



## UK Visas for visiting Malawians brief

3<sup>rd</sup> May 2018

### CONTEXT:

Representing 1,150+ 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 UK visa applications are handled by the UK Government. These shortcomings are not only affecting our work and that of our members across Scottish civil society, we believe the UK Government's own development and diplomatic efforts are being hampered and at times undermined by the hostile tone and dysfunctional processing of UK visas. We are keen to highlight the reputational damage being done to the UK as a result of these systemic and policy failings.

We see these visa issues as a direct part of the wider "hostile environment" policy which has underpinned UK Immigration policy. We are delighted at early indications that the new Home Secretary is looking to end this policy. We actively welcome this. We believe that any serious effort to move away from this policy will require the UK Government to look beyond the immediate Windrush scandal and review the way UK visas are issued and the impact this has on governmental and non-governmental development, diplomatic, faith, community and trade links. We need to assess the human cost of this hostile policy and look to understand the damage it is doing.

The SMP has raised these issues with successive immigration ministers. Brandon Lewis MP never replied to the SMP and Caroline Nokes replied in writing, refusing to meet the SMP and listen to Scotland's concerns, stating that "*The Home Office believes it provides an excellent visa service*". Every Scottish political party has raised this issue in the Commons, including in a [September 2017 Westminster Hall Debate](#). These issues were also highlighted [yesterday in the Guardian](#).

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

We have experience of Scottish churches, schools, NGOs, businesses, NHS boards, hospitals, universities and community groups having to cancel visits –often at considerable cost- because UK visas have not been processed correctly or in time. Such failing systems waste considerable 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.

Visa handling processes are not, we feel, currently designed in an intelligent, proportionate and targeted manner to try and reduce the chance of abuse. Rather, we fear they are either specifically designed to be hostile, unwelcoming, unhelpful and hard to navigate, or –at best- there is a wilful effort to turn a blind-eye to immediately obvious systemic and policy shortcomings in the hope that the less effective the system, and the more people deterred from applying, the lower net migration.

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 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. The result is a system which, whether successful in getting a visa or not, is fundamentally humane.

We are concerned that UK 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.

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. Our partners are too often addressed in overtly hostile terms with an implication 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.

## **CASE STUDIES:**

We can offer a host of case studies showing the human impact of the issues we present in this paper. Scots and Malawians are available for interview and comment on request.

One recent example was the [Scotland-Malawi Big Commonwealth Lunch](#) on Commonwealth Day, part of the UK Government's celebrations of the Commonwealth in the run up to the Commonwealth Heads of Government Meeting (CHOGM). Every Malawian performer at this lunch did or would have had their visa rejected if not for frantic SMP intervention at the last minute. Malawian musician Danny Kalima for example, [who featured on the Dutch version of 'The Voice'](#), was rejected a visa and, even with the SMP's support, faced the humiliation of being told he was not rich enough to be trusted to enter in the UK. Similarly, Malawi's famous [Zathu band](#) had visas summarily rejected. And rapper [Nthumwi Piksy](#) earlier had a visa rejection letter which said '*we refuse your visa because [enter refusal reasons here]*'. If even Malawi's most famous musicians are treated in this way when invited to the UK to celebrate the Commonwealth bonds of friendship, it is clear just how much damage is being done by this hostile, inhumane and humiliating policy.

## **CLARIFICATIONS:**

- 1) **The issues we highlight in this paper are not unique to the Scotland-Malawi relationship.** Speaking with colleagues, it is clear precisely the same frustrations are felt across Wales, England and Northern Ireland amongst those involved in international development and international partnerships across the developing world. We can signpost to relevant organisations and networks in each of the nations of the UK who can provide their own case studies showing the disastrous human impact of the way UK visas are handled. Given the scale and strength of the Scotland-Malawi relationship, we have a unique vantage point to see the damage done by this policy to the UK's international standing, and a voice to communicate these issues.
- 2) **We do not find fault with any *individuals* within UKVI** and we recognize that there are staff members who are alert and responsive to individual cases highlighted by the SMP, for which we are extremely grateful. Since raising the issue repeatedly in the House of Commons, the Lords and the media, we now have strong channels to specifically support individual applications which we know of in advance. However, very few others have these channels to support visa applications and even those who are supported in this way still have to go through the frustrating and at times humiliating application process. The issues we raise here relate to the policy, systems and structures, rather than any of the individuals involved.
- 3) **We are 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. We do not feel the proportion of visas rejected or approved is an indication of the issues experienced, as:

- (i) many of those who start an application are never able to complete it, or are successfully deterred from doing so, and hence are not included in statistics;
- (ii) it is increasingly common to see visas issued on the day of travel, or even later. In these instances it is recorded as a visa having been issued but obviously the visit does not take place;
- (iii) the process, requirements and tone through the process mean that even those who succeed in securing a visa are often so offended, upset or frustrated that the purpose of the visit, or the goodwill in the partnership, has been lost before they even arrive in the UK.

