

Detention services order 04/2012
(Replaces DSOs 03/2004, 15/2007 and 5/2008)

Visitors and visiting procedures

Introduction

1. This detention services order clarifies the procedures to be followed by staff operating in the main gate area of immigration removal centres and short term holding facilities when checking the identity of official, professional and social visitors and when dealing with minors visiting detainees.
2. It also explains the procedures to be adopted when placing a detainee on closed visits or when banning a detainee's visitor(s) from the centre.
3. In this DSO, 'IRC centre manager' refers to the supplier's centre manager.

Identification of visitors

4. All visitors must provide proof of identification before being allowed access into the centre or visits hall. A failure to provide adequate identification will result in refusal of entry. The onus is on those seeking to gain entry to demonstrate that he or she satisfies the conditions below. Any decision to refuse entry should be made at duty manager level as a minimum.
5. **Social visitors** (personal visitors to detainees) must provide **one** of the following:
 - valid passport (can include foreign passports and travel documents recognised by HM Government)
 - European Community identity card
 - photographic driving licence with paper counterpart.

Or **two** of the following:

- birth certificate
- marriage certificate
- rail or bus pass with photograph

- employer's ID card or NUS student card
 - young person's proof of age card
 - trade union membership card
 - senior citizen travel pass issued by a local authority
 - UK Border Agency ARC card (asylum support application registration card)
 - benefits book.
6. **Home Office officials or other government officials** must provide an ID card containing a photograph (such as a UK Border Agency warrant card, or recognised pass to a government building).
 7. **IMB members and HMIP inspectors** have a statutory right of access to an immigration removal centre. They must provide their IMB ID card containing a photograph.
 8. **Representatives of non-governmental organisations** are treated as social visitors for the purposes of this DSO.
 9. **Legal representatives** wishing to visit detainees must make an appointment with the immigration removal centre. On arrival, legal representatives must provide **one** of the following:
 - identity card issued by their firm or chambers
 - introductory letter on headed paper from their firm or chambers which must contain a contact number and name the detainee(s) to be visited.
 10. **Medical practitioners** must provide an ID card issued by their Primary Care Trust, NHS or equivalent. Independent medical practitioners may provide identification as per the requirements for social visitors at paragraph 4. In addition, establishments have the right to check independent medical practitioners are registered with the General Medical Council (GMC) and/or the General Dental Council and our expectation is that they hold indemnity insurance cover as required by the GMC and/or GDC and hold a valid enhanced Criminal Records Bureau certificate issued within the last two years. It is possible to check a medical practitioner's status at the GMC website: <http://www.gmc-uk.org/doctors/register/LRMP.asp> and to check a dentist's status at the GDC website: <http://www.gdc-uk.org/Pages/SearchRegisters.aspx>

Minors visiting detainees

11. Visitors under the age of 18 are allowed to visit detainees if they have a close relationship with the detainee, such as the detainee is their parent, sibling, step-parent, parent's partner, other close family relationship or a family friend. A record must be kept of the minor's name and date of birth.

12. No visitor under the age of 18 years old is allowed to visit a detainee unless they are accompanied by an adult.
13. No detainee with a known history of being a risk to children will be allowed a visit by anyone under the age of 18 years old.
14. If a visitor is unaccompanied and produces identification which does not confirm the visitor is over 18 years of age, or centre staff are unsure about the validity of the identification, the visitor must be refused entry. Any decision to refuse entry should be made at duty manager level as a minimum. Centres must report any such incident to the UK Border Agency centre manager and to the intelligence and security team.
15. If centre staff have any concerns regarding the welfare of any visitor under 18 years encountered trying to visit a detainee, they should always refer the information to their local social services for advice and information.
16. This instruction does not override centres' MAPPA responsibilities or safeguarding duty to children detained as part of a family group.

Detainees who pose a risk to children

17. Centre staff must carefully manage the supervision of detainees who pose a risk to children receiving visits in the same room as those detainees who are receiving visits from minors. Each case must be assessed on a case-by-case basis but in these circumstances, it may be necessary for detainees who pose a risk to children to be placed on 'closed visits' (see paragraphs 22-29).

