

Travel abroad

1. Introduction

Leave granted for more than 6 months does not lapse when a person leaves the Common Travel Area (CTA). This applies to all leave. However, if a person is absent for a continuous period of more than two years, the leave (including ILE/R) will lapse. The CTA refers to the United Kingdom, the Republic of Ireland, the Channel Islands and the Isle of Man.

Asylum claims will automatically be deemed to have been withdrawn when the claimant's passport is sent back to them, at the claimant's request, for travel outside the CTA. Where the claimant travels without first requesting the return of a passport for this purpose, the asylum claim will normally be treated as withdrawn upon embarkation for any destination outside the UK, irrespective of the documentation produced, even if that destination is within the CTA. In the case of appellants, their appeal is deemed abandoned upon embarkation in the United Kingdom for a destination outside the UK.

2. Applications for a return of passport

When a written request is received before a decision is made on the asylum claim, for the return of a passport for the purpose of travel outside the CTA, the caseworker should send a written notice, which should include a declaration for signature, warning the claimant of the consequences of having their passport returned for travel purposes i.e. that return of the passport will constitute a withdrawal of the asylum claim. The passport should only be returned on receipt of the signed declaration. If a telephone request is made the applicant/representative should be advised to put the request in writing.

The asylum claim is treated as withdrawn on the date the passport is returned in response to the request.

For further guidance, see the **API on Withdrawal of Applications**.

3. Appellants

An asylum appeal within section 82 of the Nationality, Immigration and Asylum Act 2002 will be treated as abandoned if the appellant leaves the United Kingdom or is granted leave to enter or remain in the UK

4. Refugees with leave and persons granted humanitarian protection or discretionary leave for a limited period

Those with extant leave who travel outside the UK will not require fresh leave on their return to the UK, providing they return within the validity of that extant leave, unless they are seeking admission in a different capacity from the one in which their extant leave to enter/remain was given.

Persons returning to the UK may still be subject to examination by an immigration officer who will consider whether it is appropriate to allow the

passenger to enter the UK. Refugees and those granted humanitarian protection or discretionary leave, who return within the period of their previous leave, will normally be re-admitted to the United Kingdom provided they can satisfy the immigration officer about their status.

There may be circumstances in which an immigration officer gives notice that s/he is suspending leave to enter which is in force but which was given to the person before arrival, pending further examination, to establish under paragraph 2A(2) and 2A(3) of Schedule 2 of the 1971 Act: whether: -

- there has been a change in the circumstances of the persons case since the leave was granted;
- the leave was obtained as a result of false information given by the individual or their failure to disclose material facts;
- there are medical grounds on which the leave should be cancelled
- the person's purpose in arriving in the United Kingdom is different from the purpose specified in the entry clearance which has effect as leave to enter.
- it would be conducive to the public good for the leave to be cancelled.

The suspension could result in the leave being cancelled.

For those persons who appear to have travelled to their country of origin, cessation of status must be considered within the Asylum Casework Directorate (ACD). For further information see: **API on Cancellation and cessation of status.**

5. Travel documents

Travel Documents Section (TDS) can issue a Convention Travel Document to persons who have been accepted as refugees in the UK, and who wish to travel. TDS will retain the refugee's original passport (if s/he has one) when issuing the travel document.

Persons accepted as refugees in the UK cannot hold both a Convention Travel Document and their own national passport. If a person wants their national passport back they would first have to return any Convention Travel Document they hold, and if they chose to travel on their own national passport they would be in danger of losing their refugee status. For further guidance on circumstances where a refugee may lose their refugee status as a result of travel on their own national passport see: **API on Cancellation and Cessation of Refugee Status.**

Provided certain essential requirements are met, TDS can issue a travel document called a Certificate of Identity - CID, to persons who wish to travel and have been granted indefinite leave to enter or remain (but who are not refugees or stateless), Exceptional Leave to Enter or Remain, Humanitarian Protection or Discretionary Leave.

TDS can also issue a Stateless Persons Travel Document (SPTD) to those persons who wish to travel and have been accepted as stateless under the 1954 United Nations Convention relating to the Status of Stateless Persons. TDS will retain any travel document held (if one was) when issuing the SPTD.

For further information on travel documents see **IDIs**.

Further advice: see also the **API on Withdrawal of Applications, IDIs and APIs**.

Further enquiries should normally be made in writing, via a Senior Caseworker, to APU, Policy Group C.