



Detention Services Order 06/2012

Management of Property

Process: To provide instructions and guidance to suppliers and Home Office staff operating in immigration removal centres, the pre-departure accommodation and short-term holding facilities on the management of detainee property in preparation for removal.

Implementation Date: March 2012 (reissued July 2016)

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Contains Mandatory Instructions

For Action: Home Office and suppliers operating in immigration removal centres, the pre-departure accommodation and short-term holding facilities.

For Information: Home Office caseworkers

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Processes Affected: Acceptance of detainee property delivered by third parties, searching and storage of detainees' property, and preparation of property for removal.

Assumptions: All IRCs, STHFs and the PDA must be equipped with weighing scales.

Notes:

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Contents

Introduction	3
Principles for managing property	3
Management of stored property in centres	3
Searching of property	4
Recording of property	5
Property from Immigration Compliance and Engagement (ICE) teams	6
Property from prisons/National Distribution Centre	6
Acceptance of additional property	6
Access to property	7
Management of stored property for removal	7
Preparation of property for removal	8
Property in excess of the personal allowance – scheduled flights	8
Property in excess of the personal allowance – charter flights	9
Disposal of property	9

Introduction

1. This order provides guidance for all staff in Home Office immigration removal centres (IRC), pre-departure accommodation (PDA) and short-term holding facilities (STHF) and escorting staff in relation to the management of detainee property and in preparation for removal from the United Kingdom. References to “centre” in this document cover IRCs, STHFs and PDA.

Principles for managing property

2. Detainees’ property must be managed by centres with an assumption that the detainee(s) will be removed by air at the end of their detention.
3. Detainees have a personal property allowance, when travelling on scheduled flights, charter flights or other special operations arranged by the Home Office, of one piece of luggage weighing no more than 23kg.
4. Additionally, detainees travelling on scheduled flights **may** be allowed (depending on risk assessment) one piece of hand luggage for the flight up to a maximum of 5kg. The weight of this hand luggage is in addition to the 23kg allowance. Detainees who are travelling on charter flights or other special operations arranged by the Home Office are not permitted any hand luggage.
5. The Home Office recognises that airlines’ policies on hand luggage and checked luggage vary. However, 23kg is the maximum weight allowance of many airlines used by the Home Office and therefore this is the standard personal allowance for all detainees.
6. Personal property allowances do not include food items which can reasonably be consumed by the detainee in the centre in advance of removal.
7. Special property allowance arrangements apply to families with younger children. So long as a child is sitting in their own seat, i.e. is over two years old, they have the same luggage allowances as an adult. Car seats and pushchairs may be taken on the flight with the family and are excluded from the personal allowance.

Management of stored property in centres

8. The centre supplier must accept all property which is delivered by the escort supplier or a Home Office Immigration Enforcement (HOIE) official at the same time as the detainee. If the weight of the property exceeds the personal allowance, the supplier must inform the Detainee Escorting and Population Management Unit (DEPMU) copied to the onsite HOIE Manager.

Searching of property

9. The centre supplier must ensure that property is properly searched when it is accepted by the centre in accordance with DSO 09/2012. The only exception is if it has already been searched by an accredited supplier of the Home Office and has been sealed. However, the centre supplier may choose to re-search the property if they feel it is necessary.
10. Under section 52 of the Immigration Act 2016 Detainee Custody Officers (DCOs) have the power to seize any document(s) discovered during a routine search which may establish a detainee's identity, nationality or citizenship, for examples a passport, identity card, birth certificate, Home Office Travel Document or biometric residence permit. If such a document is found, the DCO must seek verbal consent from the onsite HOIE team to retain the document.
11. Under section 51 of the Immigration Act 2016, a Home Office official (Home Office caseworker, Immigration Officer or onsite HOIE Manager/Deputy Manager) can direct a DCO to search a detainee for nationality documents if there is information or intelligence to suggest that nationality documents will be found in the detainee's possession. This includes the detainee themselves and anything on their person, the detainee's residential room and any stored property. The detainee must be given the opportunity to attend any search of their room or property, and the centre supplier must record this and any refusal to attend. Any direction to search a detainee, their room and/or their property must be given in writing by the Home Office official, and the centre supplier should action this within 48 hours of the direction being received.
12. In both cases, the seized document must be provided to the onsite HOIE team as soon as possible, who will then update the notes field on the Casework Information Database (CID) with details of the seized document. The onsite HOIE team should send the document by secure means to the Home Office caseworker and follow this up with an email confirming postage. The caseworker will then decide if the document is relevant and whether it should be retained, returned to the person who previously possessed it or to the location where it was found, or otherwise disposed of, and update the notes field and/or the documents submitted screen on CID.
13. These powers do not extend to financial documents such as bank debit cards, credit cards, cheque books and building society passbooks.
14. The centre supplier must inform detainees of prohibited items which they are not allowed to have in their possession in the centre.
15. Detainees must be informed that property held in their possession is done so at their own risk. However centre suppliers must take steps to secure property when out of the detainees' control to do so e.g. after being removed to Rule 40 or 42 or if in hospital.
16. When detainees are moved from one establishment to another to position them for their imminent removal flight, it is the sending establishment which is

responsible for ensuring the detainee's luggage is compliant with the requirements of this DSO. For example, if a detainee is moved from The Verne IRC to Brook House IRC 48 hours prior to his removal flight, it is The Verne IRC who is responsible for ensuring the detainee's luggage is DSO compliant.

