



Scotland Malawi Partnership

## UK Visas for Visiting Southern Partners:

A collation of experience and issues across Scotland and Wales

### CONTEXT:

It has become strikingly clear, with recent changes in the way UK visas are issued, that there is a marked divide between the language, values and ideals which the UK government says underpins its international development efforts, and those which inform its immigration systems. It talks of inclusion and of equality as core principles and yet, today, it is near impossible for anyone other than the urban elite in countries across Africa to visit the UK. If you are poor and African, we say, you cannot be trusted not to abscond.

This is unacceptable. It wastes phenomenal quantities of tax payers' money - as one arm of government invites southern partners to the UK and the other summarily rejects their visa applications. It undermines all HMG looks to achieve through diplomacy and development on the continent. It undermines the work of hundreds of thousands of UK citizens engaged in international partnership initiatives. More than this though, it undermines the very principles which the UK looks to extoll on the international stage. It questions the UK's credibility to talk of equality and of inclusion.

The Scotland Malawi Partnership is a community of 650 organisations and key individuals representing the estimated 85,000 Scots working in partnership with Malawi<sup>1</sup>; it has collated the experiences of its members across Scotland who have invited their partners in Malawi to the UK. This information has been combined with a similar consultation exercise across Wales conducted by Wales Africa Community Links. Together, this data informed a session at the Wales International Development Summit on the 21<sup>st</sup> March where further experience was collected and collated.

This paper brings together all of this experience across Scotland and Wales, looking to summarise the key issues around UK visas for visiting southern partners.

### ISSUES IDENTIFIED:

#### (1) Process:

##### (1.1) Lack of clarity:

It is extremely difficult to understand the necessary steps in securing UK visas. 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 the passport to another country for assessment. All of this is very unclear. It seems every stage is designed to confuse, frustrate and deter. We suggest that all of this ensures that most prospective applicants are not able to even complete the process of application.

##### (1.2) Timescales:

For those who do achieve the submission of an application, it then takes around three weeks for a visa application to be processed. No update or information is available during this period. It seems most

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<sup>1</sup> University of Edinburgh, 2010.



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unsuccessful applications come in the final days before travel, ensuring the individual cannot re-apply or contest the decision. All money spent on international travel is wasted.

### (1.3) Online systems:

Since December 2013 an entirely dysfunctional online pre-application stage has been introduced. The website is an embarrassment to the UK government. It does not work, by any measure. The website routinely crashes on almost all operating systems. There are sections that simply have not been finished: for example, the user has to state which country they are applying from using a drop-down that has not been populated beyond the first letter of each country, meaning they have to determine how many countries start with the letter "m", for example, put these then in alphabetical order and use this to guess the correct box to tick. The system pre-supposes that applicants have regular and easy access to a computer, the internet (with a strong bandwidth) and a printer. This rules out almost everyone in Africa not part of the urban elite.

### (1.4) Outsourcing to private company:

It is immediately clear to the applicant that the UK government has outsourced its legal responsibilities on immigration 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.

It is almost impossible for an applicant to contact the private company in Pretoria which handles UK visa applications from all of southern Africa. Even if they could, this company closes all its offices at midday on Fridays for an early weekend every week, irrespective of workload or urgency of applications. Being a private company they are not governed by the same standards of delivery, service and transparency which one could expect from a government department. They are entirely separate to the diplomatic channels which historically have governed visa applications.

### (1.5) Outsourcing to regional hubs:

All UK visa applications from Africa are now handled in regional hubs. This causes significant delays as passports, birth certificates, bank details and other essential documents are sent back and forth across the continent. It means that decisions are made by those with almost no knowledge of the country concerned (there are countless case studies that can be given here). It means that applicants must pay in the currency of a country sometimes thousands of miles away. It means there are cases where applicants have had to themselves pay to fly across the continent to collect their passports and personal documents in urgent situations. It means that the UK's High Commissioners and Ambassadors are left entirely divorced from the process, receiving daily complaints on the poor standard of delivery but having no recourse to feed into the decision-making.