- 4) **In the SMP's 14 years of operation we have never heard of a single instance in which a Malawian invited into the UK by one of our members has absconded**, despite now representing over 100,000 Scots with active civic links with Malawi. Our members 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. UKVI has confirmed that there is a 100% clean record for all visits associated with the Scotland Malawi Partnership.
- 5) **The issues that we flag are not from Malawians clambering to enter the UK, they are Malawians specifically invited by credible UK organisations** into the country for short-term visits, typically under three weeks.

## **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 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 last year we were told that, as part of their contract with UKVI, the Centre is not allowed to give information, support 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 9% 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 last year and were told that, according to their contract with UKVI, staff were not allowed to give information or advice as to what to 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 often 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. Similarly, any email correspondence is now outsourced by the UK Government to a private company (Sitel UK) [who charge £5.48 for every email exchange](#).

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 South Africa and are informed by text when a decision has been made. However, they cannot be told 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.

### **(4) Affluence and family ties 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. Sadly, this has become common practice.

The UK Government has an outstanding development programme with Malawi running to £80m a year, complimented by a further £5m-£8m from the Scottish Government. These life-changing programmes exist because Malawi is amongst the poorest nations on earth. The idea that Malawians cannot be invited to the UK because of their poverty is deeply embarrassing.

We take very strong objection to the expectation those invited from Malawi prove their affluence even when invited, and fully funded, by a credible UK organisation. We believe it is morally flawed: by assuming that those without funds are more likely to abscond it conflates poverty with criminality. And we believe it is practically flawed: we know of no evidence-base for the assertion that those with access to funds are less likely to abscond. In fact, it is highly probable the opposite is true – that the very poorest are extremely unlikely to abscond while in the UK because they have no means to do so.

We have asked UKVI whether there is any evidence to the assertion that the poorer an applicant is the more likely they will abscond, which is at the heart of the UK Government visa policy, and none has so far been forthcoming.

As well as asking for evidence of affluence, the application form requires applicants to prove they have family ties in their home country. Those who are not married are treated with suspicion and are less likely to be issued visa, on the assumption that they are more likely to abscond. Again, we take issue with this policy, both because of the intrusive nature of the questioning and the lack of evidence behind the assumptions being made.

It is hard to imagine a situation where it would be acceptable in the UK for the police or judiciary to require evidence of affluence or marital status when determining the likelihood of criminality.

#### **(5) 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 bio-metrics 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 contradicting the information we had been given and the advice we had in turn been giving members.

#### **(6) Significant delays in processing:**

There are often 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 or country. 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, UKVI admits that it does not offer the expedited service for applications from Malawi. This means that applications from other countries are always able to outrank those from Malawi by paying an extra fee.

#### **(7) 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".

## Case Study: Nthumwi Piksy

On the 16<sup>th</sup> 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.

Given the number of countries handled from Pretoria, the visa issuing officers have limited knowledge of what such documents from Malawi will look like. The irony therefore is that simply adding more evidence requirements, we suspect, does little to deter possible fraudulent applications but puts ever more unreasonable demands on legitimate applicants who have weeks or months of collecting documentation.

### **(8) Inappropriate “Cashless” systems:**

The move to a cashless system might make sense from Whitehall 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 private businesses in Malawi which act as intermediaries, taking funds and charging fees, to then make an onward electronic transfer. A number of our members have had significant issues trying to navigate the website to pay these fees from the UK.

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 (averaging £150) 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.

When this issue was last raised in the House of Lords, by chance the next day the UK Government 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 disabled 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.

We understand that all visa application centres have the technology to scan all documentation and hence the full process could be digitised, allowing decisions to be made much more quickly and for passports to not leave the country. However, we are told that UKVI does not sufficiently trust the very companies they have outsourced this work to, to stick the visa stickers on to passports. It is absurd that one arm of government has to fly tens of thousands of passports across a continent because it does not have a presence on the ground, when another (the FCO) has a British High Commission and a secure compound just around the corner. The separation of visa services from the High Commission seems to make very little sense.

### **RECOMMENDATIONS:**

There is a fundamental lack of humanity in the way those invited to the UK are treated and there is scant interest from the UK Government in listening to or learning from this experience, or improving the quality of its service. When we have this issue debated in Parliament, the standard response is simply to state that we have one of the world's best visa issuing systems, with no evidence given for this assertion, and no interest in listening to the actual experience of those that use these systems.

We therefore call on the UK Government to undertake a serious and urgent review into the effectiveness of the current system, listening to the actual individuals involved and focusing on:

- (a) the human experience of those invited into the UK as they apply for UK visas;
- (b) the impact of this on the UK's development (governmental and non-governmental), diplomatic and trade activities; and
- (c) the overall effectiveness of the visa system.

**Appendix: Visa refusal letter Piksy Zangazanga**



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.

**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.

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