

Visa Matches

(Handling Asylum Claims from UK Visa Applicants)

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1. Introduction

1.1 Audience and Purpose

This instruction is intended for the sight of all officers deciding and managing asylum applications.

It provides instruction on the handling of asylum claims from applicants who may have obtained or have applied for a visa to come to the United Kingdom.

Officers may also wish to refer to the Biometric Data Sharing instruction. The process allows UKBA to compare fingerprint records with the USA, Canada, Australia and New Zealand. Where there is a match under these arrangements, information which may assist the decision-making and case handling process can be exchanged.

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1.2 Background

Robust and reliable identity management is an important part of securing the United Kingdom's borders. The biographical and biometric visa system supports this.

Key points in relation to the visa system:

- All applications for a UK visa made abroad are recorded and are identifiable in the UK;
- Visa application centres (spokes) and the place where the applications are considered (hubs) may be in different places;
- The taking of fingerprints for visa applications began in 2003 as a pilot. By 2008 all visa applicants were required to provide fingerprints (<http://www.ukvisas.gov.uk/en/doineedvisa/visadatvnationals>);
- All persons aged 5 or over (who are not officially exempted) who are applying for a visa to come to the United Kingdom are now fingerprinted;
- All asylum seekers in the UK aged 5 or over (and any dependants) are fingerprinted. Their fingerprints are automatically checked against biometric visa fingerprints, during the screening process;
- Asylum seekers are asked mandatory questions during their screening interview about whether they obtained a visa to come to the UK. Any travel documents containing visas are scrutinised, noted and placed on file for consideration;
- A visa match (and the responses given by the applicant to questions in screening and in the substantive interview about the visa match) may be valuable in deciding and concluding cases. It may have implications for support eligibility, for the substantive asylum decision, for the handling of an applicant as an adult/child, and for redocumentation and removal. There may also be criminality implications.

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2. Information Sources

CRS and Visa Application Forms (VAFs) are key resources which can provide detailed information about visa matches.

2.1 CRS Information

CRS is a secure, web-based, predominantly read-only system that contains information about visa applications (biometric and non-biometric).

CRS includes the following information:

- Personal details and photograph of the applicant;
- Type of visa applied for;
- Sponsor's details;
- Scanned image of the applicant's passport / travel document;
- The applicant's passport number and issuing place;
- Q&A interview notes or refusal notices associated with the application;
- The applicant's on-line VAF or a scan of hard copy VAFs (less likely for older applications).

2.1.1 Using CRS

CRS of itself can be used to identify possible matches (for instance, in older pre-biometric applications); to assess the contention of any match based on the facts presented; or to enable the VAF to be obtained (if there is an embedded VAF scan, or by identifying VAF reference number and making further enquiries).

CRS may be searched using known details, as provided by the applicant, by travel documents or by biometric match report references. Alternatively, it may be interrogated with wildcard searches to identify possible matches where reliable information is not held.

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2.2 VAF Information

Visa Application Forms will often contain a greater depth of detailed information than can be found on CRS alone (although as has been mentioned, CRS will in many cases contain a copy of the VAF).

Visa applications are usually supported by background evidence (for instance, bank statements, letters of commendation, references, etc.). Such information can be voluminous, and so for technical and practical reasons it is not routinely kept, or stored in its entirety in CRS, even if the VAF itself is. Further enquiries should be made to the relevant overseas post. See: [2.3.1](#)

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2.3 Depth of Information and Further Enquiries

Where there are questions about identity, the applicant's financial circumstances, a visa match or other aspects of their background or application, it will be appropriate to examine the full VAF.

Following a visa match it will usually be appropriate to make further enquiries to the overseas post to ascertain what further information may be available. This information can be in the form of the VAF itself, or other supporting documents (where retained at Post). This information can also take the form of additional advice from RALON colleagues overseas.

2.3.1 Obtaining VAFs and Further Information (CRS and Contacting Visa Issuing Posts)

In the first instance, officers must examine CRS, to see if it contains an embedded VAF and other information. If there has been an on line application, print off the web application VAF and link it to the screening papers. If there is no VAF attached to the CRS record, one must be requested. The process for requesting a VAF and any further information is set out in:

[3.1.5 Requesting Information from CRS and Making Updates – All Officers](#)

Whether or not there is an on-line VAF, CRS must be updated with a CRS note to advise RALON colleagues that the visa applicant has applied for asylum, selecting “Visa Concern Asylum” from the drop down list on the “Notes” tab. This is a 1000 character free-text box.

