



Home Office

Biometric data-sharing process (Five Country Conference (FCC) data-sharing process)

Version 7.0

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About this guidance

This guidance tells officers involved in immigration functions about the actions and considerations to be taken in respect of biometric data-sharing process arrangements, as agreed by the Five Country Conference (FCC) in 2009.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Asylum Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email Guidance – making changes.

Clearance

Below is information on when this version of the guidance was cleared:

- version 7.0
- published for Home Office staff on 03 October 2016

Changes from last version of this guidance

- minor changes to BCMT tasks – added a full summary of match outcome for CID Person notes, and information on updating CID special conditions in the event of a no-match outcome

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Introduction

Audience and purpose of instruction

This instruction is intended for all Home Office officers involved in processing and considering asylum applications, from asylum screening to interviewing and decision-making, through to appeals and removals.

It is also intended for those involved in handling cases of foreign national offenders (FNOs), as well as those dealing with temporary and permanent migration.

This instruction explains which cases may be checked through international biometric data-sharing, how to arrange these checks, and how to use the results.

Background

The Five Country Conference (FCC) Data-Sharing Protocol agreed in 2009 between the UK, Australia, Canada, New Zealand and United States, secured arrangements to share the fingerprints of up to 3,000 individuals between each participating country per year.

Where there is a match under these arrangements, partner countries exchange information which may assist with case closure, decision-making, and – for refusals – redocumentation and return. If the information concerns a live case, the Biometric Case Management Team (BCMT) will refer to the relevant officer or unit.

The biometric case management team

The BCMT:

- acts as a central point of contact between Home Office officers and their international counterparts
- validates request pro-forma and sends queries to international partners
- examines the responses received then updates the case information database (CID) as appropriate
- provides additional information on request
- assists with witness statements evidencing the fingerprint match for any appeal proceedings

Application of this instruction in respect of children and those with children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Home Office to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to the [statutory guidance on Section 55](#), which sets out the key principles to take into account in all Home Office activities involving children.

Our statutory duty to children includes the need to demonstrate:

- fair treatment which meets the same standard a British child would receive
- the child's interests being made a primary, although not the only, consideration
- no discrimination of any kind
- that asylum applications are dealt with in a timely fashion
- identification of those that might be at risk from harm

See in particular: [Discrepant name, nationality and/or age from that claimed](#) and [Age dispute cases](#).

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Requests for data-matching

Requesting data-matching and receiving results

Requests for data-matching may be made on any case where the individual is either undocumented or documented but where there are doubts regarding the reliability of the document held (provided there is no other reliable evidence of identity).

Requests may also be made on cases where the individual is properly documented, if there is reason to believe that the individual may have spent time in or have a link to one of the FCC countries. This might include, but is not limited to:

- where the individual arrives in the UK from an FCC country
- where the individual is apprehended attempting to travel to an FCC country
- where the individual is found with documentation indicating a possible link to an FCC country)

A request may be made at any time. However, in view of possible delays and follow-up action in the event of a match, it is preferable for a request to be made as early in the process as possible. This might be as early as the screening stage.

By arrangement with the BCMT, bulk referrals may be made.

Request process

The following actions must be taken:

- requesting officers must complete the biometric data-sharing request pro forma, asking for checks to be made with the FCC partner country considered most likely to generate a match
- requesting officers must email the biometric data-sharing request pro forma to the Biometric Data-Sharing Requests inbox, and attach a hard copy to the paper file
- requesting officers must update CID Person Notes with the text 'Biometric data-matching request made'
- requesting officers must regularly review CID Person Notes and Special Conditions, to ensure that any matches are promptly identified
- the results of the match request may be known within 4 working days, but can take up to 2-3 weeks in some cases - all results are updated on CID
- if further information is required concerning the results of a match, requesting officers must email the Biometric Data-Sharing Requests inbox for advice

Match outcome receipt process

The BCMT will update CID as follows:

