



UK Visas for visiting Malawians brief

6th June 2016

CONTEXT:

Representing 920+ Scottish organisations and key individuals with civic links to Malawi, the Scotland Malawi Partnership (SMP) is keen to highlight what we see as extremely serious shortcomings in the way in which UK visa applications are handled by HMG. We believe development and diplomatic cooperation between the UK and countries like Malawi is being undermined by the dysfunctional processing of UK visas. We are keen to highlight the reputational damage being done to HMG as a result of these systemic failings.

Over the past decade SMP members have been experiencing issues regarding the way in which UK visas for their partners are handled. The situation is worse today than ever before: our partners in Malawi are treated with contempt from the outset, with ever increasing charges and an ever decreasing quality of service.

Week after week, Scottish churches, schools, NGOs, businesses, NHS boards, hospitals, universities and community groups are having to cancel visits –often at considerable cost- because UK visas have not been processed correctly or in time. Such failing systems waste phenomenal quantities of not just community and charitable funds but also tax payers' money, as one arm of government invites southern partners to the UK and another summarily rejects their visa applications.

We are keen to emphasise that the SMP is not simply criticising the decisions made by UKVI regarding who is and who is not awarded a UK visa. Rather, the core frustration amongst our members in Scotland and our partners in Malawi are the myriad failures inherent in the system, experienced long before a decision is made.

Malawians regularly tell us that getting a visa for the UK is almost impossible because they are faced with endless bureaucracy, failing systems, non-existent customer service, and they can only ever speak with private businesses contracted to work for the UK Government.

By contrast, our friends in Malawi tell us, when invited to the US they are able to go directly to the US embassy in Malawi with their passport and find out whether they are able to gain a US visa or not. The USA is not famed for having a generous immigration policy; however, because the visa process is competently managed by the US Government (rather than contracted and sub-contracted to the cheapest bidder) -and because visa issuing is seen as an important function of state- sensible, proportionate and effective processes are in place to be able to assess risk and make decisions.

We are told by UKVI and the FCO that tough systems are required to maintain the UK's border and prevent absconders. However, despite repeatedly asking, we have never received information about the number of people who abscond from Malawi while in the UK. In its eleven years of operation, representing 94,000 Scots with active civic links with Malawi, the Scotland Malawi Partnership has never heard of a single instance in which a Malawian invited into the UK by one of its members has absconded. These are typically large, credible, well-known Scottish organisations inviting their partners to Scotland as part of long-standing people-to-people, community-to-community and organisation-to-organisation links. We do not believe this is an area in which there are significant levels of illegal immigration into the UK.

We are concerned that policy is not evidence-led but rather driven by assumption and prejudice. We fear each new hurdle UKVI places in front of Malawians invited to Scotland is not the result of a sober risk analysis but rather a knee-jerk sense of wanting to be seen to be tough on fraudulent applications. Worse, we fear there is less interest in making the right decisions once applications are complete, than there is in reducing the number of applications by making the process ever harder to navigate and complete. The result is a system which is bewildering and ineffective.

When we have previously raised these concerns in Parliament we have been told that c82% of UK visa applications from Malawi are successful. We find this *extremely* surprising and would welcome further scrutiny of this figure. Even those applications in which the SMP is directly involved and supports through direct channels, do not enjoy this success rate. We can only imagine that, if correct, this figure must be from a very select data-set, we argue making it misleading and unhelpful. We presume this percentage is only from those who fully complete the application process and we note that a very significant proportion of our members who start the process of applying for a UK visa for their partners to visit the UK are never able to complete the process due to systemic failures. We also presume that this figure includes within it visas that are awarded on the day of travel or even after the scheduled travel date: these are visas for which it would be impossible for our partners in Malawi to ever use.

The SMP exists to champion a model of development driven by a sense of dignified partnership. We note that this is not the tone taken by UKVI in its correspondence with those in Malawi we invite to the UK. Those we invite to the UK are too often addressed in hostile terms: looking at the tone taken by UKVI, the implication is that there is some underlying suspicious or malevolent reason for them wanting to come to the UK. We are disappointed by this tone which we fear only serves to undermine the diplomatic efforts of HMG and the civic friendship between countries such as Scotland and Malawi.

