



Home Office

Family tracing

Version 2.0

Guidance on regulation 6 of the Asylum Seekers (Reception Conditions) Regulations 2005

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About this guidance

This instruction sets out the policy and procedures for tracing family members of unaccompanied children who have made claims for asylum. It is intended for UK Visas and Immigration (UKVI) staff responsible for handling asylum claims from unaccompanied asylum seeking children. The guidance covers:

- what must be considered when assessing whether to undertake family tracing
- how to assess what family tracing steps are appropriate
- the manner in which family tracing must be conducted
- how to act upon information obtained from family tracing

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 the Guidance Rules and Forms team.

Clearance

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

- version 2.0
- published for Home Office staff on 28 July 2017

Changes from last version of this guidance

Review of the entire document with changes throughout.

Related content

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Introduction

This page provides an introduction to decision makers on the family tracing duty under regulation 6 of the [Asylum Seekers \(Reception Conditions\) Regulations 2005](#) (the 2005 regulations).

Decision makers dealing with a claim for asylum from an unaccompanied child have a responsibility under regulation 6 to try to trace the child's family at every stage of the process.

Family tracing is the process of searching for a child's family for the purposes of:

- restoring family links where they have been broken
- maintaining established family links
- obtaining information as to the family's current circumstances to assist in the identification of a durable solution

The durable solution would be one which:

- is based on an individual assessment of their best interests
- addresses all their protection needs
- takes into account their views
- wherever possible and suitable, leads to overcoming the situation of the child being unaccompanied

The search for a durable solution for a child begins with assessing the possibility of family reunification, provided that it is in the best interests of the child.

Information obtained from family tracing enquiries can also, when considered with the other information available, lead to a better understanding of the child's situation.

The responsibility begins once an asylum claim has been made and is designed to protect the best interests of the child. The regulation also makes clear that:

'In cases where there may be a threat to the life or integrity of the minor or the minor's close family, the Secretary of State shall take care to ensure that the collection, processing and circulation of information concerning the minor or his close family is undertaken on a confidential basis so as not to jeopardise his or their safety'.

The processes set out in this instruction must be carried out in conjunction with the Processing children's asylum claims guidance, which sets out the policy and procedures to follow when dealing with an asylum claim from a child. The family tracing processes set out in this instruction must be applied to asylum claims made on or after the date of its publication.

General principles of family tracing

The family tracing processes set out within this instruction must be undertaken in accordance with the following core principles to:

- adhere to the duty under section 55 to safeguard and promote the welfare of the child
- have regard to the [UN Convention on the Rights of the Child](#) (in particular articles 9.3, 10.2 and 12.1)
- make sure the safety of the family is not jeopardised
- undertake a careful assessment of the individual circumstances to determine whether family tracing is appropriate and what family tracing steps are suitable
- understand the circumstances of the child and their family members to inform decisions about whether tracing is appropriate
- make sure the child has had an opportunity to give a view on whether they would like family tracing to be conducted
- take into account the views and feelings of the child, including whether they have given their consent
- collect and communicate information related to family tracing in a manner appropriate to the age and development of the child
- comply with data protection obligations and the duty of confidentiality towards the child when conducting family tracing
- begin family tracing as soon as possible after the asylum claim is made if it is in accordance with the suitability criteria specified within this instruction

Throughout the family tracing process, you must be mindful of the fact that other agencies are involved in the welfare of the child and that they are not acting in isolation. Where necessary, you may be required to liaise with other agencies and organisations both from the public and private sectors to make sure that the welfare of the child is safeguarded throughout.

The main stages of family tracing

Subject to the suitability criteria specified within this instruction, the family tracing process can be broadly divided into 6 general stages which are explained in more detail later, they are:

1. Providing the child with information about the process.
2. Collecting and validating information relevant to family tracing from the child.
3. Assessing whether family tracing is appropriate.
4. Assessing what family tracing steps are available, feasible and appropriate.
5. Making enquiries to try to locate and, if possible, make contact with family members.
6. Notifying the child of the outcome.

Whether it needs to be done

The extent and manner of family tracing is dependent on individual circumstances, such as:

- the family tracing steps that are reasonably and proportionately available to the Home Office within the country in which the family are residing
- the quality and quantity of information relevant to family tracing
- whether family tracing and each family tracing step is in accordance with the [general principles of family tracing](#)

In some cases the specifics of the case may mean that family tracing steps beyond the collection of information cannot and/ or must not be taken, while in others it can be a lengthy and involved process.

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Legislation and legal framework

This page tells decision makers about important legislation and case law relevant to family tracing.

European legislation

Reception Conditions Directive (2003/9/EC)

Article 19(3) of the [Receptions Conditions Directive \(2003/9/EC\)](#) requires that:

‘Member States, protecting the unaccompanied minor's best interests, shall endeavour to trace the members of his or her family as soon as possible. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety.’

Article 19(3) is read with article 18(1) of the Receptions Conditions Directive which requires that:

‘The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors.’

Article 19(4) of the [Reception Conditions Directive \(2003/9/EC\)](#) states that those working with unaccompanied asylum seeking children shall be bound by the confidentiality principle as defined in national law in relation to any information they obtain in the course of their work.

Qualification Directive (2004/83/EC)

Article 30(5) of the [Qualification Directive \(2004/83/EC\)](#) replicates article 19(3), but the context of this article makes clear that this duty on Member States extends to unaccompanied minors who have been granted asylum, in addition to those who are in the process of claiming asylum.

