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49. Removals via a Second Port

This section provides guidance on handling of cases where the enforcement office dealing with the case, "the case-working port", wishes to effect the removal of someone on a flight or ship leaving from another port, "the departure port".

The prime purpose for both the case-working and departure ports must be to effect without incident (if possible) the removal of the person concerned in line with the directions given. Communication and co-operation between ports is therefore fundamental to the handling of port to port removals.

49.1. Responsibility of the case-working port

It is the responsibility of the case-working port to ensure that all necessary arrangements have been made and to:

- ◆ advise the departure port as early as possible;
- ◆ notify the departure port of all arrangements; make it clear which papers have been served and any actions the departure port is required to take;
- ◆ alert the departure port of any special features which might cause difficulty or require special action (see 49 & 49.5) such as Third Country removals (see chapters 27 and 28);

- ◆ ensure the person is properly documented;
- ◆ ensure that departure port is notified (for information only) of any detained removals (passports and documents must not be sent to the departure port as their involvement should be minimal);
- ◆ ensure his relatives and friends are aware of removal directions and that they (and the person) are kept informed of developments;
- ◆ ensure baggage arrangements have been made and are known to the person and his relatives/friends (see Chapters 49.4 and 58.5.3);
- ◆ arrange and brief escorts, where applicable, after consultation with DEPMU;
- ◆ inform the carrier of the removal directions and of any special features including the requirement for escorts and the responsibility for costs;
- ◆ make any contact with authorities or missions abroad;
- ◆ consider deferral of removal on policy or case-working grounds and consider new information or representations;
- ◆ keep clear and accurate records of all these and other actions.

49.2. Responsibility of the departure port

It is the responsibility of the departure port to:

- ◆ supervise the removal itself;
- ◆ decide when to halt removals for operational reasons (e.g. if the person becomes too disruptive or if it is judged there are too many removals to manage at any given time);

- ◆ ensure that the removal is without incident as far as possible and that the person departs as directed by the case-working port; (the extent to which the departure port becomes involved in the removal depends on the circumstances and nature of the removal);

It is the responsibility of the departure port, on being notified of the removal by the case-working port, **at CIO level where possible**, to:

- ◆ try to identify any difficulty or problem (e.g. numbers on flight, arrangements for holding the person, potential disruption);
- ◆ raise and resolve the issues with the case-working port as early as possible;
- ◆ agree with the case-working port fallback/contingency arrangements for difficult removals;
- ◆ put in place any arrangements for CIO attendance where it is agreed that this is needed;
- ◆ ensure, as far as practicable, that self check-in removals leave as directed;
- ◆ confirm departure to the case-working port once the person has left;
- ◆ inform TCU if a Third Country removals fails to depart (see chapters 27 and 28);
- ◆ Provide any feedback to the case-working port on any problems encountered.

49.3. Notification/Liaison

- ◆ The case-working port should inform the departure port of **all** removals including self check-in removals by faxing the details on the Second Port Removal Form (SPR). The departure port's reference number can be obtained by telephone before the fax is sent. (At Port Administration System (PAS) ports, non-detained cases will be entered on PAS and a local reference number generated. This will be notified to the case-working port by returning an annotated copy of the SPR. The local reference should be quoted in all communication with the departure port);
- ◆ Any DC reference number should be quoted.
- ◆ Any request for CIO attendance must be agreed in advance by telephone between the ports.

- ◆ On receipt at the departure port, the SPR form will be the basis for discussions and should be kept accessible for reference.

49.4. Baggage

- ◆ In order to minimise "baggage disputes", the case-working port should make clear to the person and his relatives/friends what is possible and permissible with regards baggage.
- ◆ If detained in IS accommodation, the baggage should be delivered there (but check in advance with DEPMU).
- ◆ If detained in a prison or police station, the case-working port should check with them whether the delivery of baggage is acceptable to them. It will not be possible for money to be left for the detainee. Any arrangements must be confirmed with DEPMU in advance, so that acceptance procedures can be put into action. DEPMU may then arrange for the baggage to be collected and taken to the departure port in time for the removal.
- ◆ It is the responsibility of the case-working port to liaise with the departure port about arrangements for baggage delivery.

See also Chapter 58.5.3 for further guidance on baggage issues.

49.5. Removals - Holding rooms/Secondary Examination Areas (SEAs)

Use of SEAs is undesirable but there may be no alternative. The final decision on the use of an SEA rests with the departure port but such ports must co-operate with the case-working port in order to overcome holding difficulties. The case-working port must also be flexible; SEAs at some major ports are not designed to and cannot accommodate all people who are to be removed. It may therefore be necessary to hold someone at, say, another terminal whilst awaiting a flight. As a general rule, representatives and relatives should not be given access to a person once he has been taken airside. Case-working ports should inform potential visitors that last minute farewell visits cannot take place in SEAs.

49.6. Self check-in procedure (through a second port when removal is at public expense)

Follow procedures as set out in current guidance for Other Ports' Removals (OPRs).

49.7. After removal

After the illegal entrant has been removed:

- ◆ Confirm departure (with the escort contractor in detained cases or with port of departure in non-detained cases if possible);
- ◆ Inform the relevant casework unit (and MODCU if detained for 28 days or more) within 24 hours;
- ◆ Complete IS128d clearance report as soon as possible: copy to WICU with a photograph if possible, the relevant casework unit and the ECO (and MODCU if the offender had been detained prior to removal for 28 days or more);
- ◆ Clear port file.

49.8. Failed or returned removals

Occasionally removals fail prior to departure or are returned once departure has been affected. The details below clarify the position regarding ownership of enforcement cases, which are removed from the UK and are subsequently returned.

Local Enforcement Offices should retain ownership of cases in the following circumstances:

- ◆ Returns due to technical problems with flight prior to landing.
- ◆ Unlawful removals.

Ports should treat the following cases as new, on-entry arrivals:

- ◆ Returned from final destination.

- ◆ Returned from transit destination.

49.9. In the Special case where Removal is via a Removal Facilitation Unit (RFU)

Background

The RFUs were established in 2004 to deal with the high number of removals departing from Heathrow and Gatwick airport. The aim of the RFU is to maximise the number of successful removals through the quality control of all travel documentation and by liaising with airlines, G4S, case owners and detainees to rectify any issues arising which threaten to cause a removal to fail.

Transfer of detained persons to airports for removal – role of the detention contractor.

The detention contractor is responsible for escorting detained persons to airports for removal. RFUs and ports are unable to assist in supporting any other arrangements for the transferring airside and removal of such persons in the absence of prior agreement at AD level.

Self Check - in procedures

The Gatwick RFU will deal with self check-in removals. At Heathrow, the individual terminals, rather than the RFU, will be responsible for dealing with self check-in removals.

49.9.1. Procedures when a lawful removal via an RFU fails.

In the event that a person lawfully removed from the United Kingdom is returned to the United Kingdom by either the receiving or the transiting state, the receiving port in the UK will be responsible for initial processing of the case (ie service of the IS81), after which, responsibility for the case and all subsequent casework actions will automatically revert back to the original case owner / LEO.

49.9.2. Procedures when an un-lawful removal via an RFU fails.

In the event that a person is brought back to the United Kingdom having been removed unlawfully, the receiving port in the UK will again be responsible for initial processing of the case

(ie service of the IS81) but after this point, responsibility for the case and all subsequent casework actions will again automatically revert back to the original case owner/ LEO.