RECOMMENDATIONS:

Time and again, errors are exposed and systemic flaws highlighted in the way UK visas are handled but there seems to be scant interest from UKVI in listening to or learning from this experience, or improving the quality of its service. We therefore welcome the opportunity to have this debated in Parliament and we look to take this opportunity to call on HMG to:

- (1) Undertake an independent review of the quality and effectiveness of the service offered by UKVI in its handling of UK visa applications for those invited to the UK by a credible UK-based organisation.
- (2) Commit to undertake relevant recommendations of this review in a timely manner, to ensure an improved quality of service.
- (3) Establish systems for applicants and sponsors to be able log concerns and issues as they arise, with a strong organisational commitment from UKVI to respond to and learn from these concerns.
- (4) Publish clear and unambiguous online and offline instructions detailing how to apply for a UK visa and what to include, and work with external partners like the Scotland Malawi Partnership to disseminate this information.
- (5) Significantly increase the support available for applicants and sponsors at each stage of the visa application process, such that questions can be asked and issues addressed in a timely manner.
- (6) Establish a formal role partners like the Scotland Malawi Partnership can play in supporting applications.

TOP TEN MEMBER CONCERNS:

(1) Lack of clarity as to how to apply and what to include:

It is extremely difficult to ascertain the necessary steps to secure a UK visa and what precisely to include with an application. There is now a complex online process with details required from both the applicant and the sponsor before a series of offline processes including securing bio-metric data, physically printing and signing the electronic form, and posting passport and supporting evidence to another country for assessment. All of this is very unclear. Malawians tell us it seems every stage is designed to confuse, frustrate and deter. There is no clear exhaustive list of what evidence to include with an application, meaning there is no limit to the number of reasons an application can be refused for offering "insufficient evidence".

All those applying for a UK visa from Malawi must visit the Visa Application Centre in Lilongwe which is run by a private company, contracted to UKVI. When visiting this centre earlier this year we were told that, as part of their contract with UKVI, the Centre is not allowed to give information or advice as to what evidence to include with an application but rather they must just encourage applicants to find this information themselves online.

(2) Inappropriate and dysfunctional online systems:

Since December 2013 all UK visa applicants must complete a lengthy online application form despite the fact that connectivity in Malawi is extremely problematic. Less than 10% of Malawians have access to electricity and only a small fraction of the population has reliable access to the internet. The system is wildly out of touch with the realities of life in Malawi.

We visited the Visa Application Centre earlier this year and were told that, according to their contract with UKVI, staff were not allowed to give information or advice as to what evidence to include with an application and instead advised prospective applicants to find this information online. We then asked the head of Visa Application Centre to show us where this information was online but were told that this wasn't possible at present as the internet was not working. This is the reality of life in Malawi: if internet is not reliable in the Visa Application Centre in the capital city, it is certainly not viable for the overwhelming majority of Malawians who live outside urban centres.

Furthermore, the website itself has proven itself to be extremely unreliable and dysfunctional. For many months the 'country of applicant' drop-down box only had the first letters of each country visible, meaning applicants had to ascertain how many countries began with the letter M, and put these in alphabetic order to ascertain which link to click. Today, the website continues to crash and the online payment pages are routinely out of service meaning applications cannot be completed.

(3) Lack of support at every stage:

UK nationals seeking information and support to apply for a visa, or simply wanting to flag up when the website crashes, are directed to a telephone support line. Anyone calling this number is asked for credit card details before the call is taken, such that the caller can be charged exorbitant rates per minute for the duration of the call. The idea that the UK charities, churches, schools, hospitals and community groups have to give out credit card details to be permitted to speak to their own government is appalling, especially considering all other costs involved to make an application.

When issues arise during an application there is no effective way for either the applicant or sponsor to address the issue in a timely way. In one recent incident, UKVI had made an obvious mistake in the handling of a visa application meaning the applicant would not be able to travel as planned. We flagged this to all our contacts, highlighting the urgency of the situation (travel was for the following day) and were told that the issue would be resolved if we emailed the support email address PTA.VisaEnquiries@fco.gov.uk. We spoke to the Visa Application Centre and said we were not confident an email was sufficiently urgent to resolve the situation but were assured that it would be looked at immediately, for urgent action. Upon emailing, we received an auto-reply saying this *"This inbox is no longer monitored and your e-mail has not been sent elsewhere for consideration"*. Despite having flagged this repeatedly, we suspect that months later this same email address is given out daily to those with urgent visa issues, oblivious to the fact that no one checks this email address.

The communication systems within Malawi are equally dysfunctional. Applicants must visit the Visa Application Centre in Lilongwe, often travelling hundreds of miles across the country. This is a costly and time-consuming journey for the vast majority of Malawians as there is little by way of formal public transport provision.

They then have to wait weeks while the application is considered in Pretoria and are informed by text when a decision has been made. However, they cannot ascertain whether they have been successful or not without physically visiting a visa centre to open the envelope. This means Malawians frequently have to travel all the way to the Visa Application Centre just to find out that some additional information or evidence is required for their application. They then often have to travel back to their village across the country, to return with the additional paperwork.