Regulation (EU) No 604/2013

[Regulation \(EU\) No 604/2013](#) (‘Dublin Regulation’) establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. Article 8 of the regulation (as currently drafted), states that in the case of unaccompanied children, the Member State responsible for considering the claim for asylum shall be that where a family member of the unaccompanied child is legally present, provided that it is in the best interests of that child. For the purposes of applying article 8, article 6(4) states that the Member State in which an unaccompanied child has lodged an application for asylum must, as soon as possible, take appropriate action to identify their family members in the territory of all Member States, whilst protecting the best interests of the child.

UK law

Regulation 6 of the [Asylum Seekers \(Reception Conditions\) Regulations 2005](#) requires that:

‘(1) So as to protect an unaccompanied minor's best interests, the Secretary of State shall endeavour to trace the members of the minor's family as soon as possible after the minor makes his claim for asylum.

(2) In cases where there may be a threat to the life or integrity of the minor or the minor's close family, the Secretary of State shall take care to ensure that the collection, processing and circulation of information concerning the minor or his close family is undertaken on a confidential basis so as not to jeopardise his or their safety.’

Section 55 duty

Section 55 of the [Borders, Citizenship and Immigration Act 2009](#) requires the Secretary of State to make arrangements for making sure that immigration, asylum and nationality functions are discharged having regard to the need to safeguard and promote the welfare of children who are in the UK. It came into force on 2 November 2009 and is how the UK gives effect to the [UN Convention on the Rights of the Child](#) in immigration matters that affect children.

This statutory duty extends to all Home Office staff and those acting on behalf of the Home Office when carrying out immigration and asylum functions in relation to children within the UK. Therefore, you must comply with the section 55 duty when carrying out the actions set out in this instruction in respect of children.

At each stage of the process, you must keep in mind the following:

- whether the child I am dealing with is entirely safe
- whether I am dealing with that child in an age-sensitive, child friendly way
- whether I am making sure the child's best interests are a primary consideration when making decisions affecting the child's future

When dealing with children you must make sure you are familiar with the statutory guidance under section 55, [Every child matters - change for children](#). This guidance sets out the important principles to take into account in all activities for safeguarding and promoting the welfare of children as they apply both generally to public bodies who deal with children (part 1) and specifically to the Home Office (part 2).

Data protection obligations and the duty of confidentiality towards the child

In addition to Regulation 6(2) of the Asylum Seekers (Reception Conditions) Regulations 2005, the relevant data protection legal instruments are:

Data Protection Act 1998

Refer to Disclosure of information for guidance on the [Data Protection Act 1998](#).

Common law duty of confidentiality

The common law duty of confidentiality recognises that some information has a quality of confidence, which means that the individual or organisation that provided the information has an expectation that it will not be shared with or disclosed to others. For information to have a quality of confidence it is generally accepted that it:

- is not 'trivial' in its nature
- is not in the public domain or easily available from another source
- has a degree of sensitivity
- has been communicated for a limited purpose and in circumstances where the individual or organisation is likely to assume an obligation of confidence - for example, information shared between:
 - a solicitor and their client
 - health practitioner and their patient

However, as with the [Human Rights Act 1998](#) confidentiality is a qualified right. It is possible to override a duty of confidence when it is required by law, or if it is in the public interest to do so.

Human Rights Act 1998 and European Convention on Human Rights

Under section 6(1) of the [Human Rights Act 1998](#) a public authority is bound to act in a way which is compatible with the [European Convention on Human Rights](#) (ECHR). Any consideration of the ECHR will need to take into account not only the potential impact of disclosure on the individual but also the potential consequences for family members in the country the family reside.

Article 8 of the ECHR states that:

- everyone has the right to respect for private and family life, home and correspondence
- there shall be no interference by a public authority with the exercise of this right, except as is in accordance with the law and is necessary in a democratic society in the pursuit of a legitimate aim

Article 8 is broad in scope and covers a wide range of activities including collection, use and disclosure of personal information relating to any individual. However, confidentiality under Article 8 is a qualified right. It is possible to override a duty of confidence when there is a requirement to do so derived from another legal obligation or if it is in the public interest to do so. For further guidance on assessing proportionality, refer to Disclosure of information.

When making a decision to disclose information about an individual, regard must also be given in every case to:

- article 2 (right to life)
- article 3 (prohibition of torture or inhuman and degrading treatment)
- article 4 (prohibition of slavery and forced labour, including trafficking)

These are unqualified rights and you will need to consider in every case whether any of these rights would be engaged as a result of the disclosure of this information.

Paragraph 339IA of the Immigration Rules

Paragraph 339IA of the [Immigration Rules](#) states:

‘For the purposes of examining individual applications for asylum:

- (i) information provided in support of an application and the fact that an application has been made shall not be disclosed to the alleged actor(s) of persecution of the applicant, and
- (ii) information shall not be obtained from the alleged actor(s) of persecution that would result in their being directly informed that an application for asylum has been made by the applicant in question and would jeopardise the physical integrity of the applicant and his dependants, or the liberty and security of his family members still living in the country of origin’

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Whether family tracing needs to be considered

This page tells decision makers about the circumstances in which family tracing should be considered and the duration of the duty under Regulation 6 of the [Asylum Seekers \(Reception Conditions\) Regulations 2005](#).

The duty under regulation 6 applies from the point an unaccompanied child submits their asylum claim until either:

- family tracing is successful
- the child leaves the UK
- the child turns 18 years of age
- the child ceases to be unaccompanied

Family tracing for the purposes of regulation 6 is not required in cases where:

- the child is already in contact with their family and knows their exact whereabouts
- the Home Office accepts the child's claim that they have no surviving family members

If the child confirms that they are in contact with their family, you must:

- request that the child provides the contact details, including their addresses (if they have not already been disclosed)
- record the contact details on the case file and on CID

There is no obligation under the Asylum Seekers (Reception Conditions) Regulations 2005 to undertake family tracing in cases where it is known that the child is in contact with their family. But these actions should be carried out if:

- the child's claim for asylum is refused
- it can be done in keeping with the [general principles of family tracing](#)
- direct contact is needed to establish the family's current circumstances to assist in assessing the possibility of and means of achieving family reunification for that child
- previously established family contact is broken

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Assessing whether family tracing is in accordance with section 55

This page provides guidance on how the obligation to try to trace the family members of an unaccompanied asylum seeking child might be affected by the statutory duty in section 55 of the [Borders, Citizenship and Immigration Act 2009](#). This page must be read in conjunction with the general guidance in [the section 55 duty](#) section.

