

## **ILPA comments to the Visa Services Directorate on the 'hub and spoke' model**

ILPA is a professional association with some 1000 members who are barristers, solicitors and advocates practising in all areas of immigration, asylum and nationality law. Academics, non-government organisations and others working in this field are also members. ILPA exists to promote and improve the giving of advice on immigration and asylum through training, disseminating information, research and influencing work. ILPA is represented on the Visa Services Directorate User Panel as well as on many other UK Border Agency, tribunal and court user panels and advisory groups.

ILPA, along with other members of the Visa Services Directorate User Panel, has already noted protest at the short time given for these comments and the paucity of information provided. In particular, the question of whether London should be the hub for more applications has been mooted at the User Panel but no information has been provided with this request for comments on where current thinking is on this. In the light of these constraints, this response should not be treated as a comprehensive statement of ILPA's views and no inferences should be drawn from any omissions.

One matter that has taken up time at the User Panel since at least 2007 is providing a means whereby legal representatives can get in touch with posts overseas with queries that cannot and should not be answered by commercial partners. Having to go through premium rate telephone lines operated for profit by commercial partners, to spend many minutes explaining to them that they cannot answer the question and that the representative needs to be able to get in touch with an Entry Clearance Officer, is not acceptable. ILPA members have given the Visa Services Directorate considerable support in their work to take this forward: a survey of members' experiences on getting in touch with posts overseas was carried out, and comments on draft wording provided. Yet, two years on, the Visa Services Directorate has still not been able to deliver on this project at all. Such delay is also not acceptable and does not inspire confidence.

The main problem members identify is that of communicating with posts overseas. This has in general become more, rather than less difficult. This leads to delays, and to confusion and problems that would not have been experienced had there been clear lines of communication with posts. One member summarises the matter thus:  
*"Communication with posts is a priority and the hub and spoke system makes this even more difficult."*

Canberra continues to be a post that members' highlight when referring to difficulty in communication. By contrast, one member had a special word of praise for the Entry Clearance Manager in Bogotá, as always answering emails promptly.

There are also concerns about consistency of decision-making, and consistency in the application of immigration rules. Members point to additional requirements being imposed by individual posts. The hub and spoke model does not appear to

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have contributed to reducing the problem, inherent in the Visa Services Directorate's work, of management at a distance and of ensuring consistency of approach.

Delay was a constant theme of members' responses and the slow reaction to allowed appeal determinations by posts was the subject of particular criticism. One member identified Moscow as particularly slow in such cases, with delays of up to four months exacerbated by difficulties in communicating with the post.

The quality of decision-making under the hub and spoke model is a matter of concern. One member gave the example of New York with respect to applications made in Central America, saying of such applications:

*"One of our concerns is that they are not receiving the attention they would had the decision been made in-country, nor had the applicant been from the hub country. We recently assisted with an appeal against a refusal of a student visa in Mexico, which decision to refuse was made in New York. The appeal was successful on the papers and the immigration judge commented that the refusal was "one of the most inadequate I have ever seen" and was tempted to return it to the ECO for proper consideration."*

A similar example was provided for decisions in Pretoria

*"...we have recently experienced extremely poor decision-making from Pretoria and confusion / difficulty in communication with respect to applications made in Harare, Zimbabwe and Lilongwe, Malawi.*

*Lilongwe: not only was the decision extremely poor and failing to take proper account of the documentation provided, Pretoria returned to our client confidential financial documents belonging to another unrelated applicant. In addition, it took over two and a half weeks for the decision made in Pretoria to be communicated to our client in Lilongwe.*

*Harare: We had agreed in advance with Pretoria that the grandmother of our applicant (a minor) would submit the application and supporting documents in Harare, and we would then fax certain key and confidential documents directly to Pretoria for linking with the application. We received a refusal from Pretoria just a few days after the application package was submitted in Harare. This refusal was extremely poor and denied sight of the bulk of the documents that had been submitted in Harare. It is unclear how the entire package was sent from Harare to Pretoria and back again within the timeframe that the decision was made. We later received by email a further refusal sent in response to the faxed documents, which they had treated as a request for reconsideration - rather than part of the original application. Our requests that Pretoria consider the matter in full were initially refused, and later ignored. Meanwhile in Harare our client had been advised to remove a page from an application form as she was told it contained information that would not be helpful to her application. Although she did not do this, it is clearly unhelpful for staff in Harare to be advising applicants to make their applications void by removing pages. "*

Members also raised the question of how posts had been chosen to be hubs. The example given by members, which I understand has been raised with you by other User Panel members, was that applications go from Tokyo to Manila. This was felt

to represent going from a post where they were more likely to be processed speedily and communication was easier, to one where they were less likely to be processed speedily and communication was more difficult.

Members' comments on the hub and spoke model do not identify any advantages that the model has brought. It is of course difficult to separate out the consequences of the hub and spoke model from other changes that have taken place in the Visa Services Directorate and in posts overseas during the period that the model has been operating. In particular we highlight the increased use of commercial partners; the introduction of re-entry bans; the introduction of biometrics; the introduction of new Tiers of the Points-Based System with copious and often contradictory guidance that is changed frequently; and the removal of appeal rights, with the attendant loss of accountability.

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