We cannot see any logical reason systems could not be established by which information about whether an application has been successful or not could be sent to an applicant before they travel to the Visa Centre, rather than just alerting that an envelope is ready for collection.

(4) Factual and procedural errors and misinformation:

It is all too common to see errors which have been made in the visa decision-making. For example, we have seen a number of UKVI visa decision letters which have the wrong names of applicants, have confused countries and cities, and have clearly not read the information enclosed with the application.

It is also not uncommon to receive incorrect and inconsistent information as to the process to be followed. For example, we have previously been told that applicants can save time and money by only completing the biometrics process after a visa has been awarded: this seemed a sensible step forwards so we passed this information on to our members. Weeks later we were told that it has always been impossible to begin an application without this bio-metric data, directly contradicted the information we had been given and the advice we had in turn been giving members.

Case Study: Nthumwi Piksy

On the 16th April 2016 the Malawi Association UK (MAUK) hosted their national [Malawi Achievers Awards](#) in Birmingham, at which [Nthumwi Piksy](#) (a very popular and high profile Malawian musician) was billed to perform. This is a significant annual UK-wide event, recognizing the important contribution that the Malawian diaspora play. This popular and high profile event has good media coverage in the UK and Malawi; it sells out each year, with tickets costing £60.

MAUK applied for a UK Visa for Piksy in good time with the full support of the Scotland Malawi Partnership. We sent weekly emails to the visa handling department in Pretoria, as encouraged to do so, highlighting the importance of this visa. No replies were received to any of these emails.

Three days before his planned departure, Piksy received a letter from HMG (see appendix) saying he had not been given a visa.

This letter is simply appalling. It has not even been completed by UKVI but includes all the generic and confidential information for the grant assessing officer.

It says throughout '*we refuse your visa because [enter refusal reasons here]*'.

When this was flagged to HMG, UKVI accepted that it was responsible for the error but was slow to effect a solution. UKVI suggested that the musician immediately fly, at his own expense, from Blantyre in Malawi to Johannesburg, then drive to Pretoria to have his passport stamped at the visa handling centre. He would then have to drive and fly back to Blantyre, to then undertake his planned journey from Blantyre to the UK. All of this would have had to have happened within 36 hours.

(5) Significant delays in processing:

There are increasing delays in the handling of UK visas from Malawi. We have seen repeated instances of visas being issued on the day of travel, moments before flights are due to depart, often in a different city. We suspect each of these cases would still count towards the UK Government's statistics showing visas successfully issued, despite being issued so late that it would be impossible for the journey to take place. It is also common to see visas issued long after the scheduled date of travel.

Where applications are delayed, applicants are told by UKVI that they should have paid extra for the expedited service. However, we are told by members that it is currently not possible on the UKVI website to be able to purchase the expedited service for applications from Malawi. We are disappointed that even the most basic levels of reasonable service are now the preserve of those customers who have paid additional sums to have their application fast tracked: we would be further appalled if this expedited service was indeed not even available for those from Malawi.

(6) Unreasonable information requirements:

The application form for UK visas (even for short, fully funded, visits at the specific invitation of credible UK agencies) runs to 15 pages; it is incredibly detailed and requires an extra-ordinary level of supporting evidence, including, *inter alia*: marriage and birth certificates for family members, letters from the employer, bank statements for the past 3-6 months, vehicle ownership documents, financial details of family members, letters of invitation from the UK, financial status of the UK sponsor, full details of everywhere that will be visited in the UK. There is no exhaustive list of what to include, so there is always a reason UKVI can give for the applicant not having included sufficient supporting evidence. There is *always* another bank statement or another birth certificate that can be deemed "missing".

(7) Affluence as a prerequisite to visit the UK:

Rule 41vii of the UK Visa and Immigration service's "Visa Requirements for Incoming Groups from Visa National Countries", insists that visitors to the UK must have evidence of sufficient funds to cover the costs of their visit and their return to the country of origin. This is, according to the UK policy, a requirement irrespective of the sponsor's assurances that they will cover all associated costs. By our estimates this could mean more than 97% of Malawians are simply not rich enough to be allowed to accept an invitation to the UK, irrespective of who invites them and how much funding is available to support their visit. The result is that, even relatively affluent prospective visitors from Malawi have to pool all funds from their friends, family and community for many months prior to travel, to try and prove that they are rich enough to be allowed to accept their invitation to travel to the UK.

(8) Inappropriate "Cashless" systems:

The move to a cashless system might make sense from Westminster but not in Malawi. In any meaningful sense, there is no such thing as a cashless system in Malawi. It is extremely hard for Malawians to undergo the required process, as international credit cards do not exist in the same way in Malawi. The result is a flurry of cottage industry intermediaries springing up, to which Malawians can pay in cash (including a hefty additional fee) and who can then make an onward electronic transfer.