Decision makers should keep the child's best interests in mind when taking a decision on whether to trace. Under section 55 all the factors that impact on a decision affecting an asylum seeking child who is in the UK need to be considered. Section 55 identifies the factors that may need to be taken into account when the general presumption that a child who is separated from their parents should be reunited with and cared for by those parents, is applied to an unaccompanied asylum seeking child. There are a number of possible factors in the case of an unaccompanied migrant child which might affect this presumption. For example, the family members themselves may be at risk of persecution, or they may have been instrumental in any trafficking of the child. Family tracing decisions must take into account these factors. The decision making stages involved, for instance, could be:

- whether family tracing is appropriate
- suitability of any subsequent family tracing steps
- how these steps are conducted
- how the results of family tracing are communicated to the child

Section 55 also requires that the child's best interests must be a primary consideration, but not the only or paramount consideration. Other factors are also relevant. The best interests of a child can be outweighed by the collective effect of other considerations, but no other single consideration can be treated as inherently more significant when it comes to making a decision. Though the best interests of a child can be outweighed by the collective effect of other considerations, there are circumstances where such an outcome would be impossible, such as in a case where there is a reasonable risk to the safety of the child or their family.

An assessment that family tracing is in accordance with section 55 may in some cases not be possible until you, after a careful assessment, understand the basis of the asylum claim and are able to carefully assess any risk to the child and their family. In some cases, you will be able to assess risk using information in the child's statement of evidence form, or information from other involved parties, while in other cases the risks cannot be assessed until after the asylum interview (if one is to be conducted).

It is not possible to give an exhaustive list of all of the factors that might be relevant, but the following are examples:

- the importance of maintaining family relationships (including family reunification)

- the child's right to preserve their identity
- the effect of separation from the child's family
- the child's relationship ties with their family, including quality and duration
- child protection issues that may make contacting the family inappropriate
- the importance of maintaining ethnic, religious, cultural, linguistic and national identity
- the child's well-being, including emotional, physical and mental health
- emotional and behavioural development
- the child's age and maturity
- experience of mental or emotional trauma
- compassionate factors
- the child's views and feelings
- how the journey to the UK was facilitated
- the basis of the claim for asylum
- the risk to both the child and their family in utilising realistically available family tracing steps

The re-establishment of family links would therefore normally be regarded as being in accordance with the section 55 duty, but this is not always the case. For example, the re-establishment of family links would not be in accordance with section 55 if it is identified that:

- the child has a fear of relevant family members
- the relevant family members are the alleged actors of persecution within the claim for asylum which has not yet been finally determined
- the child is a recognised or potential victim of trafficking in which the family were knowingly complicit
- the child has shown to have been previously exploited or abused or neglected by their family, or claims to have been previously exploited or abused or neglected by their family and this has not been conclusively discounted
- the safety of the child or their family will be jeopardised

Any information obtained from the child about the relationship ties with their family must be considered. You must:

- be constantly alert to potential indicators of abuse
- be alert to risks which abusers may pose to children
- share relevant information with relevant child protection authorities where a child may be at risk and contribute to whatever actions are needed to safeguard the child and promote their welfare

It is important to note that any child presenting trafficking indicators could have had their trafficking facilitated by family members, which will complicate family tracing attempts. The outcome will therefore need more careful assessment based on the risk of re-trafficking or further harm to the child. You must be alert to the fact that children may still wish to be reunited with family members who have abused them or facilitated their trafficking or exploitation, even though this may be contrary to section 55. As a result, they may leave out such details from information provided to the Home Office.

If there are child protection concerns or concerns over the identity of alleged family members, information to assist with this assessment may be needed from other sources, such as:

- the child's social worker
- the child's legal representative
- other professionals working with the child

Advice can also be sought from the Home Office's Office of the Children's Champion.

Recording that section 55 has been considered

It is important that you demonstrate and record how they have considered the section 55 duty. Therefore, all aspects of this consideration must always be very clearly recorded both on case file and on CID, and detailed within written family tracing notifications to the child.

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Collecting information

This page tells decision makers about the collection of information relevant to family tracing.

Informing the child

The child is informed through the explanation within the written Statement of Evidence form (SEF) that if they have lost contact with their family, the Home Office will take steps to try to trace their family providing this is appropriate.

Collection of information from the child

It is essential that detailed information relevant to family tracing is collected as soon as possible from the child, including whether they are still in contact with their family. The child is normally the main source of information relevant to family tracing. Information collected from the child will help guide the assessment of whether family tracing is appropriate and, if so, the availability, suitability and timing of steps taken to locate family members.

