

## Chapter 52

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### 52. Documentation and Consular access

#### Consular access

Where a person detained under Immigration Act powers has been recognised as a refugee elsewhere or has a pending application for asylum in the UK, do not notify his High Commission or consular representative of his detention except at his express request.

#### Documentation

- ◆ When a possible offender is located, his passport should be obtained at the earliest possible opportunity. In the absence of a passport try to locate and secure any other documentary evidence of identity/nationality. A full bio-data Interview should be conducted.
- ◆ Local Enforcement Offices (LEOs) retain full responsibility for establishing the identity and nationality of the person, fingerprinting and photographing.
- ◆ Where a person does not hold a genuine, valid passport or travel document, consideration should be given to completion of a Chicago Convention Document or European Union Letter (EUL) if appropriate. RGDU can advise on whether or not such documents are acceptable to the authorities of the country of proposed removal.

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## 52.1. Removal to countries which will accept EULs

EULs **must** be completed to high, uniform standard (further guidance regarding the completion of EULs may be sought from Removals Group Documentation Unit on Horizon [POISE Link](#) | [TBC Link](#). As much bio-data as possible should be included to minimise any possible dispute about nationality on arrival.

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## 52.2 Removal to countries which will not accept EULs

Where a country does not accept EULs, an application for the issue of a document or revalidation of an existing one must be made through RGDU.

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## 52.3 Procedures when making an application for an ETD

- ◆ For most nationalities, the forms and the information you need to complete an application for an ETD can be accessed on the RGDU Website.
- ◆ Seek authority from a CIO before applying for an ETD
- ◆ Complete a travel document application form, in English and in the native language if required, with the assistance of an interpreter if necessary.
- ◆ If letters or documents accompanying travel document applications are written in a language other than English, provide English translations, to ensure no reference to asylum is made.
- ◆ Take the requisite number of photographs;
- ◆ If fingerprints are required to accompany the form, this can be effected in accordance with paragraph 18(2) of Schedule 2 to the 1971 Act if he is in a place of detention, or with his consent (at an immigration office if facilities exist). Also, section 141 (7)(c) of the 1999 Act, as amended by section 15 of the 2004 act, applies to allow fingerprints to be taken.

**Fingerprint form IFBI must not be used for this purpose. Police fingerprint forms must be used.**

- ◆ All available records (including Home Office files) must be checked first for evidence of travel documentation, identity and nationality.

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## **52.4 Submitting the application**

An application form can be submitted as soon as it has been completed following the first adverse decision i.e. after service of IS151A part 2, or following service of the RFRL in asylum cases. **Anything that refers to an asylum claim must be removed from the documentation; the authorising officer is responsible for ensuring that this has been done.**

- ◆ Send the form(s), with cover sheet IS33, signed by the authorising CIO, to RGDU in a sealed envelope. The full address must be stated on the envelope. Include photographs, fingerprints (if required) and all original supporting documents establishing identity and nationality including unofficial letters and envelopes posted abroad, or telephone numbers of family and friends in the applicant's country of origin.
- ◆ RGDU will acknowledge receipt of the application, normally within 10 days.
- ◆ If an application is incomplete, RGDU will make a request for the missing information. However, the Port/LEO must always try to ensure that **all** the required information is included prior to sending the package to RGDU. If any further information is required, it should be sent promptly.
- ◆ If a travel document is no longer required or where there is material change of circumstances, inform RGDU immediately.
- ◆ RGDU will tell the LEO when a document is ready for issue and will arrange collection of the document once they have been notified of removal directions. If RGDU are unable to obtain a document, the papers will be returned to the LEO to decide on the next course of action. If a document expires before removal can be effected, return it to RGDU, with form IS33 and the requisite number of photographs, for revalidation.

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## **52.5 Procedures after removal**

Advise RGDU by telephone when removal is effected. If an individual is subsequently returned to the UK, the receiving port should fax a report to RGDU within 48hrs.

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## **52.6 Withdrawal of fraudulent travel documents from circulation**

A passport remains the property of the issuing state and the UK Border Agency is required to forward any document withdrawn from its holder to the relevant authority unless there are strong reasons for not doing so e.g. when to do so would identify an asylum claimant or where it is required as evidence for a prosecution.

All UK passports and Home Office Travel Documents found to be counterfeit, forged or improperly obtained should be impounded. This includes unaltered and otherwise genuine British passports and Home Office Travel Documents presented by impostors. Such documents are the property of Her Majesty's Government and an Immigration Officer is authorised to impound them on behalf of the issuing authority.

A clear audit trail of all documents must be maintained. Local registers of such documents should be kept showing full details of withdrawal, retention and disposal. Holders should be advised that the document will be forwarded to the issuing authority. Reports should confirm that this advice has been given.

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