

Detention services order 15/2012

Fingerprinting of detainees

Introduction

1. This instruction concerns mandatory instructions for fingerprinting detainees in the detention estate.
2. For the purposes of this DSO, 'centre' refers to immigration removal centres.

Policy

3. Section 141(1) of the Immigration and Asylum Act 1999 states that 'Fingerprints may be taken by an authorised person from a person to whom this section applies'. Section 141(5e) lists 'a person who is employed by a contractor in connection with the discharge of the contractor's duties under a detention centre contract' as an authorised person. In immigration removal centres, contractor staff and NOMS staff accredited by the UK Border Agency as detention custody officers are authorised to take fingerprints.
4. Supplier staff who take fingerprints from detainees must receive training before being allowed to do so.
5. All foreign national offenders (FNOs) - i.e. CCD cases - aged 18 years and over are to be fingerprinted in accordance with the relevant legal power upon arrival at the centre unless the detainee's detainee transferable document (DTD) states he/she has already been fingerprinted in another centre.

Taking fingerprints

6. All centres are equipped to take 'wet' fingerprints of detainees.
7. The UK Border Agency are introducing the IABS (Immigration and asylum biometric system) in to all immigration removal centres. The IABS will replace 'wet' fingerprinting. Centres should retain the ability to take 'wet' fingerprints in case the IABS is unavailable at any time.
8. The front cover of the detainees' DTD must be clearly marked showing that fingerprints have been taken, the date and time taken, and who the prints were taken by.

Dealing with refusals to provide fingerprints

9. Section 146(2) of the Immigration and Asylum Act 1999 gives any person authorised to take fingerprints, as listed under section 141 of the same Act, the power to use reasonable force to fingerprint an individual when necessary. This would include someone refusing to provide his or her fingerprints. Under Section 141(5) of the same Act those authorised to take fingerprints are: a constable; an immigration officer; a prison officer; an officer of the Secretary of State authorised for the purpose; or a person who is employed by detention centre contractors.
10. When a detainee refuses to have their fingerprints taken, all reasonable efforts must first be made to persuade him/her to comply. The use of force must always be regarded as a matter of last resort to be used when other measures (for example, verbal persuasion) not involving the use of force, have been unsuccessful or are unlikely to succeed. If all other measures have been exhausted, and there is no record of the detainee having already provided fingerprints (or the fingerprints on record are not of acceptable quality), the matter should be dealt with as a planned use of force. As with any planned use of force a risk assessment will be conducted and consideration should be given to filming the use of force.
11. Staff used to take fingerprints by force must be in date with their Control and Restraint training.

Using IABS to generate fingerprints

12. The IABS system sends the fingerprints directly through to the immigration fingerprint bureau (IFB). Staff must state at the time if they also want Eurodac checked. Once the results of the fingerprinting have been checked, IABS automatically generates an email which is sent to the relevant originating team's inbox. There should be one in-box set up for Immigration checks and one for checks against the Eurodac.

Sending wet fingerprints to immigration fingerprint bureau (IFB)

13. Centres will send wet fingerprints at least three times a week using Royal Mail special delivery to IFB at the following address:

Immigration fingerprint team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Contact numbers in IFB for queries are:

020 8196 4331
020 8196 4332
020 8196 4333
020 8196 4334
020 8196 4335