If there is a VAF available RALON will scan the VAF and attach it to the relevant CRS record. RALON will also notify the Case Owner where the subsequent feedback form should be sent. The requested information should appear on CRS within 5 days of the request. Where no further information is available the relevant post will update CRS to that effect.

- In exceptional circumstances, for instance where there can be no delay in obtaining the VAF, perhaps because the asylum interview or appeal is the next day or where the issues need to be discussed, telephone the overseas post, providing confirmation of name and UKBA unit quoting the VAF reference number. Contact details for overseas posts can be obtained from the [Foreign and Commonwealth Office website](#), or from the UKBA International Analysis and Risk Data team via their in- box Following the phone call, email the overseas post as advised to formally request the VAF and update CRS. .

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3. Visa Matches: Mandatory Actions For Screening Officers and Case Owners

3.1 Key Responsibilities/Actions

3.1.1 Screening Officers – Mandatory Actions

If a biometric visa fingerprint match or CRS hit occurs during the screening process the screening officer must:

- Raise a “Special Conditions” flag on CID to show “VIAF Hit” (Visa/Immigration Asylum Fingerprint);
- Access the relevant case on CRS;
- Where there is an on-line application (VAF), “Web Application”, a copy should be printed and linked to the screening papers;
- Where there is no on-line VAF one must be requested. For how to request a VAF, and related actions see: [3.1.5](#) ;
- In all cases complete a CRS Visa Concerns Report notifying RALON of a “Visa Concern – Asylum”

3.1.2 Biometric Case Management Team (BCMT)

The BCMT will open a “VIAF Hit” Special Conditions flag on CID if the screening unit has not done so.

3.1.3 Case Owners – Mandatory Actions

Case owners have a responsibility to identify visa matches, and must be proactive in managing their cases. On receiving a file, case owners must check whether there is a visa match and then check whether the following actions have been completed, and if not, ensure that they are before continuing with the casework actions.

- Raise a “Special Conditions” flag on CID to show “VIAF Hit” (Visa/Immigration Asylum Fingerprint);
- Access the relevant case on CRS;
- Where there is an on-line application (VAF), “Web Application”, a copy should be printed and linked to the screening papers;
- Where there is no on-line VAF one must be requested. For how to request a VAF, and related actions see [3.1.5](#)
- In all cases complete the Visa Match pro-forma, and email it either to the RALON team that provided the VAF or via the central International Intel inbox:

3.1.4 Case Owners – Managing and Deciding an Asylum Application

When managing and deciding an asylum application, officers **must** take the following actions in all cases:

- Ensure that the applicant has been fingerprinted. This will be apparent from an IFB reference number on CID. If there is no IFB reference on CID or other indication on the case file that fingerprints have been taken, the case owner **must** arrange through local means for the applicant to be fingerprinted on an IFB1 and send to IFB;
- Ensure that case ownership is properly updated on CID Case Details;
- Check CID Notes and CID Special Conditions, to see if a visa match has been identified and flagged by screening officers or the BCMT;
- Check the case file for reference to a visa match having been identified;
- Check CRS to see if a non-biometric visa match can be identified (searching for the applicant’s name, aliases, variant spellings, and dependants);

- Where a visa match is identified, ensure that a VAF is on file, record the fact of the match and the VAF reference number on CID notes;
- Record on CID notes any difficulties in obtaining a VAF. Notify senior caseworkers of any particular problems in obtaining VAFs so that policy colleagues can be notified (via usual enquiry channels);
- Ensure that the required actions at 3.1.3 are completed. Additionally if an applicant has applied for a visa in a different identity to that in which asylum has been claimed, CID should be checked to see if there is a record in the alternate identity;
- Proceed to consider the application, taking account of the information arising when interviewing the applicant and making the decision (see 5. Asylum Interviews and 6. Decisions and Re-documentation).

