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48.1 Making flight arrangements

All requests for tickets for removals (other than Carriers Liability where the airline has accepted responsibility) need to have an Electronic Removals Form (ERF) completed. This should include the individual's personal identification number (PID) and must be completed in order for the booking to be made. The PID can be found on CID and should be placed in the new "PID reference" field on the ERF. This will be placed on the 'returnee details' page next to where the Home Office or port reference field is located.

- Select a ticket search option at the beginning of the e-booking process which will dictate the search CWT will undertake. There are four ticket search options. You will receive back a FULL BREAKDOWN of removal costs including any escorting costs. You will also receive another two options.
- If the flight is within 24 hours a telephone booking must be made but with the E-booking form subsequently being filled in – this is a **must** owing to invoicing requirements.
- Where overseas escorts are requested, CWT will undertake the liaison with Reliance.

Complete and send the following forms

1. **IS151 D** – NOTIFICATION OF RD'S
2. **IS152 B** – NOTIFICATION OF RDs to RFU & AIRLINE
3. **ISE 303** – SIGN TO SAY RECEIVED RD'S
4. **ISE 304** - AUTHORITY TO COLLECT TICKETS RFU
5. **ISE 306** – NOTIFICATION OF 2ND PORT REMOVAL – Special Needs

6. **IS 91 RA** - DETAINED RISK ASSESSMENT

Note these forms are no longer required

1. **IS108** – REQUEST ESCORTS
 2. **IS109** – CANCEL ESCORTS
 3. **IS107 A** – CENTRAL BOOKING UNIT NOTIFICATION
- You will be sent a proposed travel itinerary by email showing the ticketing options. In the event that you do not want to use the selected option you must contact CWT within 30 minutes at the very latest to make different arrangements. If you do not do so within that timescale you will need to cancel the booking and re-book.

Note **no new** tickets can be booked if there is an outstanding booking on a case and this has not been properly cancelled. A guide to cancelling a booking using the ERF is available

Self check-in cases:

serve IS151D

- ♦ if subject makes a human rights or racial discrimination claim refer to chapter 21.
- ♦ serve IS96 check-in on the subject;
- ♦ advise the subject to report to the immigration office at the port of departure at least two hours before the flight and to embark at least one hour before the flight;
- ♦ fax IS152b to the airline;
- ♦ follow procedures for removals via a second port if appropriate (see chapter 49);
- ♦ ensure the passport or EU travel letter is available for collection at the port of departure if necessary.

If a self check-in IS96 is to be used, it should be noted on both the IS96 and the IS107B where the ticket is to be collected from. It should also be noted that the Home Office has no responsibility for arranging or paying for excess baggage and this should be pointed out to the subject at the time they are sent the IS96.

Detained cases:

- ◆ inform the Detention Co-ordinator of the removal details; he will arrange for the escort contractor to transfer the person from the place of detention to the flight and he will require a copy of the removal directions form IS152b for the airline;
- ◆ inform the police or prison of the removal arrangements where appropriate;
- ◆ serve IS151D
- ◆ if subject makes a human rights or racial discrimination claim refer to chapter 21.
- ◆ fax IS152b to the airline;
- ◆ follow procedures for removals via a second port if appropriate (see chapter 49);
- ◆ ensure the passport or EU travel letter is available for collection at the port of departure if necessary.

48.2. Collection of tickets

In unescorted cases the ticket should not be collected until the subject has attended for removal. He should then be taken to check-in to obtain a boarding pass. Under no circumstances should the ticket be collected in advance and retained on file. If for any reason the ticket/flight coupon comes into the possession of a member of the IS, it should be returned to the removal contractor as soon as possible.

48.3. Procedures for deferral of removal

For unescorted removals:

If removal has to be cancelled or deferred for any reason, e.g. if further representations are received or the person absconds, or if the subject fails to turn up for removal then follow the guidance on cancelling the booking using the ERF.