In collecting information from children the following general principles must always be taken into account:

- make sure that any seeking of information from the child is done in a child-friendly manner
- be proactive in identifying, pursuing and considering contacts, issues and information that may be relevant to family tracing - this includes making reasonable requests to obtain further information from the child where this is likely to be relevant
- obtain and take into account the child's views and feelings on family tracing
- make sure that the best interests of the child are a primary consideration in the manner in which information is collected from the child - for example, you must bear in mind:
 - talking to the child about family members and how they were separated may be particularly distressing to the child, therefore gathering information from a child must be undertaken sensitively
 - in the case of a child who has been trafficked, sometimes the family is at the source of their trafficking

The asylum consideration process provides a number of standard events for relevant information to be gathered, which normally include, but are not limited to:

- the Welfare form - although it must be noted that this event will not explore the claim for asylum and for this reason it may prove difficult to obtain all the necessary information at this point
- the Current circumstances form (part 1)
- the Statement of Evidence form - this includes dedicated family tracing sections
- the substantive asylum interview

Relevant information to be collected through the family tracing process may include:

- family names and given names
- family dates of birth
- place of birth of the child
- family nationalities/ ethnicities
- identification numbers and documents of the child
- family addresses
- local landmarks and geographical clues which can be used to identify the location of the family home or last known whereabouts
- family telephone numbers
- family email addresses
- family contact details on social media and other internet based communication services
- whether the child is in contact with their family member
- when contact with the family was lost
- circumstances in which the child lost contact with their family
- status of the family at the point of departure from the family or point of loss of contact
- whether the family facilitated the child's journey to the UK
- relationship between the child and their family, including whether the child is scared of any members of their family or feels that they have been threatened, punished, pressurised, coerced or exploited by any family members
- details of schools attended, teachers and class number
- details of the family's places of employment
- basis of claim for asylum
- the child's views on family tracing
- fingerprints of the child if aged 5 or older (for further information, see the Fingerprinting guidance)

Information obtained from the child must be considered together with the other evidence available, including the country situation, when deciding whether and how to pursue family tracing.

Level of information the child can be expected to provide

Staff should consider family tracing information provided by a child in the light of their individual circumstances, including:

- age and age at time the child became separated from their family
- mental development
- maturity
- level of education
- mental health
- mental or emotional trauma suffered
- language and literacy skills
- culture
- the time that has elapsed since the child became separated from their family
- fears
- level of knowledge
- understanding and perception of their and their family's situation

These are relevant to the depth and accuracy of information the child can be expected to provide. For example, you must allow for a different degree of understanding and knowledge from a child in relation to their circumstances compared to what would be expected from an adult in similar situations, especially so for young or less mature children. As a result a child may be less able to produce objective evidence relevant to family tracing or may be too young to be aware of or comprehend threats which would make family tracing or a particular family tracing step unsuitable. This may be especially relevant if they have been shielded by their parents from the exact basis of the alleged persecution.

In addition:

- children who have been displaced by war and conflict may have not attended school and/ or suffer trauma as a result of their experiences, and may therefore be less articulate than would usually be expected for children of their age
- children may have difficulty articulating threats which would make family tracing or a particular family tracing step unsuitable
- children may find it difficult to describe details outside of their direct experience, such as names of places, people, or organisations
- children do not often provide as much detail as adults in recalling abusive experiences, particularly those of a sexual nature, and may often manifest their fears differently from adults

When making such a consideration, you must have regard to testimonies provided by the child and the level of detail and the language used in the testimonies. Where there are clear discrepancies in the information provided by the child, you must consider not just the discrepancy, but the extent of the ability of the child to clarify the discrepancy before deciding whether to assign importance to them and whether or not to pursue them. If required, guidance on the level of information an individual child is likely to be able to provide can be obtained from their social worker or another professional with a role in the child's life.

Considering the views and feelings of the child

Gaining the trust and co-operation of the child and obtaining their views and feelings on family tracing is essential to:

- fully understanding the child's circumstances
- increasing the likelihood that family tracing, if undertaken, will be successful

The opportunity to obtain and take account of the child's views is reflected in the statutory guidance issued under section 55, [Every child matters - change for children](#). The child's opinion on family tracing is requested within the written SEF and, if required, their views can also be requested at the asylum interview. Any known views of the child must therefore be taken into account. The views, feelings and fears of a child should be given appropriate weight, taking into account the age, maturity and personal circumstances of the child.

The child may have been separated from their family through no fault of their own, and may want to re-establish contact with their family, but this may not always be the case. The child may have legitimate concerns and fears regarding tracing. Where the child expresses specific concerns, you must not proceed to substantive family tracing until the implications of the concerns can be carefully assessed. This may require requesting additional information.

In addition, you must be mindful that there are many reasons why a child may be reluctant to assist or express concerns or fears. These reasons could include one or a combination of the following non-exhaustive examples:

- the child's sadness and unwillingness to talk about a painful subject
- guilt at leaving their family behind
- fear that it may jeopardise their safety or their family's security - including uncertainty about what information will be shared with state authorities in the country the family reside
- fear of learning what has happened to their family members
- fear that the results of family tracing enquiries may negatively influence the outcome of their asylum application
- fear that tracing their family may lead to their return to their country of origin
- fear of mistreatment by their family if contact were re-established
- they have been advised or threatened not to assist, by their family, peers, local community or the agent or trafficker who facilitated their journey to the UK
- distrust of the UK authorities, potentially arising from past experiences with people in authority, or confusion of whom to trust
- the child may be unable to understand their situation for reasons relating to separation anxiety, trauma, level of maturity, ill health or literacy and language barriers

The child may have valid reasons for being reluctant to assist, particularly if the child is a victim of trafficking and their family were partly complicit in the child's exploitation. The child may have travelled to the UK to claim asylum motivated by, for example, a real or perceived risk arising from remaining in the country of origin, or by the prospect of a better life in the UK, often at considerable financial cost to themselves or their family in arranging the journey. Some children may be victims of debt bondage and/ or be potential victims of trafficking due to the costs that have been incurred. You must be mindful of this possibility at all times and should actively seek to identify any trafficking indicators. These factors may also motivate families, agents or traffickers to encourage the children not to comply with the family tracing process.

