

## **Detention services order 06-2012**

### **Management of property**

#### **Introduction**

1. This detention services order sets out the UK Border Agency's policy in relation to the management of a detainee's or resident's property in preparation for their removal from the United Kingdom.

#### **Principles for managing property**

2. Detainees' or residents' property must be managed by the immigration removal centre (IRC) or pre-departure accommodation (PDA) with an assumption that the detainee(s) or resident(s) will be removed by air at the end of their stay.

3. Detainees have a personal allowance of:

- one piece of luggage weighing no more than 20kg.

Additionally, detainees travelling on scheduled flights **may** be allowed one piece of hand luggage for the flight up to a maximum of 5kg. The weight of this hand luggage is excluded from the 20kg allowance.

4. Personal allowances do not include items which can be consumed in the IRC or PDA in advance of removal.
5. Special arrangements apply to families with younger children. So long as a child is sitting in their own seat, i.e. is over two years old, they have the same luggage allowances as an adult. Car seats and buggies may be taken on the flight with the family and are excluded from the personal allowance.
6. The UK Border Agency recognises that airlines' policies on hand luggage and checked luggage vary. However, 20kg is the maximum weight allowance of many airlines used by the UK Border Agency and therefore this is the standard personal allowance for all detainees. Detainees or residents can only take additional luggage to the airport which takes them above the 20kg limit if either: a) the airline's limit is higher and the detainee's or resident's luggage weight is within this limit, or b) the detainee or resident is willing and has the means to pay for excess luggage which incurs a charge (see paragraphs 8 and 9 and section 'Property in excess of the personal allowance').

7. Detainees' or residents' luggage must not include dangerous or restricted items prohibited by airlines. Service providers should remove any such items from detainees' or residents' property before it is placed in storage.
8. The UK Border Agency's IRC and PDA contact management staff should inform all detainees and residents on induction of the personal allowance for removal and the implications of exceeding the allowance. Detainees and residents can only take additional luggage to the airport which takes them above the 20kg limit if either: a) the airline's limit is higher and the detainee's or resident's luggage weight is within this limit, or b) the detainee or resident is willing and has the means to pay for excess luggage which incurs a charge. In all other cases, the detainee or resident should not be discharged for their flight with luggage in excess of 20kg. Detainees and residents who have not bought their own ticket do not get the opportunity to choose their airline.
9. The service provider must establish and record at induction if a detainee or resident is willing to and has the means to pay for excess luggage. This information should be shared with the UK Border Agency centre manager. Once removal directions are set, the onus is on the detainee or resident to prove they have the means to pay for excess luggage charges. Without this proof, the detainee or resident should not be discharged for their flight with luggage in excess of 20kg.
10. Service providers must keep good records and have a good system for managing property in case of any dispute or allegation of loss, particularly of valuables.
11. When detainees are moved from one establishment to another to position them for their imminent removal flight, it is the sending establishment which is responsible for ensuring the detainee's luggage is DSO compliant. For example, if a detainee is moved from Dover IRC to Brook House IRC 48 hours prior to his removal flight, it is Dover IRC who is responsible for ensuring the detainee's luggage is DSO compliant.

### **Hand luggage**

12. Detainees and residents who are travelling on scheduled flights may be allowed (depending on risk assessment) one piece of hand luggage for the flight up to a maximum of 5kg. The weight of this hand luggage is excluded from the 20kg allowance.
13. Detainees who are travelling on charter flights or other special operations arranged by the UK Border Agency are not permitted any hand luggage.

### **Acceptance of detainees' and residents' property**

14. The IRC or PDA must accept all property which is delivered by an escort service supplier or a UK Border Agency official at the same time as the detainee or resident, but a note must be made of the weight which exceeds the personal allowance and passed to DEPMU (copied to the UK Border Agency centre manager).

15. The IRC or PDA must refuse to accept additional property for detainees or residents who reach their allowance and have not made a commitment to pay for excess luggage, unless the service provider has first agreed with the UK Border Agency centre manager that it may be accepted. This provision is to allow the UK Border Agency centre manager to exercise discretion if he or she believes there are exceptional circumstances or for cases where a detainee or resident is being removed by an airline whose weight limit is higher than 20kg. Service providers will be provided with a list of airline luggage allowances.
16. Service providers must keep careful records of property which is accepted and takes the detainee over and above the personal allowance.
17. Detainees and residents who have not reached their allowance may be allowed to accept additional property which is delivered by post or hand delivered by third parties (for example, friends or relatives). IRCs are only required to accept property during visiting hours, and only up to 48 hours before an individual is due to be removed. IRCs may choose to accept property outside of these times. The PDA will only accept property up to 24 hours before a family is due to be removed. These restrictions must be widely publicised amongst detainees, visitors and local interested partners.
18. The IRC and PDA should allow detainees and residents to hand out possessions to relatives and friends at visiting times.
19. Service providers are not required to manage any form of property swapping system or services for detainees and residents whose property is in storage at the IRC or PDA.
20. Detainees and residents should be allowed access to their property, upon request. Detainees or residents with removal directions in place who wish to sort their property should be allowed to do so, upon request. If detainees and residents decline the opportunity to sort their property, the IRC or PDA should decide on behalf of the detainee or resident what luggage is taken (up to 20kgs).
21. The IRC and PDA must inform detainees and residents of prohibited items which they are not allowed to have in their possession in the centre.