Cancelling a removal on the booking form takes only a few minutes and should even be done if the intended removal date has passed

48.4. Paragraph 10 removals without prejudice

Sometimes, a carrier will not accept liability for removal expenses under paragraph 9. In such cases, and with the authority of an Inspector, the person is removed under paragraph 10 without prejudice to further action against the carrier in respect of removal and detention costs. (See also 48.5).

Proceed as in paragraph 10 removals (see 47.6) but serve form "IS152b Without Prejudice" on the inward carrier.

48.5. Carrier's obligations

Where the inbound carrier is known, the carrier may be given directions for the removal of an illegal entrant under paragraph 9 of Schedule 2 to the 1971 Act. Under paragraph 20 (1) of Schedule 2 to the 1971 Act, as amended by paragraph 9 of Schedule 2 to the 1996 Act the carrier is liable for the cost of removal and for detention costs for any period not exceeding 14 days **except** where the person gained leave to enter by deception, in which case the carrier is not liable for any detention costs (unless the leave to enter was actually cancelled within 24 hours). The carrier usually requires evidence of carriage, such as a landing card, ticket or boarding card.

The possession of a visa or entry clearance does not affect the carrier's liability for costs.

A carrier is also obliged to accept directions when an illegal entrant is removed under paragraph 10 of Schedule 2 to the 1971 Act.

Section 27 of the 1971 Act sets out the offences concerning failure to comply with directions lawfully given under Schedule 2 to the 1971 Act and is amended by the 1996 Act.

Report to an Inspector any cases where carriers decline to accept their responsibility under the 1971 Act but ensure that directions have been properly served and formally declined. Then seek authority for removal under paragraph 10 without prejudice to any action that might ensue under section 27 of the 1971 Act. (See 48.4).

48.6. Voluntary departures at own expense

When a detainee liable to removal from the UK asks to leave voluntarily at their own expense, staff should normally look to approve this request unless there is reason to believe:-

- a) that this will unduly delay removal, or
- b) the detainee will not depart as stated, or
- c) the person is currently subject of possible prosecution action, or
- d) deportation is more appropriate

Note that we should not normally agree to a request where removal directions are already in place and the person wishes to leave at a later date even if they wish to buy their own ticket.

Where the person is buying their own ticket, this does not constitute a removal so there is no need to seek authority to remove or to serve removal directions or a Notice of Appeal IS87 (Overseas). This departure does not need to be delayed for the usual 72 hours if arrangements can reasonably be put in place before this. CID should be updated to show that the person is making a voluntary departure and flight details should still be added especially in cases where the person is to be escorted from a place of detention to the airport. DEPMU should also be notified of the removal directions and the location of the passport or travel document. This ensures that a movement order can be generated for the Escorting Contractor to take the detainee to the port of departure.

If there are any outstanding issues that would normally act as a barrier to removal the detainee should be asked to sign a disclaimer, form IS101 or IS101(asylum) as appropriate. If there is a legal representative on record they should be sent a copy of the disclaimer without delay, preferably by fax. If an appeal or judicial review application is outstanding, the subject will need to contact the relevant authorities to withdraw action before he leaves the UK.

Where a detainee subject to deportation requests to leave voluntarily at their own expense, the CCD case owner must be notified so as to determine what deportation (or exclusion) action should be taken. Often, CCD will continue with the deportation action as planned.

Similar processes apply for non-detained cases and, where appropriate, reasonable arrangements should be made for passports, if held, to be made available at the port of departure.

48.6.1 Voluntary departures other than at own expense

When a person wishes to make a voluntary departure but he is unable to pay for his ticket, the costs of removal may be paid by the Secretary of State. **In such cases the 72 hours notice of removal directions still applies.** The individual should be asked to sign a disclaimer and if there is a legal representative on record they should be sent a copy of the disclaimer without delay, preferably by fax. Full details on the 72 hour rule can be located in chapter 60. In such cases, and for statistical purposes, treat the case as a removal not a voluntary departure. Where a person who is detained wishes to make a voluntary departure in these circumstances, consider issuing removal directions in paragraph 9 cases so that removal costs may be recovered, but in such cases, seek authority for removal.

