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### 58. Overseas Escorts

Where an offender shows violent tendencies or a determination not to be removed, a discipline escort may be required and where an offender has a medical condition and requires medical supervision on the flight, a medical escort may be required. In the latter case, account should be taken of the views of the medical practitioner who has responsibility for the care of the person.

#### 58.1. Paragraph 9 (carrier's Expense) removals-escorts

If the IS feel an escort is necessary, all the known facts must be brought to the attention of the carrier in writing e.g., by telling them of medical advice given. Serve directions for removal on the carrier (in accordance with paragraph 9, of Schedule 2 to the 1971 Act), plus written confirmation that an escort is necessary, giving the reasons. In cases where a discipline escort is considered necessary or it is believed an offender could be disruptive and a potential danger to the safety of the aircraft, inform a responsible official of the carrier and note his name on the port file.

The carrier should then arrange the removal, including the provision of any escort. Carriers are free to use whichever escorting company they choose. However, in paragraph 8 and 9 escorted removals, only the in-country Escorting Contractor (currently Group 4 Securicor and International Trading Agency), and, in exceptional circumstances the police or Prison Service, may transport detainees within the UK, transferring responsibility for the removal overseas to the carrier's escorts at the door of the aircraft or steps of the ship.

Section 14 of the 1999 Act came into force on 1 March 2000, and allows removal directions to include provision for escorts to accompany the person who is being removed. It also allows the

Secretary of State, by regulations, to make supplementary provision about escorts, including a requirement for the carrier to pay the costs of escort in certain circumstances.

As yet no regulations have been made under section 14. It is therefore not possible to rely on section 14 in order to compel the carrier to meet the costs of providing escorts in addition to the cost of removing the individual concerned. [Note - there is an argument that paragraphs 19 and 20 of Schedule 2 to the 1971 Act can be relied upon to recover the cost of an escort (being a “custody” cost), where removal takes place within 14 days of the person’s arrival.]

If the carrier refuses to provide an escort, however, this may amount to a refusal to carry out directions; in this case, serve the directions and a copy of the advice on the registered office of the carrier or his agent. If the carrier persists in refusing to provide an escort and removal is thereby frustrated, seek authority from either the relevant casework section or the local Port/LEO HMI for removal with escort under paragraph 10 of Schedule 2 to the 1971 Act.

If the carrier fails to provide an escort or tickets for an escort, follow the above procedure. If a paragraph 10 escort is arranged in what is otherwise a paragraph 9 (carrier’s expense) removal, the in-country escorting contractor (currently G4S and ITA), will collect the detainee from the place of detention and deliver them to the overseas escorting contractor at the door of the aircraft or steps of the ship.

## **58.2. Paragraph 10 (public expense) removals-escorts**

The costs of an escort for a removal removed under paragraph 10 of Schedule 2 to the 1971 Act will be met by the Secretary of State. (For guidance on procedures refer to 47.6 Procedures for Paragraph 10 Removals.)

In public expense removal (PER) cases escorts will be provided by G4S (and a list of approved contractors) who have been contracted by the Home Office for this purpose. G4S or other approved contractors are also able to provide medical escorts when necessary.

The authority of an Inspector is required for the provision of escorts. To authorise escorts in PER cases, an initial assessment will be made by the Port/LEO Inspector following which DEPMU will process the request further, considering also any additional information available from the place(s) of detention.

To ensure minimal disruption to the flight on which the removal is to take place, request seats at the rear of the aircraft for the detainee and escorts, and G4S always endeavour to board the aircraft before the rest of the passengers.

### **58.3. Escorts in deportation cases**

The costs of an escort in deportation cases are met by the Secretary of State and it is the responsibility of the casework IO to ensure the carrier is aware of any potentially disruptive person aboard a flight, regardless of whether the person is to be escorted.

### **58.3. Police escorts**

In the past the police have on occasion provided overseas escorts for immigration detainees. However, since the commencement of the current overseas escorting contract, the assumption should be that G4S or another approved contractor will be used for every case. Any requests for the police to escort detainees overseas should be directed to the DEPMU HMI.

### **58.5. Use of mechanical restraints**

Authority for the use of mechanical restraints is vested in DEPMU. Only two types of mechanical restraint may be used when immigration detainees are being escorted: handcuffs and/or, in wholly exceptional cases, leg restraints. Under no circumstances may any other type of restraint be used.

The use of such restraints is authorised only according to strict guidelines. In using restraints, the safety and security of the detainee and the safety of the escort and the public are the foremost considerations. Only escorts who have had training in their use and who have undergone an approved first aid course may use mechanical restraints, and under no circumstances may any restraints be applied to the upper body, neck or head of the detainee. In considering whether to obtain authority to use restraints, escorts must consider whether there are reasonable grounds for believing that an unrestrained detainee may use violence or seek to abscond, taking his history into account. Escorts must also ensure that there are no medical reasons why restraints should not be used.

Whilst on board a ship or aircraft the escort will be acting under the authority of the master/commander of the vessel and the use of any form of restraint must be with his explicit agreement, although once again under no circumstances may any restraints be applied to the upper body, neck or head of the detainee.

### **58.5.1. Use of Handcuffs by escorts**

The escort team leader may decide, at the contractor's risk, to use handcuffs without having obtained prior authority. Their use in such circumstances may only be justified in the interests of safety and/or security in an emergency situation.

### **58.5.2. Leg restraints**

To use leg restraints, the escort must obtain prior authority from the DEPMU HMI or Detention Services on-call Manager. There would have to be particularly compelling reasons for leg restraints to be used other than on board or immediately before boarding and they may be used on board only if authorised by the DEPMU HMI or Detention Services On-Call Manager and if the master/commander of the vessel explicitly consents. The escort should keep a record of this decision.

### **58.5.3. Retrieval of personal effects**

Inform persons to be removed/deported in advance, using the appropriate forms, of the baggage allowance (approx. 20-22 kg,) and that the IS has no responsibility for arranging or paying for the returnees excess baggage. BAA airports will enforce a maximum weight limit of 32kg for any single item of baggage.

If the returnee has a large amount of baggage, he must make his own arrangements for separate shipping.

When someone is detained in IS detention accommodation, ideally the baggage should be delivered there. Prisons and the majority of police stations, however, will not accept the delivery of baggage. Therefore, in the first instance the case-working port should check with the individual place of detention concerned to ascertain whether the delivery of baggage is acceptable. In establishments where this is refused, it has been agreed that, where removal is

to be effected through Heathrow, Gatwick or Stansted only, friends or relatives of the person concerned may leave one suitcase at Harmondsworth between 1400 and 2100 hrs not later than 24 hours before removal. The suitcase will be searched in the presence of the person delivering it. It will not be possible for that person to leave money for the detainee. All these arrangements must be confirmed with DEPMU

in advance, so that acceptance procedures can be put into action. DEPMU will then arrange for the baggage to be collected and taken to the departure port in time for the removal. Where removal is not to be effected through Heathrow, Gatwick or Stansted, or where the arrangements above are not practical, it is the responsibility of the case-working port to liaise with the departure port regarding arrangements for baggage delivery.

If the person wishes to take his baggage with him, then he must be responsible for its handling en route to the airport, not G4S and ITA.

Although adequate time should be allowed for the person to obtain his baggage, do not delay removal unduly because of this.

Where a person wishes to withdraw funds before removal, he should arrange for a friend to do this on his behalf. If this is not possible, arrangements should be made to have his funds available for collection at the airport bank at his port of departure.

See also 49.4 for handling of baggage when removal is via a second port.