You must therefore be proactive in finding out what is concerning the child and must respond to any questions or misconceptions expressed by the child regarding the family tracing process. Great care and sensitivity must be taken. Coercion can have a significant detrimental impact on the child's welfare and ability to engage with the asylum and family tracing process and therefore must be avoided.

You must consider obtaining the views and assistance of the other professionals responsible for the child's care if:

- there is no reason to conclude that family tracing would be contrary to the [general principles of family tracing](#)
- the child is unable to articulate the reasons for their concerns or the child remains opposed to family tracing

Refer to [obtaining information from individuals responsible for the child's care](#) for further information.

When family tracing is assessed to be in the child's best interests, yet the child refuses to agree to it, a representative or guardian with a recognised role in the child's life can give consent to tracing. However, this needs to be communicated carefully so as not to jeopardize the relationship of trust between the child and the representative.

Though the views and feelings of the child must be given suitable weight, if family tracing is assessed as being in accordance with the [general principles of family tracing](#), a child's lack of consent and support in these circumstances would not by itself prevent family tracing from being conducted. However, if family tracing is conducted in these circumstances the child and their representative should be informed.

Obtaining information from individuals responsible for the child's care

Throughout the various stages of the process you need to be aware that other statutory agencies and people with a genuine, relevant involvement in the child's life may have information and expertise relevant to family tracing. These may include:

- social worker
- foster parent
- relatives in the UK
- legal representative
- appointed guardian (if applicable)
- teacher
- advocate (if allocated to the child by a local authority funded independent advocacy service)

They may be in a better position to provide an assessment of the child's degree of maturity and mental health, and may be in possession of other relevant information not known to the Home Office. Therefore, if you have reason to believe any of these individuals have relevant information, you should request their assistance.

Social workers are well placed to seek relevant information from the child, foster carers and others involved with the welfare of the child, and to make sure that this information is provided to you. Information relevant to family tracing is collected from social workers within the Current Circumstances form (part 1) which is issued to them following the unaccompanied asylum seeking child case review event. In some cases, especially where the child is a recent arrival in the UK, social workers and appointed guardians may need further time in order to assess the relevant factors.

The weight attached to the information provided will depend upon the particular circumstances, though in all cases the social worker's views and advice on these matters must be given significant weight. If after the views of the social worker have been taken in to account, the Home Office's decision diverges from the recommendations of the social worker, you must refer the case to their senior caseworker for advice on how to proceed.

Family members in another European Member State

If it is identified at point of claim for asylum that the unaccompanied child potentially has a family member in a European Member State, you must immediately refer the case to the Third Country Unit. Further information on the [Dublin Regulation](#) is available in the guidance Third Country Cases: Referring and Handling or can be obtained from senior caseworkers in the Third Country Unit.

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Taking steps to try to trace

This page provides guidance for decision makers on taking substantive family tracing steps.

If it is decided that family tracing is in keeping with the child's best interests and the safety of the family, you must consider the individual circumstances involved, in order to determine what steps to take when conducting family tracing. It will be appropriate to consider:

- the family tracing steps that are reasonably and proportionately available in the country the family reside
- whether the child has provided information which would enable one or more of the family tracing steps to be utilised
- whether the utilisation of each family tracing step adheres to the [general principles of family tracing](#)
- the timing for undertaking these steps

The availability and suitability of family tracing steps must be reassessed following relevant changes in circumstances or after obtaining additional relevant information.

Assessing what options are available in the country where the family reside

The country situation is relevant to the family tracing steps available within the country. Even where it may be appropriate to try to trace, the state of the country's own infrastructure and other aspects of the country situation may make it difficult for you to carry out tracing, and in some cases the individual circumstances will mean that no meaningful steps can be undertaken. Information on the family tracing steps reasonably and proportionately available in a particular country may for example be obtained from:

- the Country Policy Information team (CPIT)
- British Embassies or High Commissions
- the Risk and Liaison Overseas Network
- the child

Country Policy Information team

Country information on the following subjects can be obtained from the Country Policy Information team (CPIT):

- the availability of population records
- postal services
- telecommunications
- transport infrastructure

Refer to the CPIT webpage for further information. If the information is not available in published CPIT products, a request for information can be sent to CPIT.

Embassies, High Commissions and the Risk and Liaison Overseas Network

British Embassies, British High Commissions and the Risk and Liaison Overseas Network (RALON) can provide assistance and advice on family tracing in countries in which the families reside. The level of assistance they can provide is subject to:

- local resources
- security considerations
- family tracing avenues in the country
- relevant information they are provided with

When requesting assistance with a particular case, the Embassy, High Commission or RALON must be given as much relevant information as possible to help them with their enquiries. You may also request copies of Visa Application Forms (VAFs) if applicable.

Assessing what steps are appropriate and timing

You must assess whether the available means of communication or investigation are suitable in the particular circumstances of the case. In some cases steps such as a direct telephone call to the parents may be appropriate when it is clear that this would not place the family member and child at risk. In other cases in which the child has expressed a fear of the authorities, tracing that will draw the authority's attention to the child or their family is unlikely to be appropriate until such a time that potential risk no longer applies. Actions warranting this kind of consideration include contacting the authorities in the country the family reside to search government records. Refer to [Examples of family tracing steps](#) for further information on the potential options available for tracing family members.

Family tracing once decided upon must be conducted as quickly as is appropriate. For instance, it is a general principle that a child should not be separated from their parents against their will, unless it is in their best interests. In many cases, the longer the child remains separated from their family and culture the more difficult family reunification would be to achieve and the greater the detrimental impact on the child's mental and physical well-being. In addition, the longer the child remains separated from their family the greater the likelihood that the family's circumstances at the point at which contact was lost may no longer be relevant and, as a result, the more challenging family tracing will become. Finally, the duty under section 55 requires that children must have their applications dealt with in a way that minimises the uncertainty that they may experience.