3.1.5 Requesting Information from CRS and Making Updates – All Officers

- Access the relevant case on CRS. Check under the “Documents” tab for documents, for instance Type “Web Application” and “Interview” to see if there has been an on line application, and therefore an electronic VAF. Print off a copy of each relevant document and keep in the HO file;
- Whether or not there is an online VAF, the fact that an asylum claim is being made by a visa holder must be recorded (although details of asylum application itself must **NOT** be mentioned). Go to the CRS notes tab, select “Visa concern Asylum” from the dropdown menu then, in the free text box, indicate that asylum has been claimed and request the further information needed.
- Click on “Add Note”. Your VCR, where your name and email address are logged, will be recorded. Your message will appear in the relevant Post Dashboard the following working day.
- If the paper VAF still exists it will be added to the CRS record within two to three working days. RALON may make contact, via the CRS notes box or by email, if they have further information potentially helpful to the asylum decision.
- If no response has been received after five working days further enquiries should be made direct to the Post or via the central overseas intel inbox.

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4. Initial Actions and Routing

Visa match information will usually require detailed and substantive consideration before any conclusions as to identity can be taken.

It will not usually be practical for such consideration to be undertaken at asylum screening, and so the circumstances in which visa match information can inform routing decisions will be limited.

4.1 Safe Third Country Cases

Safe third country cases are one category whereby the visa match information from CRS or a VAF record may inform the routing decision, possibly disclosing evidence that makes the case of interest to the Third Country Unit (TCU).

Case owners should however always refer to the full instruction (Third Country Cases: Referring and Handling), for ease of reference, TCU are likely to have an interest in cases where a decision has not been made, where there is evidence that the applicant:

- Has been granted a visa to enter another EU member state (or Iceland, Norway or Switzerland);
- Has applied for a UK visa while living in another EU member state (or Iceland, Norway or Switzerland);
- Has a residence permit or status in another EU member state (or Iceland, Norway or Switzerland);
- Can be admitted to a non-EU safe third country (e.g. USA, Canada, Australia) or had an opportunity to apply for asylum there (airport referrals only and must be within 24-72 hours of arrival).

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5. Asylum Interviews

Officers must consider the possible conclusions that might be drawn from the facts disclosed by the visa match, the relevance of the visa match to the decision and onward management of the case – preparing interview questions accordingly, to thoroughly explore the issues.

In general, when evidence is to be relied upon it should be put to the applicant during their interview.

It is recommended that questions regarding the visa match be asked only after the full facts of the case have been ascertained and confirmed, although the facts of the match and of the case will influence when such questions are most appropriate.

5.1 Areas of Questioning

Applicants should be asked about the reasons they gave in their visa application, and on arrival, for coming to the United Kingdom (UK) and if this differs from the reasons they are now seeking to remain in the UK, and asked to give an explanation.

The answers given by an applicant regarding their visa application will be especially relevant if the visa granted was not for settlement, as they would have been required to supply sufficient evidence to convince the Entry Clearance Officer (ECO) that they intended to depart the UK at the end of their leave. It should be noted that lack of evidence of intention to leave the UK is one of the main grounds used by ECOs to refuse visa applications. Other circumstances, where an applicant must provide an explanation at interview include:

- If the applicant used a visa to come to the UK and failed to seek asylum immediately upon arrival in the UK;
- If the applicant has applied for a UK visa while living in another EU member state;
- If the applicant failed to disclose during the screening process that they applied for a visa to come to the UK;
- If the applicant denies that they have previously applied for a visa (in which case they must be presented with evidence of the match (VAF or CRS record with photographs));
- Where there is evidence that an applicant may be able to return to a safe third country (for further guidance see Safe Third Country Cases). Questions should be put to the applicant regarding whether they have a fear of return to the safe third country and whether they acknowledge they have a legitimate right to reside there or not;
- If the visa information indicates that they may hold another nationality or that they may be removable to more than one country, if not disclosed during the screening process;
- If the visa information indicates that they have applied for a visa in a different identity (name, date of birth, or nationality);
- If the visa information indicates sufficient funds for the applicant to support themselves, but the applicant claims to be unable to do so, or to have had a different financial background than the information suggests;
- Where visa application information and interview evidence raise other credibility issues.

See [Annex A – Visa Match Scenarios and Possible Conclusions](#) for further suggested areas of questioning and consideration. Note that these suggestions are not exhaustive.

For further guidance on interviewing, credibility and doubted nationality see the instructions Conducting the Asylum Interview, Assessing Credibility in Asylum and Human Rights Claims and Nationality – Doubtful, disputed and other Cases.