Bringing laptops into establishments

18. Home Office officials, other government officials, Independent Monitoring Board (IMB) members, legal representatives and medical practitioners may bring a laptop into an establishment for the conduct of their work.
19. Each centre should ensure that legal representatives and medical practitioners sign a declaration stating that this facility can be removed at any time and, if used, that they have a USB memory stick or dongle in their possession.
20. USB memory sticks and dongles are allowed inside establishments but under no circumstances may they be connected to UK Border Agency or establishment IT.
21. Independent Monitoring Board (IMB) members may connect a Ministry of Justice (MoJ) or Home Office (HO) approved encrypted USB memory

stick or dongle to the establishment's information technology network if required for the conduct of their work and if allowed by the establishment's IT policy. The IMB Secretariat are responsible for the policy, issue and approval of all encrypted memory sticks.

22. Photo and video facilities may not be used inside establishments. [See DSO on 'Mobile Phones and Cameras' which provides further information on this matter and circumstances in which cameras may be taken inside an establishment.]

Closed visits

23. A 'closed visit' is one which takes place behind glass, with no possibility of physical contact between the detainee and visitor(s).
24. Detainees are only placed on closed visits when they are proved or reasonably suspected of involvement in smuggling prohibited items (such as drugs) through visits, or are considered to pose a reasonable risk of involvement, or are considered to pose a threat to other detainees' visitors. Decisions to apply closed visits must be taken on an individual basis. A closed visit should be offered before the visit is refused if a drug dog indicates on the visitor.
25. Closed visits must not be applied as a punishment; they are an administrative measure.
26. Closed visits must be applied for a period of time (normally up to three months in the first instance) and not a number of visits. There should be a documented risk assessment to justify the decision. IRC centre managers can specify a longer period in an individual case if he or she can justify it. This can be extended further if **further** evidence of risk is received during the initial/previous period of closed visits.
27. All detainees placed on closed visits must be reviewed every month by the centre's security manager, and notified to the UK Border Agency, to assess whether there is a continuing need for closed visits.
28. Individual establishments are responsible for putting in place monitoring arrangements for administering closed visits.
29. Establishments should be able to demonstrate that in deciding to apply closed visits they have taken into account all the individual circumstances of the case and have acted proportionately. In applying closed visits, establishments should consider:
 - analysis and the use of intelligence

- incidents on visits
 - behaviour of visitor
 - CCTV evidence or possession of drugs on a post-visit search
 - Finds from room searches
 - Ex foreign national offender (FNO) index offence and criminal record
30. Detainees can appeal a closed visits decision to the UK Border Agency's head of operations in returns directorate.

Banning of visitors

31. Detainees' visitors may be banned if their presence impacts on ensuring safety and security or the prevention of crime, for example, if a visitor has facilitated in an escape, or been aggressive or abusive towards staff. A ban of the visitor would be applied only in exceptional circumstances.
32. Detainees' visitor(s) can only be banned for smuggling prohibited items if:
- they are found to be engaging in the activity, such as caught in possession of the drugs during a search
 - they are seen passing an item to a detainee who is found in possession of drugs on leaving visiting area
 - a detainee is found in possession of drugs and either the detainee or the visitor admits this visitor supplied it.
33. If a visitor is found to be smuggling prohibited items then closed visits must be the normal response. A ban of the visitor would be applied only in exceptional circumstances.
34. The ban and its length should be recommended by the IRC centre manager, but must be approved by the UK Border Agency's head of operations for the returns directorate. If an extension to the ban is considered appropriate, this must be reviewed by the IRC centre manager and authorised by the UK Border Agency's head of operations for the returns directorate.
35. Bans of visitors who are not social visitors (legal representatives and medical practitioners) are at the discretion of the IRC centre manager but must be approved by the UK Border Agency's director of returns.
36. In order for the ban to be lawful, this power must be exercised in a reasonable manner. The IRC centre manager must take into consideration the following circumstances when recommending whether to administer a ban:

- if a ban would cause disproportionate harm to the rights of the detainee's child or children to have access to a parent (UN Convention on Rights of a Child, Article 9 (3))
- if a ban would cause disproportionate harm to the detainee's or visitor's right to a family life (protected by the European Convention on Human Rights, Article 8); and
- any other exceptional compassionate or other grounds.

6 March 2012