

Border Force Operations Manual

Examination of passengers who are veiled for religious or cultural reasons

1. A person's identity cannot be established without having sight of their face (to check that it is consistent with the photograph produced). This has the potential to cause difficulties when dealing with female passengers wearing clothing that covers their face for religious or cultural reasons.
2. Officers must appreciate that such individuals may not be comfortable with revealing their faces in public. Therefore, a female officer should be made available to escort the passenger to a private area for the necessary checks to be conducted. This allows us to carry out mandatory checks whilst remaining flexible and responsive to the needs of the travelling public.
3. There may be occasions where such a passenger arrives at a small port where only one male officer may be on duty at a time. The officer should ask the passenger if they are willing to reveal their face to the male officer so that the necessary check can be carried out expeditiously or whether they would prefer to wait for a female officer to be called to assist.
4. A person who is being subjected to an examination may be detained by a Border Force officer pending the conclusion of that examination. This means that you may lawfully detain a passenger in these circumstances by serving form IS81 pending the arrival of a female officer so that a visual check can be done.
5. Before detaining a passenger in these circumstances you must ensure that the passenger is given the option for the male officer to carry out the required checks by consent or to wait for a female officer. It will be helpful to establish how much of a delay is likely if a female officer is not on duty nearby. This will ensure that detention is lawful and proportionate as all other alternatives to detention will have been explored.
6. The fact that the arrival of a female officer may cause the passenger some delay is not grounds to waive the visual check to establish that the passenger is the rightful holder of the document. Similarly temporary admission will not be appropriate as the passenger's identity cannot be verified at this stage.
7. If having taken all reasonable steps to arrange attendance it is clear that a female officer will be unable to attend within a reasonable time and the passenger still refuses to allow a visual check you must consider refusal under Paragraph 320(8). Given the sensitivities of such cases you should seek guidance from the Duty Director to confirm that refusal is appropriate in all the circumstances.
8. Paragraph 320(8) provides that a person should normally be refused leave to enter where they have failed to furnish the immigration officer with such information as may be required for the purpose of deciding whether or not leave to enter should be granted. Refusal on this basis would normally only be used in cases where a non visa national has failed to provide information. However, the specific circumstances covered by this guidance, mean that it is appropriate to consider refusal under this paragraph for all cases where an individual has failed to satisfy the immigration officer that they are the rightful holder of the travel document presented, even if it does contain an entry clearance.
9. This guidance applies equally in any circumstance where a passenger's face is not clearly visible preventing an officer from conducting a full visual check to confirm identity.
10. IPS photo requirements which meet the requirements set out by the International Civil Aviation Organisation (ICAO) state that photographs must show a person without a head covering (unless it's worn for religious or medical reasons) and that any such covering should not cover the face.
11. This guidance does not affect our ability to carry out customs examinations or examinations for law enforcement purposes.