### **Foreign national offenders' property stored at the National Distribution Centre**

22. Any property belonging to foreign national offenders (FNOs) that is not held in their possession or stored locally at the prison is stored at the National Distribution Centre (NDC) at Branston. The prison should request FNOs' property 28 days prior to removal. Requests are made by prison establishments (FNOs cannot request property themselves). Three days is the absolute minimum notice required to retrieve property. Property not collected within 12 months of release from prison will be disposed of.

23. If insufficient time is provided to collect property when FNOs transfer to the IRC estate, the NDC will send the property to the prison establishment that ordered it. The NDC do not track the movements of the detainee so if the property arrives after the detainee has moved on, then it is up to the prison establishment to forward it. This can mean that property may take some time to reach a detainee.
24. If an FNO is bailed then the property should be requested by the last prison establishment where they resided. Arrangements will then be made by that prison establishment for the items to be sent on, or to be collected by the FNO.

### **Searching and storage of detainees' and residents' property**

25. The IRC and PDA should ensure that property is properly searched when it is accepted by the IRC or PDA in accordance with the appropriate operating standard. The only exception is if it has already been searched by an accredited supplier of the UK Border Agency and has been sealed. However, the service provider may choose to re-search the property if they feel it is necessary.
26. Any official documents **in the detainee's or resident's name** which are discovered during a search (such as passports, birth certificates, driving licence) should be copied and passed to the UK Border Agency centre manager for information. (Please note this list of documents is not exhaustive.) Any official documents must be securely stored and not kept by the detainee.
27. If any official documents issued by UK government organisations or agencies (such as passports, driving licences, identity cards) which are **not in the detainee's or resident's name** are discovered during a search, they must be recorded and returned to the issuing authority, and a security information report completed and forwarded to the UK Border Agency's intelligence team. (Please note this list of documents is not exhaustive, and that birth, marriage and death certificates are exceptions to this requirement.)
28. Bank debit cards, credit cards, cheque books and building society passbooks which are **not in the detainee's or resident's name** which are discovered during a search, should be recorded and returned to the issuing authority, and a security information report completed and forwarded to the UK Border Agency's intelligence team.

### **Property in excess of the personal allowance – scheduled flights**

29. Detainees or residents being removed by scheduled flights (both escorted and unescorted) with property which exceeds the 20kg personal allowance have the following options:
  - a) Pay to ship excess property to their destination in advance of removal

- b) Provide proof to the IRC or PDA that the airline's luggage limit is higher and the detainee's or resident's luggage weight is within this limit
- c) Provide proof to the IRC or PDA that the detainee or resident is willing and has the means to pay for excess luggage which incurs a charge
- d) Leave the property behind and make arrangements for its subsequent shipment
- e) Leave the property behind.

In addition, detainees and residents who have bought their own ticket may have the option of paying in advance for excess luggage.

- 30. Detainees and residents should be encouraged to pay to ship excess property because it is often cheaper than paying excess weight allowance charges at the airport.
- 31. For detainees and residents who choose options b) or c) at paragraph 29, the IRC and PDA must pass to DEPMU a minimum of 48 hours in advance of collection, the detainee's or resident's details (including the weight of the excess luggage) and confirmation that the detainee or resident has funds, in cash, to cover any excess weight allowance charges (where this is required). In the case of a detainee or resident who arrives within 48 hours of removal, the IRC or PDA must pass these details to DEPMU as soon as possible. DEPMU will then notify the escorting supplier so that special arrangements can be made for collection of the excess luggage for removal with the detainee or resident.
- 32. For detainees and residents who choose option b) at paragraph 29, it is the detainee's or resident's responsibility to establish whether their airline carrier has a higher excess luggage limit and what that limit is. DEPMU should confirm that the information provided is correct when the IRC or PDA informs them of the excess weight.
- 33. Any remaining property must be retained for 12 months following the detainee's or resident's discharge (or death). Unless the detainee or resident has made alternative arrangements, any remaining property may then be sold, destroyed or otherwise disposed of.

### **Property in excess of the personal allowance – charter flights**

- 34. Detainees being removed by **charter flights** with property which exceeds the personal allowance have the following options:
  - a) Pay to ship excess property to their destination in advance of removal
  - b) Leave the property behind and make arrangements for its subsequent shipment
  - c) Leave the property behind.
- 35. For detainees who do not ship their excess luggage, the IRC must pass to CROS Operations a minimum of 48 hours in advance of collection, the detainee's details (including the weight of the excess luggage). CROS

operations will consider if special arrangements can be made for removal of the excess luggage with the detainee. However, there is no guarantee that charter flights will be able to accommodate excess luggage so every effort should be made to encourage detainees to ship luggage home.

36. Any remaining property must be retained for 12 months following the detainee's discharge (or death). Unless the detainee has made alternative arrangements, any remaining property may then be sold, destroyed or otherwise disposed of.

### **Preparation of property for removal**

37. The IRC and PDA should prepare property at least 24 hours in advance of a detainee's collection for removal. The IRC and PDA must ensure that property is presented in single lots of no more than 20kgs per lot.
38. Detainees and residents should sign a document to confirm, in their own language, that they have all property in their possession. A record should be kept of this in case of dispute.

8 March 2012