A person may rescind his wish to make a voluntary departure at any time up to departure. For details about the Voluntary Assisted Return Programme see Chapter 46

48.7. Removing Irish Land Border illegal entrants

A person who has entered the UK illegally from the Republic of Ireland via the land border may be served with notice of illegal entry. Since 17 July 2002 removal directions may now be served in respect of anyone who has entered illegally using this route including those who have arrived prior to 17 July 2002 (the date on which The Immigration (Entry Otherwise than by Sea or Air) Order 2002 came into force. Refer also to Ch 2.6.1.) Where a person falls to be removed because he has been refused leave to enter, the power to remove only applies where the subject entered on or after the Order came into force.

48.8. Removing British Protected person, BOTC, BNO and BOC passport holders

Passport holders may be served with notice of illegal entry but removal is not straightforward. The person concerned must apply for entry clearance to the appropriate Embassy or High Commission of the country to which he is to be removed. If entry clearance is issued, he may then be removed. If the Embassy or High Commission refuse the application and he can prove this by presenting a letter from them, leave to remain in the UK may be granted by Temporary Migration if further efforts to obtain re-admission to his country of origin are unlikely to prove successful.

BOC who were formerly citizens of Malaysia

It is open to certain Malaysian nationals to apply for passports as BOC and some have renounced their Malaysian nationality in the mistaken view that BOC status gives them a right to live and work in the UK. Discussions with the Malaysian authorities are ongoing to devise a scheme whereby they can be returned to Malaysia and re-establish Malaysian nationality from within Malaysia. This follows a number of cases in which the Malaysian border officials have rejected former Malaysian nationals who we have attempted to forcibly return.

The Minister for Immigration, Damian Green, has agreed (February 2012) following discussions with relevant interest groups to suspend enforced removal action in cases in which the subject is a former Malaysian national who has renounced their Malaysian nationality and so (a) can not travel on a Malaysian passport (b) is not subject to other reception arrangements in Malaysia. e.g. they have no leave to enter for a significant period and (c) are likely to therefore be returned to the UK whilst the outstanding discussions on reception arrangement are concluded.

Until further notice we should therefore not seek to remove a BOC who was previously a Malaysian national unless he has a valid visa to return to Malaysia or has reacquired Malaysian nationality. Once discussions with the Malaysian authorities have been completed and arrangements for return have been formalised a further instruction will be issued.

Hong Kong BDTC passports ceased to be valid at the end of June 1997. Holders of such documents were able to register as BNOs until this date. Enquiries about nationality status should be made to Nationality Policy & Special Cases Unit (Liverpool).

The British Overseas Territories Act came into force on 21 May 2002. All British overseas territories citizens (BOTCs), except for those from Sovereign bases of Cyprus, became British citizens with the right of abode in the United Kingdom from this date. A list of British Overseas Territories can be located in the Immigration Directorate Instructions (IDIs) Chapter 1 Annex D ROA

48.10. Representations made before removal

Representations are often made by a person or a representative immediately prior to removal and many of these are made in an attempt to delay removal. Such representations would always be referred to OSCU.

Refer all matters involving asylum or human rights issues to OSCU.

Threats of seeking judicial review of the decision to remove should be dealt with as in Chapter 60. Refer written representations immediately to OSCU.

If an MP becomes involved, refer the case to the relevant casework unit to liaise with Private Office (see Chapter 59).

Removal should not proceed whilst there are outstanding unresolved representations. However, persistent representations that do not provide any new evidence of a compassionate nature should not avail the person. Refer to OSCU for authority to proceed with such a removal, or refer to an Inspector out of office hours.