- when the match request outcome is known, the BCMT will add a CID Special Conditions flag of 'International Biometric Match'
- if there is no match, the BCMT will update the Additional Information field of the Special Condition with 'No match'

- if there is a match, the BCMT will update the Additional Information field with 'Match', the particular details of the match country, and 'See Person Notes' BCMT will also update CID Person Notes field with a summary of the substantive information regarding the match
- where relevant, the BCMT will add any new or different identities found as aliases on the CID Person screen, using 'International Biometric Match' as the alias type

Data-matching requests from FCC countries to the UK

FCC partner countries may also request and obtain information from the UK. The approach by another FCC country may indicate an applicant's connection to that country which was not previously known or suspected, thus providing additional information on which to decide and manage the UK case. The BCMT will provide guidance on a case by case basis.

If the request relates to a live Home Office case, the BCMT will contact the relevant officer or unit to take appropriate action to close the case.

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Results

Information types

Key information from the data-matching process includes:

- identity information – establishes the identity (name, date of birth, and nationality) the person has used in another FCC country (note that if identity discrepancies exist, the identity supported by a verifiable travel document is likely to be the genuine one)
- transaction information – establishes where the person was at a certain time, either in another FCC country or when in contact with that country elsewhere in the world, eg when making a visa application (this may, for example, show the individual was in an FCC partner country or elsewhere at a time their asylum claim evidence states they were in their own country)
- status information – indicates if the person has settled or refugee status in another country (this may be relevant when deciding to grant or withdraw leave)
- adverse information – indicates information about criminality in the FCC partner country which may be relevant or even determinative to a substantive decision (see [Adverse information/criminality](#)), but may also be relevant to case-handling, contact management, and Harm rating for removals: careful consideration and action must be taken where information regarding criminality arises
- travel document information – may indicate the travel document is known to the FCC partner country, which, if relating to the applicant's true identity, provides a verifiable means by which the UK can seek to redocument and remove the person (CID Person Details must be updated with the travel document reference obtained from the FCC partner country)

If no travel document reference is available, it should not be assumed that the stated identity is genuine, as it could be that the individual was previously apprehended in an FCC country without documentation.

Note that any further enquiries about the information received must be made to the BCMT, not to the FCC partner country's embassy or high commission.

Updating CID with result information

Discrepant identity and/or nationality

If a discrepant identity is indicated, the BCMT must update CID Special Conditions and the CID Person screen, as described in the section '[Match outcome receipt process](#)'.

If it is subsequently determined that an alias is the true identity, this must be recorded as such on CID, with all other identities then recorded as aliases.

Caseworkers must update CID Special Conditions and CID Person details if, for any reason, it has not been completely updated by BCMT.

See also Nationality: doubtful, disputed and other cases for CID actions regarding discrepant nationality.

Criminality or harm

If information indicates criminality, update CID Special Conditions and/or CID Notes according to the specific facts. Refer the case to Criminal Casework if the relevant criteria set out in Deporting non-EEA foreign nationals apply.

If relevant, give consideration to whether entry clearance or leave was obtained without disclosure of a conviction, as such action could amount to illegal entry or leave to remain by deception, and invalidate the individual's leave (EIG chapter 03 - Illegal entry by deception).

Where relevant, non-asylum cases should be referred to Removals Casework.

Contact management

If biometric check results suggest an increased likelihood of absconding, update CID Notes with a clear and concise account of the facts of the case.

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Interviews and decisions – using match information

Asylum interviews (and second interviews)

In all asylum interviews where there is a biometric match, robust questioning must be applied to ascertain whether the applicant accepts or disputes the fact of the match.

Wherever possible, substantive asylum interviews should take place after receipt of international biometric match information. However, in some circumstances, this may not be possible, and second interviews may be necessary.

When interviewing an applicant being treated as a child, interviews may proceed only in the presence of a responsible adult (see Processing asylum applications from children).

If the facts of a biometric match are known before the first asylum interview, the applicant must be interviewed as usual, questioned about the information obtained from the biometric match and any discrepancies disclosed, and be given opportunity to respond.