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5.2 Post Asylum Interview

Case Owners should fully complete the “Visa Match Intel Sharing Pro-forma” and email it either to the RALON team that provided the VAF or via the central International Intel inbox.

This information will be used by RALON in the continued development of the visa applications process, and to ensure, as far as is possible that the process is not abused.

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6. Decisions and Redocumentation

6.1 Decision Making Stage

When considering whether to grant or refuse asylum, Humanitarian Protection or Discretionary Leave, any available visa application information must be taken into account and considered in line with all other information. The visa match may not be determinative or significant in every case, but it **must** be mentioned in any grant minute or refusal letter when addressing the immigration history and/or credibility issues and the relevant VAF attached to the file. **These are mandatory requirements.**

See [Annex A – Visa Match Scenarios and Possible Conclusions](#).

6.1.1 CRS and VAF Evidence for Decisions and Appeals

Where the fact of a visa match is to be relied on in a decision, it must be evidenced by production of the VAF. CRS is regarded as reliable and acceptable evidence, but it will not necessarily be as complete as a VAF. **Only if a VAF cannot be located or obtained in time for interviews, see [2.3.1 Obtaining VAFs and Further Information](#) , decisions or appeals reliance may be placed on CRS evidence alone.**

If CRS evidence is used owing to time constraints, and the VAF is exceptionally not on file, all reasonable steps should be taken to obtain the VAF post-decision, for later addition to any appeal bundle.

The “Main” page on CRS may be disclosed subject to the following restriction:

- The data must be relevant and specific to the applicant. Information regarding third parties, for example regarding sponsors or family members, should be disclosed only in exceptional circumstances where it has a direct bearing on the outcome of the case. Any use of third party information should be considered against the relevant policy guidance and on the advice of a senior caseworker.

6.1.2 Non-Suspensive Appeal Process Countries (Section 94 of the NIA 2002)

The NSA process is intended to deal with applications which, after a full consideration of the facts, are regarded as clearly unfounded. (See NSA Certification Under NIA Act 2002)

If the applicant’s true nationality is considered to be one to which the NSA process applies, certification of the decision under section 94(3) of the 2002 Act may be possible.

If the applicant’s true nationality is not one to which the NSA process applies, the application may nonetheless fall to be refused and certified as clearly unfounded on a “case by case” basis, under section 94(2) of the 2002 Act. Such a conclusion must only be found after a full consideration of the facts of the case. If unsure about any aspect of certification, SCW advice must be sought.

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6.2 Re-Documentation

If an applicant is refused leave to enter/remain, information on CRS or the VAF (such as a scanned passport copy or passport number) may be valuable to the re-documentation process.

VAF copies of passports may be particularly persuasive, because it not only provides evidence of the document, but demonstrates that the original document has been seen,

subject to checks and (unless there is evidence to the contrary) has been accepted as genuine as part of the visa process.

See the Returns Guidance intranet page.

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7. Annex A - Visa Match Scenarios and Possible Conclusions / Actions

All cases, including those with visa match evidence, must be considered on a case by case basis, taking all evidence in the round, considering credibility in line with the published instruction (Credibility), and taking care to properly evaluate future fear of harm.

Attention must be paid to the nature of matches and any explanations given for them. The matches may be of no relevance, have an explanation, or have discrepancies arising because of innocent mistakes.

If in doubt as to the relevance of visa match evidence, what further evidence to seek from RALON/CRS or how to handle such evidence advice must be sought from a senior case worker, before substantively interviewing an applicant.