Credibility of information

You must not undertake family tracing steps that are unsafe, unrealistic, impractical or very likely to be unsuccessful because they are based on information that is known to be untrue. While such a family tracing step must not be undertaken in these circumstances, you must avoid making overall credibility findings until the child's circumstances and context are fully understood. For further information on assessing credibility, refer to the Processing children's asylum claims guidance.

Data handling and confidentiality

The sharing of data with other governments and organisations for family tracing purposes must not be undertaken unless it complies with data protection obligations and the duty of confidentiality towards the child. The relevant instruments are:

- [regulation 6\(2\) of the Asylum Seekers \(Reception Conditions\) Regulations 2005](#)
- the [Data Protection Act 1998](#)
- the common law duty of confidentiality
- the [Human Rights Act 1998](#)
- the [Immigration Rules](#)
- [article 19 of the Reception Directive 2003/9/EC](#)
- other relevant international instruments

Refer to [Data protection obligations and the duty of confidentiality towards the child](#) for further information on the legal instruments.

You must satisfy yourself that the exchanges with the receiving government or organisation in the country where the family reside will properly protect personal data and the individual in respect of whom the data is shared. For this reason it is vital that you understand the basis of the asylum claim. Waiting until the submission of the Statement of Evidence form and, in some cases, the substantive interview may therefore be necessary before family tracing steps can be taken.

Suitable arrangements for recognising and maintaining data protection obligations might include the country's own laws and ratification of conventions. But it is more likely that you will need to consider whether a memorandum of understanding (MoU) or a similar written arrangement is in place with the receiving government or organisation which covers the sharing of information in the individual circumstances. If they are absent, a case by case consideration of data protection will be required. Confirmation of whether an MoU or a similar written arrangement to ensure protection of personal data is in place may be obtained from the British Embassy or High Commission in the country the family reside.

Neither the details of the child's claim for asylum nor the fact that they have made such a claim should be shared with the authorities of their own country.

For Home Office guidance on the processing and transmission of personal data, refer to Data sharing and Disclosure of information.

Examples of family tracing steps

Subject to availability and suitability, examples of family tracing steps may, but not necessarily or exclusively, include one or more of the following:

- [individuals responsible for the child's care](#)
- [other European Union countries](#)
- [UK immigration databases](#)
- [telephone, email, social media, other internet communication applications](#)
- Visa Application Form (VAF) checks

- [contacting the authorities in the country the family reside](#) (exercising extreme caution if this could cause risk)
- [tracing in the field by local facilitators](#)
- [British Embassy or High Commission](#)

Even if a family tracing step fails to trace the child's family, any information obtained must be recorded and analysed to ascertain what further steps can be taken.

Further guidance on the above listed steps is provided below:

Liaising with individuals responsible for the child's care

Refer to [Obtaining information from individuals responsible for the child's care](#) for further information.

Other European Union countries

Other European Union countries may have information which is relevant to family tracing, such as where there is evidence that the child or their family have resided there and are likely to have come to the attention of the authorities in that country. For example:

- where this has been identified from information provided by the child
- from a match against the Eurodac database (for those aged 14 and above)

Where this is the case, you should consider submitting an information request to the authorities in that country.

UK immigration databases

In all cases you should search UK immigration databases for records relating to the child or family members which may contain information relevant to family tracing. For example:

- the Case Information Database (CID)
- the Central Reference System (CRS)

CRS is used to store information about visa applications, including:

- personal details of the child
- type of visa applied for
- sponsor's details
- photograph of the child
- details page from the child's passport
- question and answer interview notes or refusal notices associated with the application

CRS matches may therefore:

- contain information which may assist in tracing the child's family

- help to determine whether or not the child came to the UK with a parent or accompanying adult
- help to determine whether any of the child's family are in the UK

It is also important to note that in some cases, children may not know that a visa has been applied for on their behalf. It is therefore important that any visa related evidence is presented to children in a sensitive manner. Refer to the Visa matches: handling asylum claims from UK visa applicants for further information on checking CRS.

Telecommunication and postal

Where the child has provided valid contact information for their family members, you must consider the suitability of attempting to make contact with the family remotely. This may include:

- telephone
- email
- social media
- other internet communication applications
- letter

Subject to the suitability criteria within this asylum instruction, the availability of these steps would depend on:

- the presence of valid contact details
- the coverage of the telecommunications or postal infrastructure within the country the family reside
- the data security of these communications methods

Please also note:

- the use of social media to make direct contact with a traced person must:
 - only be through secure private channels, for example, only where the message can only be viewed by the account holder and cannot be viewed by third persons
 - adhere to the guidance in social media, and Open source research and investigation policy
- you must always be aware of the potential risk that the traced person is not the person as claimed, including the risk of fake social media profiles - great care must therefore be taken to confirm the identity of the individual contacted (refer to [Verifying relationships](#) for further information)

Contacting the authorities in the country where the family reside

You should consider whether the authorities in the country where the family resides could potentially provide assistance to the Home Office in tracing and the suitability assessment of undertaking such a step. For example, this may include contacting:

- central or local government
- social services

- police
- the school the child attended

In addition to applying the other suitability criteria set out in this instruction, requests for assistance would not be appropriate until it can be determined that the authorities are not actors of persecution. A balanced decision that the authorities are not the alleged actor of persecution cannot normally be undertaken until a decision has been made to refuse the claim for asylum, though the decision may not necessarily have yet been served on the child. If the authorities are the **alleged** actors of persecution, the authorities must not be contacted until the asylum claim has been refused and appeal rights exhausted.

