

CHAPTER 1
SECTION 3

ANNEX O

RETURNING RESIDENTS

MISCELLANEOUS

1. INTRODUCTION

This Annex contains various pieces of different information which on occasion may be required. The Annex relates to illegal entrants returning to the United Kingdom as bogus returning residents, defective endorsements in passports and overstayers liable to deportation action.

2. BOGUS RETURNING RESIDENTS

The previous landing and embarkation stamps endorsed in the passport of a person claiming to be a returning resident should normally be sufficient to establish his claim. However, an immigration officer is justified in examining a person who claims to be a returning resident, but whose passport appears to have been forged or falsified. Methods of deception generally involve the substitution of either the photograph or pages from a genuine returning resident's passport and the use of counterfeit landing or embarkation endorsements in an otherwise genuine passport. A person who has entered or remained unlawfully may present a passport recently issued in the United Kingdom and to support his claim he may produce forged or altered documents, such as a national insurance card, NHS card or employers letters.

3. DEFECTIVE ENDORSEMENTS

The existence of illegible or defective endorsements in the applicant's passport made within 2 years should not be taken as prima facie evidence that the holder is entitled to indefinite leave. Full account must also be taken of the other criteria set out in this guidance. See also *Chapter 22 Section 5, Annex A, "Erroneous and illegible endorsements"*.

4. OVERSTAYERS LIABLE TO DEPORTATION ACTION

Where it is clear that an overstayer was last given limited leave to enter to pursue a claim as a returning resident under Paragraph 18 of HC 395, deportation action should be postponed until his status can be determined, *unless* it is evident from the information available that the person has no such entitlement. In all other cases ICD should confirm that it would be appropriate to grant indefinite leave retrospectively before deportation action is suspended or revoked.