7.1 Scenarios

- **Visa application identity matches asylum application identity:** In the absence of evidence to the contrary, this will confirm the applicant's identity and whereabouts at the time of the visa application (but of itself, nothing further).
- **Visa application identity matches asylum application identity, and applicant claims to be a refugee-sur-place:** The applicant may claim to have applied for the visa, have left his/her country and arrived in the UK in line with the conditions on his/her visa, without intending to claim asylum, and to have claimed asylum only when personal or country circumstances have changed. The visa information will need to be scrutinised, overall credibility established, and future fear examined.
- **Visa application identity matches asylum application identity, except for showing a different nationality:** The applicant may have dual nationality, and so the discrepancy may be partly accounted for. However, removal to the alternate country should be explored. There may also be credibility conclusions in respect of any failure to disclose such key information. See the instructions on Credibility and Nationality – Doubtful, disputed and other Cases.
- **Visa application identity partly or wholly different from asylum application identity (including age):** As the entry clearance officer will have seen the passport and possibly the applicant, the visa identity may be more reliable. However, all evidence and explanations presented must be taken into account, and a view taken on identity in line with the Credibility instruction. See also the Age Dispute instruction.
- **Visa application post-dates asylum application:** This will show that the applicant has returned to country of claimed persecution. This may demonstrate safety. Credibility conclusions may also arise from this. It will also be significant if the applicant is not forthcoming about returning to his country of origin and does not volunteer information regarding harm during that period of return. The visa will indicate that the applicant has departed the UK, which will have the effect of withdrawing the earlier asylum application. See the instructions for Travel Abroad and Further Submissions (rule 353).
- **Visa application transactions (submission date, interview date, etc.) clearly show applicant to have possessed a national passport and suggest they were freely moving in country of origin:** If at a time the applicant claims to have feared the authorities/to have been in hiding/to have been detained or imprisoned, credibility conclusions may arise. See the Credibility instruction.

- **The grant of a visa may show that an asylum applicant had the means to leave his country earlier than he did:** Conclusions as to credibility may arise from the delay to departure. Conclusions may also arise as to the level of interest/threat by alleged persecutors. See the instruction on Credibility.
- **Visa application may show applicant to have lived in a safe part of the country of origin:** This may cast doubt on substantive aspects of the applicant's claim, for instance, to have become involved in problems affecting a particular area. It may also indicate that it is reasonable for the applicant to return to their address. See the Credibility and Internal Relocation instructions.
- **Visa applications may contain considerable detail and statements as to the basis for the visa application (e.g., study, visits, etc.), but not addressing a fear of persecution:** Conclusions may be drawn regarding a seemingly planned and well-ordered departure, not demonstrating the urgency of fleeing, and a willingness to travel using a genuine passport in their own name. Conclusions may also be drawn about the applicant's previous willingness to deceive a UK government official, if the reasons for the visa appear false, and if persecution were not mentioned (as is likely). See the Credibility instruction.
- **Landing card/e-Borders/intelligence or other evidence may show the applicant to have entered the UK in the visa application identity, possibly in contradiction of statements given in the asylum application as to time, method and place of entry to the UK, and promptness of asylum application:** Such contradictions may – depending upon the facts of the case and any explanations given – be material to the asylum application. See the Credibility instruction. There may also be conclusions to be drawn in respect of the applicant's status, and of possible verbal deception - see Identifying Potential Illegal Entry Cases and Establishing Immigration Status in the instruction Conducting the Asylum Interview.
- **Visa application gives details of parents/family members:** This may provide information not otherwise known about the support and reception arrangements in the country of origin which may be available to UASCs or vulnerable females, to be used in making a substantive decision on a case, and possibly in tracing the family members.
- **Visa application shows bank statements/assets/other financial details/employment records:** This may affect the individual's credibility or potentially their eligibility for support payments.
- **Visa application made, but applicant denies such evidence in interview, until confronted with the evidence:** This may, of itself, give rise to conclusions that the applicant's evidence cannot be trusted. Such a conclusion would have to be made taking the wider evidence into account, in line with the Karanakaran caselaw and the Credibility instruction.
- **VAF information will include copies of passport numbers (and scanned copies of the passport for more recent records):** This may assist in redocumenting the applicant for removal.
- **Visa match may show that the applicant is known to us in a different identity than the one he has presented on his asylum claim:** CID and the Police National Computer (PNC) should be checked to see if the applicant is known in the visa identity.

Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	RH	5/03/08	First Version
2.0	RH	29/04/08	Cases of interest to the Third Country Unit (TCU)
3.0	EG & BN	23/01/09	Minor revisions
4.0	GL		Revision regarding the use of CRS printouts in appeal bundles plus other changes to layout. Title of instruction changed, from "Visas - Handling asylum claims from UK visa applicants"
5.0	GL	29/03/10	Update to 4.1
6.0	GL	04/10/10	Update links
7.0	GL/MK	11/03/11	Updates to various sections
8.0	MK	03/04/12	Update re. BCMT
9.0	GL		Update to signpost mandatory actions when an asylum applicant is matched to a previously issued UK visa.