If match information becomes available after the first asylum interview, officers must usually re-interview where identity or nationality deception appears to have taken place, or where match information discloses sufficient ambiguity that to proceed without giving the applicant the opportunity to respond could result in a wrong or unsustainable decision. To ensure the facts are fully obtained, responses are likely to require further exploration. It is not recommended that questions regarding matches are pursued through written correspondence.

Non-asylum cases

In non-asylum cases, the need to interview an individual about a biometric match will be determined by the particular facts of the case and the nature of the match.

Asylum decisions

The information from the FCC partner country must be considered alongside all other evidence, including any explanation from the applicant. In some cases, the information may in itself disprove the claim. In other cases, judgment will be needed to decide how and to what extent it affects the credibility of the claim. In some cases, the information may support the claim.

Discrepancies and other important factors resulting from the biometric match affecting identity and credibility must be clearly addressed in all decisions (in the grant minute, or in the RFRL).

In refusals, if the applicant clearly accepts the facts of the match in their asylum interview, further evidence will not usually be required. However, if they dispute the match information, or if it is not sufficiently clear if they have accepted the fact of the match, further evidence must be requested promptly from the BCMT, and annexed

to appeal bundles where disclosable. In detained cases, this information must be requested before the refusal decision is served.

You must complete the Biometric data-sharing witness statement request pro forma, email it to the biometric data-sharing requests inbox, and attach a hard copy to the paper file.

Third country cases

The evidence from the FCC partner country may make the case of interest to the Third Country Unit (TCU) (see Third country cases - referring and handling). If the alternate nationality is an EU nationality, refer to EEA/EU asylum claims.

Applicant left the UK during claim

Information from the FCC partner country may indicate that the applicant or a dependant has had biometric details taken outside the UK while the asylum claim was outstanding. In such cases, the claim may be treated as withdrawn (see Withdrawing asylum claims). If treated as withdrawn, later attempts to reapply for asylum must be treated as Further submissions (although not applying Immigration Rule 353).

Discrepant name, nationality and/or age from that claimed

The information may indicate that the applicant has a different name, nationality or age from that claimed. You must bear in mind that some differences could be due to data error, for example the date of birth. However, in all cases where there appear to be discrepancies, further checks (CID, CRS, PNC, security checks, landing card records, etc) must be carried out on the alternative identity details, to establish whether there may have been deception and whether the individual is already known in the alternative identity.

At interview, the applicant must be given the opportunity to explain why they have used different identity details.

Particular points to consider include:

- if the applicant accepts the information from the FCC partner country and admits to using alternative identity details, they must be given an opportunity to explain why they have done so and asked whether they wish to withdraw their claim
- if the information from the FCC partner country contains a travel document reference, they must be asked to produce that travel document or give a reasonable explanation for not doing so

Consideration must be given to:

- whether the evidence affects credibility
- whether the evidence provides a basis for disputing a person's age (see Assessing age (disputed age cases) and [Age dispute cases](#))

- whether the evidence provides a basis for disputing nationality, or for treating the applicant as having dual nationality (see Nationality: doubtful, disputed and other cases)
- whether the evidence provides a basis for treating the applicant as an EU or EEA citizen (see EU/EEA asylum claims)
- the risk of removal to the claimed country of origin and any other identified in the evidence
- whether the claim can be NSA certified under section 94 of the 2002 act (see Certification under section 94 of the NIA Act)

If the person has nationality or lawful permanent residence in the FCC partner country, further advice should be sought by emailing biometric data-sharing requests inbox.

Transaction information

The information may indicate that the applicant was fingerprinted by the FCC partner country before the applicant made an asylum claim in the UK (for instance, when applying for a visa in the applicant's country of origin or another country, or on being stopped in the FCC partner country itself).

Consideration must be given to whether the verifiable transaction evidence contradicts material aspects of the applicant's claim. For instance, if fingerprint evidence definitively shows the applicant to have been in one place, when the core claim rests on the applicant having at the same time been persecuted in another place, it may be appropriate to refuse the claim and, depending on the circumstances, to certify the decision as clearly unfounded under section 94 of the 2002 Act.