Even if the authorities are not the alleged actor of persecution, if the claim for asylum has not been refused and appeal rights exhausted, you must ensure that the level of data security is sufficiently secure to ensure that the information disclosed to the authorities does not reach the alleged non-state actors of persecution. Consideration needs to be given to the levels of internal corruption in the country and the resulting impact on security of the information. Information on internal corruption within countries can be obtained from country of origin information reports and, if additional information is required, the relevant British Embassy or High Commission. You must make sure that this contact and the disclosure of information to them will not itself give rise to international protection needs. It is imperative that information about an asylum claim is not shared with the authorities of another country.

You also need to consider the legitimacy of residency of any family member in any third country, before undertaking a family tracing step which could bring the family member to the attention of the authorities. If the family member does not have status in the third country, you must assess whether the undertaking of such a step could result in their persecution due to their lack of status.

The availability of assistance from the authorities is largely subject to the presence and accuracy of state records and agreement by the authorities in question. If assistance from the authorities is available to the Home Office, this will normally be:

- specified in country of origin information reports
- specified in [country specific family tracing guidance](#)
- confirmed by the relevant British Embassy or High Commission

Tracing in the field by local facilitators

In exceptional circumstance adherence to regulation 6 may require tracing in the field by local facilitators. However, such a step would only be a potential realistic option if the following criteria are satisfied:

- such facilities are available and have been approved by the Home Office
- the financial cost of utilising this step is reasonable
- the information provided by the child is of sufficient accuracy and detail to give such a step a reasonable likelihood for success
- it complies with the family tracing guidance within this instruction, including the [general principles of family tracing](#)

If facilities are available to the Home Office for tracing in the field, this will normally be specified in country of origin information reports or [country specific family tracing guidance](#).

British Embassy or High Commission

Refer to [Embassies, High Commissions and the Risk and Liaison Overseas Network](#) for further information on the assistance available.

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Family traced

This page provides guidance to decision makers on the actions to take in the event the family are successfully traced.

Successful family tracing would entail confirmation of the family's current circumstances and, if possible, obtaining their contact details and, if appropriate, making direct contact with the family.

Contacting the family

If family tracing enquires are successful in locating the family and direct contact can be established, you must assess whether establishing contact is compliant with the [general principles of family tracing](#) and only if it is, should you proceed to contacting the traced person.

When contacting the family, you must aim to collect the following information:

- verification of the relationship between the child and the traced person (refer to [verifying relationships](#) for further information)
- whether the re-establishment of contact between the child and their family complies with the [general principles of family tracing](#)
- the most suitable form of communication for future contact
- information relevant to the assessment of whether there is a prospect of reuniting the child safely with their family (refer to the Processing children's asylum claims guidance for information on the assessment of adequate reception arrangements)

If the language of communication is not English, you can enquire whether the British Embassy or High Commission can provide translation / interpreter assistance. Otherwise, consideration must be given to utilising the Home Office's arrangements for telephone interpretation and translation services. Refer to:

- Home Office Notice 5/2007 for details on how to order telephone interpretation services
- Home Office Notice 45/2006 for details on how to order translation services

When making direct contact, the following general principles must always be followed:

- no information should be provided by the Home Office to the family member that could enable them to contact or identify the exact location of the child (refer to [Assessing whether the re-establishment of family links is appropriate](#) for further information)
- if the re-establishment of contact between the child and their family is appropriate, this must be facilitated by the child's social worker or the Home Office
- the establishment of contact between the child and the traced person must not be undertaken until the validity of the relationship between the child and the

traced person is confirmed (refer to [Verifying relationships](#) for further information)

- it must comply with the [general principles of family tracing](#)
- no reference should be made to the asylum status of the child
- wherever possible, the identity of the child (such as their name) must not be disclosed by the Home Office before it is given by the alleged family member

Verifying relationships

You must satisfy yourself of the genuineness of the claimed relationship between the child and the traced person. You must be aware of the risk that the person contacted may not be the individual they allege to be or their relationship with the child is not as claimed. For example:

- a child by choice, instruction or coercion may have provided details for the trafficker or person who facilitated their journey to the UK
- the trafficker who facilitated a child's journey to the UK may have applied for a visa on behalf of the child and falsely presented themselves as the child's parents within the application

How verification can be achieved will be determined by the communication type used and the circumstances of the case. Below is a non-exhaustive list of potential verifications steps:

- ask the traced person to confirm the child's personal details
- ask the traced person to describe the child, including defining physical characteristics
- ask the traced person to describe items on the child's person at the time of separation
- ask the traced person to describe an important or unique characteristic of the child's personality, for example, music and food preferences
- ask the traced person to describe words, phrases or pronunciations used by the child which are relatively unique to them
- ask the traced person to recall the child's circumstances before and at the point of separation
- ask the traced person to name people and places the child knew of at the time of separation
- request and inspect documents in the traced person's possession relating to their identify and their relationship to the child, for example, passports, ID cards and birth certificates (if contact is in person)
- if the traced person is residing in the UK or there is evidence they have previously resided in the UK, the following information database checks can be undertaken:
 - Central Reference System (CRS)
 - Case Information Database (CID)

The information collected from the traced person must be cross checked against information provided by the child and, if required, verified with child. Further enquiries may be required in more complex cases, such as where a child's young age inhibits their ability to communicate. If doubts remain over the validity of the

relationship between the child and the traced person, you can consult the child's social worker and the Home Office's Office of the Children's Champion on what further verification steps are appropriate. The method of verification and the information collected must be clearly recorded.

Assessing whether the re-establishment of family links is appropriate

Using the information obtained from the discussions with the child's family, together with other known information, you must assess whether the re-establishment of contact between the child and their family is in accordance with the section 55 duty. Contact must not be re-established until this is confirmed to be the case. Refer to [Assessing whether family tracing is in accordance with section 55](#) for further information on this assessment.