We are told the UK sponsor can pay the fees this end. This very rarely works. The IT system continues to crash regularly and it is incredibly hard, often impossible, for the UK sponsor to be able to get to the appropriate place in the application and make the payment. These systems simply do not work.

There seems to be no relationship between the costs charged for a UK visa application and the quality of service offered. Costs are prohibitive for most in the continent of Africa. They are non-refundable, even if unsuccessful. Sometimes applications are successful on their third or more attempt, often due to initial errors made by the assessing officer: irrespective of this, fees are charged at each stage and for each application.

(9) Outsourcing to private companies:

It is immediately clear to the applicant that the UK Government has outsourced its front-facing responsibilities on visa handling to a private company, the cheapest bidder. Looking at the quality of the selection process, the mistakes made, the timescales involved and the appalling failures of the new web-system, it is clear that there is insufficient resourcing allocated to the process despite applicants paying very considerable sums for precisely these services. When this issue was last raised in the House of Lords, by chance the next day HMG changed the contract for visa applications from company "A" to company "B", immediately upon this decision being made company "B" outsourced this work back to company "A" and, in the process, added a new £60 fee for all Malawians applying (roughly two month's average salary). We express strong concern at the UK contracting out elements of visa issuing to private companies.

(10) Outsourcing to regional hubs:

All UK visa applications from Africa are now handled in regional hubs. We believe any administrative savings gained through this regional approach are more than offset by:

- Significant delays as passports, birth certificates, bank details and other essential documents are sent back and forth across the continent.
- Errors in decision-making resulting from a lack of knowledge and experience of the specific country concerned by the visa handling officer.
- Significant issues as applicants have to pay online in the currency of a country sometimes thousands of miles away.
- Serious logistical problems when urgent issues arise. For example, we saw an instance where a mistake by UKVI resulted in a severely disable Malawian having to fly at his own expense to South Africa to have his passport stamped at Pretoria because this could not be done in Malawi. In this instance our friends in Malawi ask why have a British High Commissioner stationed in Malawi if he/she is not vested with sufficient authority to stamp a UK passport.



GV51 Visit (NRA)
Rev 11/15

REFUSAL OF A VISIT VISA

Post reference: **PRY / 1369576**

To: **EVANS PIKSY ZANGAZANGA**

Date of Birth: **09 Jun 1986**

Nationality: **MALAWI**

Exchange rate: £1= ZAR 24, AOA 230, BWP 16., EUR 1.3, LSL 24, MWK 1000, MZN 64, NAD 24, SZL 24, USD 1.42, ZMW 16, MUR 50, MGA 4500, KMF 650, SCR 18

Exchange rate: £1=BIF2200 (Burundi Francs), CFA860 (Congo Francs), CDF1300 (DRC Francs), DJF250 (Djibouti Francs), ERN21 (Eritrean Nakfas), ETB30 (Ethiopian Birr), KES150 (Kenyan Shillings), RWF1100 (Rwandan Francs), SDG10 (Sudanese Pounds), TZS3100 (Tanzanian Shillings), UGX5000 (Ugandan Shillings), USD1.42 (US Dollars), SSP4.87 (South Sudanese Pounds)

Your application for a visit visa to the United Kingdom has been refused.

How your application was considered

You have applied for a visa to visit the UK.

In deciding whether you meet the requirements of Appendix V: Immigration Rules for visitors (<https://www.gov.uk/government/collections/immigration-rules>), I have considered:

- your application, and any additional relevant information you have provided with it NB: do not include reference to additional relevant information if refusing on mandatory suitability ground(s) only
- your immigration history
- an interview with you
- an interview with your sponsor

Include this only where you have relied on "other information" to form your credibility assessment

- other information including:
 - published information on the political and/or economic and/or security situation in the country or countries where you have a right to reside permanently provide link where relevant;
 - published statistics on immigration non-compliance by visitors applying from the same geographical region as you provide link where relevant.

The decision

I have refused your application for a visit visa because I am not satisfied that you meet the requirements of paragraph(s) enter paragraph number(s) of Appendix V: Immigration Rules for Visitors because: provide details on what requirements are not met and why you are refusing the applicant]. NB: Where relevant, insert wording in Annex B of the refusal notice training guide [add link] as appropriate.

- enter refusal reasons

Future Applications

Any future UK visa applications you make will be considered on their individual merits, however you are likely to be refused unless the circumstances of your application change.

Entry Clearance Officer	Enter ECO name	Date of refusal decision	04 Apr 2016
Date sent to applicant		How decision was sent	Via VAC
If this notice was personally handed to you by an Entry Clearance Officer, please sign below:			
Applicant's signature		Date	