



information sheet

UK Border Agency – Complaints

11th June 2009

The UK Border Agency changed its complaints procedures in 2008. This information sheet provides information about how to make a complaint to the UK Border Agency, and how it should be dealt with.

More information on making a complaint about the UK Border Agency is available at: <http://www.ind.homeoffice.gov.uk/contact/makingacomplaint/>

UK Border Agency Customer Strategy and Charter

The UK Border Agency has recently published two documents – a Customer Strategy and Customer Charter. Further information about these documents is provided by the “UKBA Customer Charter” information sheet. That information sheet also explains that what the UK Border Agency means by the word ‘customer’ is much wider than the word’s ordinary meaning.

The Customer Strategy states:

“Customers of government services increasingly expect services to be designed to meet their needs. Complaints tell us about our customers’ needs and expectations and our own shortcomings.”

ILPA information service

funded by JRCT
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Information sheets provide general information only.

ILPA members listed in the directory at www.ilpa.org.uk provide legal advice on individual cases. ILPA does not.

What can you complain about?

It is possible to make a complaint to the UK Border Agency about something it has or has not done, or something that has or has not been done by an individual or organisation employed by the UK Border Agency. Reasons to complain include:

- you have not been treated in accordance with published standards (see, e.g., the “UKBA Customer Charter” information sheet)
- a member of staff has been impolite or failed to treat you with respect
- a member of staff has been abusive or assaulted you
- you have been discriminated against

However, if you want to change a decision of the UK Border Agency to refuse an application you have made, a complaint may not be appropriate or sufficient. In these circumstances, you may be entitled to appeal or seek a review of the decision. You may wish to seek legal advice; and should do so quickly because time limits for requesting reviews or bringing appeals are usually very short – in some cases, only 10 days; and if you are in detention much shorter and in some cases, only 2 days. In some cases it may be possible to appeal out of time, but only if you are able to show good reasons why your appeal is late and that you have brought it as soon as you reasonably could.

When to complain

The UK Border Agency states that a complaint should be made as soon as possible. It says that it will not normally deal with a complaint if it is made more than three months after the incident complained about took place.

How to complain

The UK Border Agency has a Complaints Registration Form. This form is available at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/contacts/complaintsform.doc>

It is not necessary to use the form in order to make a complaint. However, it may be that your

complaint is dealt with more quickly if you do use the form. If you are making a complaint, the more information you are able to provide the better. This is generally good advice, whoever you are complaining about (the UK Border Agency or someone else).

The UK Border Agency requests that complaints are made to the particular port, office or detention centre where the incident you wish to complain about took place. If this is not possible, you can complain to the relevant Customer Service Unit.

Customer Service Units

There are several Customer Service Units. At the following link, there is a table giving details of the Customer Service Units and explaining which one is relevant to which type of complaint. Alternatively, it explains that (if there does not appear to be a relevant Customer Service Unit listed in the table) you can contact one of the six UK Border Agency regions. It provides details of these.

<http://www.ukba.homeoffice.gov.uk/contact/makingacomplaint/howtomakeacomplaint/>

How quickly will your complaint be dealt with

The UK Border Agency says it will aim to provide a full response to a complaint within 20 working days. However, if a complaint can be dealt with immediately, it should be. If not, the UK Border Agency should notify you who is dealing with the complaint. If a complaint includes an allegation of serious misconduct by a member of staff, the UK Border Agency may take up to 12 weeks to investigate the allegation.

If you are not satisfied with a response to your complaint

In these circumstances you may:

- contact the relevant Customer Service Unit
- (if not satisfied with their response) ask your local Member of Parliament to raise your concerns with the Parliamentary Ombudsman

The Parliamentary Ombudsman will not normally consider complaints unless you have first exhausted the complaints procedure at the UK Border Agency (including contacting the Customer Service Unit if the first response to your complaint was not satisfactory).

If the UK Border Agency accepts your complaint

In these circumstances, the UK Border Agency may:

- change its policy or practices
- provide additional training to its staff
- take disciplinary action against its staff
- provide you with financial compensation

There is no guarantee that any of these steps will be taken. If financial compensation is paid, it is unlikely to be anything but a small sum of money. However, if your complaint is upheld, you ought to receive an apology and some explanation of what is being done to address the complaint.

Will a complaint affect how the UK Border Agency treats you?

The UK Border Agency says that a complaint will not affect how it treats you or any application you have made to it. However, in many cases your complaint is likely to be made known to the person who is dealing with your application. You may, therefore, wish to seek legal advice before making a complaint.