## (2) **Requirements:**

### (2.1) Information and supporting evidence:

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 all family members, letters from the employer, bank statements for the past 3-6 months, vehicle ownership documents, financial details of family members, letters of

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invitation from the UK, financial status of the UK sponsor, full details of everywhere that will be visited in the UK. There is no amount of detail or supporting evidence that can be given which can ensure success. There is *always* another bank statement or another birth certificate that can be deemed “missing”.

### (2.2) Financial requirements:

At the very crux of the issues currently encountered across the UK is Rule 41vii of the UK Visa and Immigration service’s “Visa Requirements for Incoming Groups from Visa National Countries”, which 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. This means that more than 90% of Africans 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 Africa 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.

There seems to be much confusion as to Rule 41vii. Immediately before the 21<sup>st</sup> March Cardiff Conference the UK Visa and Immigration department sent a two-page briefing on how to support southern partners in applying for UK visas. This document states that there are no financial requirements on the applicant if the sponsor makes clear they are covering all costs surrounding the visit. At the same time the UK Visa and Immigration Department replied to a separate enquiry asking the same question, giving a completely different answer – stating that Rule 41vii applied irrespective of sponsor support.

There is much confusion and inconsistency. The only certainty it seems is that the rules are structured to ensure *any* application can be turned down at *any* point for *any* number of reasons.

### **(3) Payment and costs:**

#### (3.1) Costs:

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.

#### (3.2) Online payment:

Since December 2013, applicants must pay for visa applications using a credit card and paying in the currency of the country where the regional visa issuing centre is based. For Malawi, this means paying in South African Rand. We are advised by business leaders in Malawi that it is illegal to make an online payment in Malawi in a foreign currency unless you have the specific permission of the Reserve Bank of Malawi. We are informed that almost no Malawians have an international credit card that would be suitable for this purpose.

#### **(4) Communication:**

(4.1) Lack of information prior to application:

There is no authoritative list of what supporting information should be included with applications. This means there is an endless list of possible reasons visa assessing officers can summarily reject applications.

(4.2) Lack of contact:

There is no way of contacting visa assessors directly, or any way of getting status updates on applications after passports have been sent.

(4.3) Letters ignored:

Looking at the reasons for rejection, it is clear that letters from UK sponsors and related organisations submitted with the application are routinely ignored. It is common to see applications rejected because of question-marks around that individual's employment, despite official letters and bank statements being submitted with the application from the employer.

(4.4) Language:

The language used in rejecting applications can be extra-ordinarily offensive to the applicant. A tone is used in almost all such letters to imply that there is something extremely questionable about the applicant's wish to visit the UK, even if they have been invited by the UK government itself. Applicants are told "you have chosen not to enclose [*insert any number of possible documents here – forth daughter's birth certificate, seventh monthly bank statement, third letter from employer, etc, etc*]" and therefore your "social and economic situation is not compatible with a short visit to the UK".

#### **(5) Assessment:**

(5.1) Factual errors:

Despite considerable (non-refundable) sums being charged for visa applications, it seems very little time is committed to each application as factual errors are commonplace. It is quite normal to see visas rejected for obviously erroneous reasons – with copy/paste errors from other applications, confusing the applicant's gender, country of origin, purpose of visit, etc.

(5.2) Lack of investigation:

Almost no effort seems to be made at the point of selection to ask questions or seek any additional information required. Previous enquiries have told us that visa assessment officers should pursue reasonable lines of enquiry if they have questions around an application. This simply does not happen. Many applications are submitted with official letters from senior managers of credible sponsor organisations, inviting any queries or requests for further supporting information, and giving their contact details. It is almost unheard of that a visa selection officer would pursue such enquiries and contact that individual, instead in almost every case, choosing to summarily reject the application.

(5.3) Racial assumptions:

It is clear that there are a number of overt racial assumptions made during the selection process. It is assumed and pre-judged that applicants from x country are more likely to abscond than those from y. This is extremely worrying. And very embarrassing for all involved in international partnerships.

(5.4) Inconsistency of outcome:

There is evidence to suggest that the system is prejudicial against group applications. There are a number of reports of credible, well-supported groups applying with every applicant being rejected but then individuals from within that group applying on their own, to be successfully given visas. There seems to be very little consistency in the process.