Recording of property

17. Centre suppliers must keep accurate records and have a robust system for managing and recording stored property in case of any dispute or allegation of loss, particularly of valuables.

18. Centre supplier reception staff must record items of property held in store on the detainee's property record cards, which staff and detainees will sign in accordance with Detention Centre Rules 2001, Rule 6, paragraph 3. All valuable items must be recorded. Damage to items on receipt should be noted and the detainee should be asked to sign the property record to confirm they were aware of the damage – a refusal to sign to acknowledge damage should be recorded. One copy of the record will be given to the detainee and a copy held in their reception file.

19. Valuable items may include the following:

- Jewellery
- Laptops/personal computers
- Tablet computers
- Mobile phones / cameras
- Games consoles
- Home stereo systems/powerful portable stereo systems
- MP3/MP4 players
- Identity documents
- Credit/debit cards / cheque books

This list is not exhaustive and any item which the reception officer or detainee deems to be of value (including sentimental value) should be treated as detailed in this section.

20. All valuable property and cash must be placed in a sealed bag (or bags) and the corresponding seal number(s) recorded on the detainees' property record cards. The detainee must then be asked to sign the forms to confirm that the records are correct. A refusal by the detainee to confirm if the records are correct should be noted.

21. When a detainee is discharged and returns to the same centre on the same day, centre suppliers may decide that a fast track reception option can be followed (DSO 06/2013 reception, induction and discharge refers).

Property from Immigration Compliance and Engagement (ICE) teams

22. Policy for ICE teams on the management of property is set out in the Enforcement Instructions and Guidance (EIG). Detainees are encouraged to pack only one bag to meet the personal allowance, before entering detention, and are advised to make arrangements with a family member or friend regarding any remaining belongings.
23. Where a detainee enters detention without any accompanying property, centre supplier reception staff must refer the detainee's details to the welfare office to enable them to liaise with the detainee and for enquiries to be made to reunite the detainee with their belongings.

Property from prisons/National Distribution Centre

24. Any property belonging to foreign national offenders (FNOs) that is not held in their possession or stored locally at the prison is stored at the National Distribution Centre (NDC) at Branston. Caseworkers should notify the prison once removal directions have been served on a FNO. The prison should request FNOs' property 28 days prior to removal. Requests are made by prison establishments (FNOs cannot request property themselves). Three days is the absolute minimum notice required to retrieve property. Property not collected within 12 months of release from prison will be disposed of.
25. If insufficient time is provided to collect property when FNOs transfer to the IRC estate, the NDC will send the property to the prison establishment that ordered it. The NDC do not track the movements of the detainee so if the property arrives after the detainee has moved on, then it is up to the prison establishment to forward it. This can mean that property may take some time to reach a detainee.
26. If a FNO is bailed then the property should be requested by the last prison establishment where they resided. Arrangements will then be made by that prison establishment for the items to be sent on, or to be collected by the FNO.

Acceptance of additional property

27. The centre supplier must refuse to accept additional property for detainees who reach their allowance and have not made a commitment to pay for excess luggage, unless the centre supplier has first agreed with the onsite HOIE Manager that it may be accepted. This provision is to allow the onsite HOIE Manager to exercise discretion if he or she believes there are exceptional circumstances or for cases where a detainee is being removed by an airline whose weight limit is higher than 23kg. Centre suppliers will be provided with a list of airline luggage allowances by DEPMU.
28. Centre suppliers must keep detailed records of property which is accepted and takes the detainee over and above the personal allowance.
29. Detainees who have not reached their allowance may be allowed to accept additional property which is delivered by post or hand delivered by third parties (for example, friends or relatives). IRCs are only required to accept property

during visiting hours, and only up to 48 hours before an individual is due to be removed. Centre suppliers may choose to accept property outside of these times in exceptional circumstances/at the discretion of the duty manager. The PDA will only accept property up to 24 hours before a family is due to be removed. These restrictions must be widely publicised amongst detainees, visitors and local interested partners.

Access to property

30. Centre suppliers must keep accurate records of all detainee property accepted and taken out of the property store.
31. Centre suppliers must undertake and record a quarterly audit of property stores, as a minimum, to assist with the identification of mislaid property. In instances of allegation regarding the loss or damage to property, detainees should be made aware of the complaints process as set out in DSO 03/2015.
32. Centre suppliers must allow detainees to hand out possessions to relatives and friends at visiting times.
33. Centre suppliers are not required to manage any form of property swapping system between detainees or services for detainees whose property is in storage at the centre.
34. Detainees should be allowed access to their property, upon request within a reasonable timeframe. If a detainee wants to remove an item from storage, this should be signed out by a DCO and the detainee, and signed back in by both if returned.
35. Detainees with removal directions in place who wish to sort their property should be allowed to do so, upon request. Detainees should be pointed towards the welfare office for help and advice on management of their property. If detainees decline the opportunity to sort their property, the centre should decide on behalf of the detainee what luggage is taken (up to 23kgs).