If it appears it may be possible to return the person to the FCC country that provided the data, further advice may be sought by emailing Biometric Data-Sharing Requests.

Adverse information or criminality

Decisions based on criminality evidence from FCC partner countries must be made only after taking advice from a senior caseworker (SCW) or the BCMT on how to proceed, in particular to ascertain how the information should be reliably interpreted. The consideration will need to take full account of the relevant guidance and the circumstances in individual cases. Relevant instructions include Exclusion - article 1F and 33(2) of the 1951 Refugee Convention, and (ACRO) referrals to the Home Office. Criminality information must be flagged on CID and fed into the individual's harm rating, where relevant as an overseas conviction (see Harm matrix), as it will be relevant in assessing any risk of harm to the UK and its citizens and where detention or removal of the individual is required.

If further information is required from the FCC partner country in question, the case owner must contact the BCMT, through the biometric data-sharing requests inbox.

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Post-decision developments

If biometric match information comes to light only after a decision has been served, it must be carefully reviewed and, if appropriate, action must be taken (usually to withdraw or change the decision). If any doubts arise, a SCW or the BCMT must be consulted.

General examples

Some general examples are provided in the rest of this section to signpost action. They are neither detailed nor exhaustive.

At any time

If new biometric match information clearly shows an immediate grant to be appropriate:

- if an appeal is pending, consider the appropriateness of withdrawing the decision, by reference to the *Withdrawing appeals* instruction
- implement appropriate grant according to normal procedures

If new biometric match information brings a refusal decision into question:

- clarify the applicant's response regarding the match information
- consider whether it is right to maintain refusal, amend refusal, or implement a grant
- take action accordingly

At any time before an appeal hearing

If new biometric match information shows the applicant to have a different name and/or date of birth, but their nationality is the same:

- clarify the applicant's response regarding the match information
- write a supplementary RFRL, noting aliases, adding to or maintaining original refusal reasons where appropriate
- serve RFRL to all parties: this must include the Tribunal where an appeal is pending, and the service must be within 28 days of the date on which the Tribunal sends the notice of appeal - if this is not possible, an extension of time must be sought from the Tribunal

If new biometric match information shows applicant to have a different or an additional nationality:

- clarify the applicant's response regarding the match information
- consider the appropriateness of obtaining an adjournment or withdrawing the decision according to *Withdrawing appeals*, or of issuing a supplementary refusal letter, noting the different or additional nationality

- if the decision is withdrawn, write a new RFRL according to the new evidence, clearly addressing conclusions around the asylum claim arising from the new nationality information
- serve the letter to all parties - this must include the Tribunal where an appeal is pending, and the service must be within 28 days of the date on which the Tribunal sends the notice of appeal; if this is not possible, an extension of time must be sought from the Tribunal

At any time before an appeal hearing

If new biometric match information not previously available to the Home Office at the time of the original decision suggests the claim is clearly unfounded and that certification under section 94 of the 2002 Act is now appropriate:

- clarify the applicant's response regarding the match information
- consult NSA guidance and an NSA accredited SCW: if it is agreed that an NSA decision would likely have been made in the first instance if the true picture as revealed by the match had been known, consider the appropriateness of an NSA decision
- consider the appropriateness of withdrawing the decision and issuing a new NSA decision, according to Withdrawing appeals

After appeal rights are exhausted

If new biometric match information shows applicant to have a different or an additional nationality:

- ascertain whether the individual claims a fear of return to the new country
- if no fear of return is expressed, proceed with actions to remove the individual
- if the individual claims to fear return to the country of prospective removal, the allegation must be treated as Further submissions

After a grant

If new biometric match information shows leave to have been granted on the basis of material deception in previous application (false identity, age, or circumstances):

- see EIG ch. 3 (illegal entry by deception), Revocation of ILR, and Revocation of refugee status
- refuse any application made for further leave, unless (despite the deception involved in a previous grant) the individual now qualifies for leave on another basis