(5.5) Lack of coherence across Government:

Every year thousands of potential visitors to the UK, funded by the UK taxpayer, have their travel plans cancelled at the last minute due visa rejections. This not only undermines the effectiveness projects funded by the UK government but also results in tax payers' funds being directly wasted as flights are not used and travel plans cancelled. Looking at the system as a whole, one can see the incredible waste of the UK government awarding funds to an organisation for reciprocal visits, then the same government trying to save pennies by outsourcing visa assessment and ultimately rejecting the very visits it is funding.

(5.6) Family requirements:

It is assumed that individuals traveling to the UK without family in their country of origin will abscond. At present the empirical evidence base for this, rather bizarre, assumption has not been made clear. There have been cases where individuals recently bereavement and affected by atrocities, who are invited to the UK precisely because of these recent events, have had their UK visas rejected for "lack of remaining family ties".

(5.7) Gender equality:

Applications are often rejected if the applicant is not married. Marriage, it seems, rather bizarrely, is a pre-requisite for many people to be allowed to enter the UK. There are reports of female visa applicants being specifically requested to submit letters from their husbands giving permission for them to visit the UK. This from a government championing gender equality.

(5.8) Transparency and accountability:

Repeated Freedom of Information requests have been submitted to the UK Visa and Immigration Department asking for the empirical data which informs their current policies, specifically asking how many short visits to the UK fully-financed and supported by credible UK organisations end in the individual(s) absconding. The UK government continues to decline these requests, while re-emphasising that *"we do hold a significant amount of information and intelligence around non compliance and this underpins our visa regimes and the requirements of the Immigration Rules"*.

## CONCLUSION:

The UK visa application process has become significantly less effective and accountable since visa issuing has been outsourced and moved to regional centres. The introduction of the new online system in December 2013 has further weakened the system.

Today, it is *extremely* hard for anyone from Africa to accept an invitation to visit the UK unless they are (a) affluent, (b) fluent in English, (c) have easy access to a computer, printer and high speed internet, and (d) have strong connections and contacts either in the UK or within the visa issuing system. In short, it has become the preserve of the urban elite.

This is an embarrassment to all in the UK but most especially to our government. It undermines much of what the UK government looks to achieve internationally through diplomacy, trade and international development.

In July 2014, Glasgow will host the Commonwealth Games. It is estimated that if the current UK visa systems remain uncorrected for the games, the majority of athletes visiting from Africa will not be permitted to enter the UK. It will not be a Commonwealth Games.

We think this is cause for very serious reflection by the UK government.

We ask the UK government to:

- (1) Immediately undertake an urgent review into the effectiveness and appropriateness of new online systems currently being used.
- (2) Undertake a full independent inquiry into the effectiveness and accountability of UK visa issuing, in which the *people* of the UK engaged in international development and international linking can feed in, and which assesses the overall impact of the current visa issuing systems on UK development and diplomatic activities.
- (3) Publish the empirical data which, we are told, informs UK visa issuing policy and associated racial pre-judgments, including specific data on the number of short visits to the UK, supported and funded by credible UK organisations, which result in individuals absconding.
- (4) Publically state that Rule 41vii of the “Visa Requirements for Incoming Groups from Visa National Countries”, which demands that that visitors to the UK must be rich enough to be able to themselves pay for all aspects of the trip and return travel, does not apply if a credible UK organization makes clear they will be covering all associated costs.
- (5) Establish direct channels by which credible UK organisations can directly support visa applications themselves.
- (6) Publish a clear and comprehensive list of what is required to apply for a UK visa and commit to not rejecting applications for having not submitting evidence unless included in this list.
- (7) Visa assessment and issuing to return to the country of application, managed by the relevant Embassy/High Commission.
- (8) To undertake basic enquiries at the point of visa assessment when additional information or evidence is required, to include making contact with the applicant directly and/or the UK sponsor.
- (9) To use the 2014 Commonwealth Games as a point of reflection and review around the UK visa issuing processes, and how these processes shape the external perception of the UK from across the Commonwealth and the world.