Management of stored property for removal

36. Both the onsite HOIE team and the centre supplier must inform all detainees on induction to the centre of the personal allowance permitted for removal and the implications of exceeding the allowance. Detainees can only take additional luggage to the airport which takes them above the 23kg limit if either: a) the airline's limit is higher and the detainee's luggage weight is within this limit, or b) the detainee is willing and has the means to pay for excess luggage which incurs a charge. Without this proof the detainee will still be discharged for their flight but with luggage limited to 23kgs. The Home Office selects the airline and funds the return of detainee's being removed at public expense. Detainees who choose to purchase their own ticket have the opportunity to choose their airline.
37. The centre supplier must establish and record if a detainee is willing to and has the means to pay for excess luggage. This information should be made available

to the onsite HOIE Manager. Once removal directions are set, the onus is on the detainee to prove they have the means to pay for excess luggage charges. Without this proof, the detainee should not be discharged for their flight with luggage in excess of 23kg.

Preparation of property for removal

38. The centre supplier should prepare property at least 24 hours in advance of a detainee's collection for removal. The centre supplier must ensure that property is presented in single lots of no more than 23kgs per lot.
39. Detainees' luggage must not include dangerous or restricted items prohibited by airlines. Centre suppliers should remove any such items from detainees' property, in their presence, and give them the opportunity to arrange collection by a friend or family member. Medication should be stored in detainees' hold luggage.
40. Prior to leaving the centre detainees should sign a document to confirm that they have all property in their possession. A record should be kept of this in case of dispute. If a detainee claims that property is missing or damaged they should be advised on how to lodge a complaint as per the guidance set out in DSO 03/2015.

Property in excess of the personal allowance – scheduled flights

41. Detainees being removed by scheduled flights (both escorted and unescorted) with property which exceeds the 23kg personal allowance have the following options:
 - a) Pay to ship excess property to their destination in advance of removal
 - b) Provide proof to the centre supplier that the airline's luggage limit is higher and the detainee's luggage weight is within this limit
 - c) Provide proof to the centre supplier that they are willing and have the means to pay for excess luggage which incurs a charge
 - d) Leave the property behind and make arrangements for its subsequent shipment
 - e) Leave the property behind for collection by a friend or family member or for disposal by the centre supplier.

In addition, detainees who have bought their own ticket may have the option, dependant on the airline, of paying in advance for excess luggage.

42. Detainees should be encouraged to pay to ship excess property because it is often cheaper than paying excess weight allowance charges at the airport.
43. For detainees who choose options b) or c) at paragraph 32, the centre supplier must pass to DEPMU and the onsite HOIE team, a minimum of 48 hours in advance of collection, the detainee's details (including the weight of the excess luggage) and confirmation that the detainee has funds in their centre account to cover any excess weight allowance charges (where this is required). In the case of a detainee who arrives within 48 hours of removal, the centre supplier must

pass these details to DEPMU as soon as possible. DEPMU will then notify the escorting supplier so that special arrangements can be made for collection of the excess luggage for removal with the detainee.

44. For detainees who choose option b) at paragraph 32, it is the detainee's responsibility to establish whether their airline carrier has a higher excess luggage limit and what that limit is. DEPMU should confirm that the information provided is correct when the centre supplier informs them of the excess weight.

Property in excess of the personal allowance – charter flights

45. Detainees being removed by Home Office **charter flights** with property which exceeds the personal allowance have the following options:

- a) Pay to ship excess property to their destination in advance of removal
- b) Leave the property behind and make arrangements for its subsequent shipment
- c) Leave the property behind for collection by a friend or family member or for disposal by the centre supplier.

46. For detainees who do not ship their excess luggage, the centre supplier must pass the detainee's details (including the weight of the excess luggage) to Returns Logistics a minimum of 48 hours in advance of collection. Returns Logistics will consider if special arrangements can be made for removal of the excess luggage with the detainee. However, there is no guarantee that charter flights will be able to accommodate excess luggage so every effort should be made to encourage detainees to ship luggage home.

Disposal of property

47. Any remaining property must be retained for 12 months following the detainee's discharge. Unless the detainee has made alternative arrangements, any remaining property may then be sold, destroyed or otherwise disposed of. If sold, the money must be added to the detainee shop profits fund.

48. In the event of a detainee's death, instructions set out in DSO 08/2014 Death in Detention should be followed for handling of their property.

Revision History

Review date	Reviewed by	Review outcome	Next review
February 2016	Emily Jarvis	Increase to personal weight allowance and general update	February 2018
July 2016	Emily Jarvis	Addition of searching and seizure powers (sections 51-52 of IA2016)	July 2018