁴⁶ The four applications under review here are those referred to in paragraph 9.24.

The Croydon ECO refused the application for failing to meet the relationship and English language requirements and included the following wording:

‘There is no information about how long you have known each other or when your relationship began and there are no photos to confirm you have actually met in person...I am not satisfied that you have submitted adequate information or evidence to demonstrate that you and your sponsor have met in person...Given all the above, I am not satisfied that you meet the requirements of Paragraph E-Ecp.2.5 or E-ECP.2.6 or E-ECP.2.10 of Appendix FM of the Immigration Rules which states that the applicant and their partner must have met in person, that the relationship between the applicant and their partner must be genuine and subsisting and that the applicant and partner must intend to live together permanently in the UK.’

The Croydon ECM:

- identified that the applicant had mentioned her stated spouse in previous UK visa applications and had visited the UK sponsor on a number of occasions since 2011
- revoked the decision and instructed the ECO to amend the wording to remove all reference to the applicant never having met the spouse in person
- approved the revised refusal which focused on the English language requirement and the limited evidence of the marriage being genuine and subsisting

Inspectors’ comment:

This ECM review was effective at identifying an inappropriate refusal reason and correcting the error. In this instance, the ECM took the time to assess the application fully, including reviewing past visa applications which the ECO appeared to have missed. The record of the review was clear and complete. This example shows the value of the ECM review process when completed thoroughly.

Feedback on decision quality from ECM reviews

- 9.38 ECM reviews are intended not just to prevent or correct wrong decisions, but also to improve ECOs’ understanding and performance through constructive feedback. However, inspectors found that, in practice, the reviewing ECM often corrected minor errors themselves without providing any feedback to the ECO. This left staff unaware of poor performance, and therefore unlikely to improve. As one ECO told inspectors “I’ve never had any feedback, so I assume that all my decisions are correct”.
- 9.39 UKVI informed inspectors that Istanbul had introduced a ‘zero tolerance’ approach to decision errors in January 2017. This meant that any issues identified during an ECM review were referred back to the ECO to correct and learn from.
- 9.40 Both the Croydon and Istanbul DMCs had operated for all or part of the period covered by the inspection with fewer substantive ECMs than their agreed headcount. In Croydon ECM numbers had been a particular problem, while in Istanbul local management had covered their single ECM vacancy for four months by giving temporary promotion to four ECOs on a rotating basis. However, such solutions were not ideal and there was some management concern in both DMCs that ECOs made up to temporary/acting ECMs might feel reluctant to challenge the decisions of their ECO colleagues.

9.41 Croydon DMC had attempted to improve decision quality by holding monthly workshops where common errors and quality themes were discussed. However, local managers told inspectors that the shortage of substantive ECMs and the continual turnover of staff in the decision-making grades made it very difficult to achieve consistency and to drive continuous improvement. It was evident that the lack of meaningful feedback contributed to the error rates found in the file sample, in particular in Croydon because of the persistent under-resourcing at the ECM grade.

Annex A: Criteria used in this inspection

This inspection used seven of the ten ICIBI criteria.

Operational Delivery

- Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration
- Customs and Immigration offences should be prevented, detected, investigated and where appropriate, prosecuted
- Resources should be allocated to support operational delivery and achieve value for money

Safeguarding Individuals

- All individuals should be treated with dignity and respect and without discrimination in accordance with the law
- Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations

Continuous Improvement

- The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions
- Risks to operational delivery should be identified, monitored and mitigated

Annex B: Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The legislation directs the Independent Chief Inspector to consider and make recommendations about, in particular: consistency of approach

- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.
- In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session. Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

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