



VISA BYTES

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A shopping list of problems

Administrative Reviews v Appeals

When the Points Based System was introduced, appeals were replaced by Administrative reviews which are handled by an officers who did not make the original decision. This system was waved through by the last Government despite the fact that the success rate in appeals was high at around 40%. The evidence so far suggests that the system is merely a rubber stamping of decisions made and no real attempt to address the reasons and the arguments outlined. May be its time to consider bringing back appeals.

Communication

Staff at both in country and abroad live in ivory towers. They very rarely reply to communications and when they do by email it is often by an out of office reply which is then never followed through. Recently Mumbai have responded to email requests by completely removing their email details!! The world has changed with the overhaul of communications. The fees for applications keep increasing every year yet the UKBA are oblivious to the changes around them. It is about time they realise that we are in the 21st century. If there is a will to improve communication it can be done. In certain parts of the organisation this has happened already.

Delays

Applications often take months

(and years) to be considered and when a reply is received it requires a response usually within a matter of days.

The most notorious area where delays are unacceptable is when an appeal is allowed yet takes months to implement with the applicant going from pillar to post to get the decision implemented. The targets set are usually from receipt of decisions. In posts abroad it can take months for the decision to be received.

Wrong decisions easily corrected

There are applicants who qualified for leave before the new Points based System came into force. They should be considered under the old rules. However where they are not the only remedy is by appeal which can take several months. Justice delayed is justice denied and this is classic case where applicants have a choice of either waiting for an appeal or making a fresh application with a further fee. Those who have to apply for visas will know how expensive the process is. There should be a system for mistakes such as this to be corrected quickly and without a further fee. Why should an applicant have to pay twice for someone else's mistake.

Maria Fernandes is a principal of Fernandes Vaz solicitors who specialise in immigration and nationality law. She has substantial experience of immigration and is an accredited member of the Immigration Law Panel.