If new biometric match information shows leave to have been granted to an individual with criminal convictions:

- for asylum cases, see Revocation of refugee status (note that if the UK's obligations under the ECHR prevent an individual from being deported, there

may nonetheless be grounds for the individual to be excluded from asylum or humanitarian protection)

- for other grants of leave, see Discretionary leave, Departing non-EEA foreign nationals and (ACRO) referrals to the Home Office
- note that where deportation is pursued, applications for leave will be refused within the deportation decision: current leave will become invalid when the deportation order has been served - see [section 5\(1\) of the Immigration Act 1971](#)

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Redocumentation

Redocumentation and removal must be actively pursued in the identity and nationality believed to be correct, taking proper account of the information from the FCC partner country.

Information from FCC partners may disclose travel document references not previously held. Such information (as of course with any travel documentation information already held) may assist with redocumentation and removal. In some cases this information will confirm an identity in a nationality where removal can be effected on an EU letter, and so redocumentation will not be necessary. In other cases, it will be necessary to follow the redocumentation process.

The relevant country's normal documentation requirements (as set out in CROS Removals documentation resources) should be adhered to. However, where this is not possible (eg because the individual refuses to admit to the alternate identity), redocumentation using the fingerprint match evidence should still be attempted.

All cases must be referred to RGDU for redocumentation with:

- form IS.33 (via CID DocGen) - you must ensure that the fact of the biometric match is clearly identified, as well as any travel document reference, and any other additional information from the FCC partner country relevant to the travel document (eg where it was seen)
- data obtained from CRS or the VAF, if the individual had applied for a UK visa in the identity in which redocumentation is being sought
- any other information which will support redocumentation

CROS (see Removals documentation) and/or the BCMT will provide further advice as necessary regarding redocumentation.

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Age dispute cases

Biometric match information is relevant to the age assessment

If a child is receiving local authority (LA) care, relevant match information must be promptly disclosed to the LA, for them to consider as part of their age assessment procedures. If the child is not receiving LA care, you must consider the match information, alongside all other relevant evidence in the case. It will then be appropriate for you or the LA to ask the child to explain any discrepancy between information they have given to the FCC partner country and the LA or Home Office.

You must remember that children must be interviewed only in the presence of a responsible adult (see Processing asylum applications from children).

Communicating with local authorities

Officers must write to the responsible social worker using ASL.3948, asking them to put the match information to the individual (if the officer is not doing so themselves) and recommend that the LA reviews its support for the individual in light of the new information.

If it is not possible to obtain an LA reassessment, or if there is good reason to disagree with one, the match information must be put directly to the individual in the presence of a responsible adult. A SCW must be consulted if there is disagreement with the LA reassessment.

Deciding the case

If it is established that the individual is an adult, Unaccompanied Asylum-Seeking Child (UASC) leave must not be granted. Any RFRL must include consideration of the biometric match information.

Where leave has already been granted under the UASC policy but the individual is subsequently believed to be an adult, steps must be taken to curtail that leave (see EIG. chapter 50 (Liability to administrative removal)).

If information from the FCC partner country confirms the individual as a child, but suggests a different date of birth, it may be necessary to adjust the period of leave already granted.

Support considerations

If an individual is assessed as over 18 years old after consideration of match information, they will be treated as an adult asylum seeker or failed asylum seeker for support purposes, unless they fall to be treated as a former 'relevant' child (see Transition at age 18).

It must be ascertained whether the LA will continue to provide support, and under which section of the Children Act. This is because the Home Office is required to reimburse the LA if care is continuing.

If the individual's 'new' age is assessed as 18 or over but they do not qualify for support from the LA as a former UASC, if they are still considered to be an asylum seeker under section 94 of the Immigration and Asylum Act 1999, they may be entitled to section 95 asylum support. However, this may not be applicable if the individual is unable to provide a satisfactory explanation for discrepancies in their account.

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Annex C: official - sensitive

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