If there are any doubts over the appropriateness of re-establishing contact, you must obtain the views of the child as well as those of the child's social worker. In some cases the social worker may decide to conduct their own enquiries with the family in addition to those conducted by the Home Office in order to make a balanced assessment. The referral to the social worker should clearly indicate the concerns identified. If required, additional advice can be obtained from the Home Office's Office of the Children's Champion.

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Family could not be traced

This page provides guidance to decision makers on the actions to take if attempts to trace the family have been unsuccessful.

The outcome of family tracing is dictated by the individual circumstances. These circumstances will affect the conclusions that can be drawn by a failure to trace. For example, failure to trace a family where only limited family tracing steps were available may not automatically show that:

- the family member is no longer alive
- the family member cannot be traced through other channels
- the family member does not exist
- there are no adequate familial reception arrangements in the country of return

It may just mean that the family could not be traced using the family tracing steps available to the Home Office in that particular case at that time.

You must review if and what family tracing steps must be undertaken in accordance with the guidance in this instruction, if, while the tracing duty under regulation 6 applies, additional information is received or there is a change in circumstance which either:

- enables a new family tracing step to become available
- improves the likelihood of success of a previously utilised family tracing step
- now makes family tracing potentially suitable

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Notifying the child of family tracing outcomes

This page provides guidance to decision makers on notifying the child of family tracing outcomes.

Children must be notified in writing of the outcome of the Home Office's family tracing attempts, including decisions that family tracing is not appropriate. However, the timing of issuing the notification letter and the manner in which the child is first informed of the results will depend on the information to be given.

Notification should be written in a format that is appropriate to the age and understanding of the child. Social workers should be informed prior to letters being sent from the Home Office.

Outcome likely to be traumatic or family links can be re-established

If the results are likely to be traumatic or life-changing to the child, or family links are to be re-established, you should consider discussing the results with the child's social worker before the child is notified in writing by the Home Office. In some cases it may be appropriate for the social worker to deliver the results to the child or oversee the re-establishment of contact, before the written notification is issued.

Sharing information with the social worker

The results of family tracing may be relevant to the provision of services and planning by local authority children's services and appointed guardians. It is therefore important that they be informed of the outcome of family tracing enquiries.

Informing the child in writing

If the service of the asylum decision letter is imminent, you must consider providing the written notification within the asylum decision letter as opposed to also issuing a separate letter. If the child is notified of the family tracing results in writing in advance of the asylum decision letter, the family tracing results must still be included in the asylum decision letter. Corroborating correspondence must be included within appeal bundles, including any representations submitted by the child, their legal representative or by people responsible for their care.

Notification text

Subject to the above guidance, the notification must normally include the following information:

- in all cases:
 - the assessment of whether family tracing was in accordance with the section 55 duty and how this was taken into account
- if family tracing was appropriate:
 - the quantity and quality of information available to the Home Office relevant to family tracing

- the family tracing steps available and used
- the outcome of the family tracing steps
- the implications, if any, of the outcome for consideration of the child's asylum claim and other aspects of their immigration status
- if family tracing was appropriate but not successful, the notification must normally also include:
 - that the child must not automatically interpret the failure to trace as evidence that their family cannot be traced - it may just mean that their family could not be traced using the family tracing steps available to the Home Office at that time using the information available
 - that the child must notify the Home Office immediately if additional information relevant to the tracing of their family comes to light
 - a reminder of the voluntary tracing services offered by independent organisations that carry out family tracing

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Recording progress

This page provides guidance to decision makers on recording the outcomes of family tracing attempts.

Home Office file and Case Information Database (CID) notes

The following information must be recorded on CID:

- the information obtained relevant to family tracing
- the reasons for deciding whether or not to try to trace
- consideration of what steps can be taken
- what steps have been taken and results (with relevant dates)
- outcomes of family tracing activities undertaken

The records must be updated as the case progresses.

Creating an 'Admin Event' on CID

You must record family tracing actions and outcomes on CID as an 'Admin Event' type, as follows:

- family tracing- not appropriate
- family tracing- successful
- family tracing- unsuccessful
- family tracing- reunification in the UK
- family tracing- reunification in country of origin
- family tracing- reunification in 3rd country

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Relevance of family tracing to the consideration of asylum claims

This page explains to decision makers the relevance of the family tracing duty under Regulation 6 of the [Asylum Seekers \(Reception Conditions\) Regulations 2005](#) to the consideration of claims for asylum.

The duty to safeguard and promote the welfare of children under Section 55 of the [Borders, Citizenship and Immigration Act 2009](#) can be considered as pointing to an obligation to discover where the parents of an unaccompanied migrant child might be. In addition, in some cases the results of family tracing enquiries may help to resolve the child's claim for asylum or whether to grant other forms of leave. For example, enquiries made to trace a child's family may uncover information which could support the account upon which the child's asylum claim was based, including the availability or otherwise of family support on return.

However, the family tracing duty is distinct from and different in purpose to the substantive asylum process. Whether a person qualifies for asylum or humanitarian protection is determined by the criteria in the [Refugee Convention](#) and the [Qualification Directive \(2004/83/EC\)](#) alone. It is not dependent on whether the tracing duty has been adhered to, or concluded, or carried out adequately (see [TN, MA and AA \(Afghanistan\) v Secretary of State \[2015\]](#), paragraphs 53 and 70).

Delaying asylum decisions while family tracing attempts are concluded

It is not necessary in every case to complete the family tracing attempts once they have been initiated in order to make asylum decisions. We have to recognise that in certain cases family tracing may be protracted with unclear benefits compared to the clear benefit to the individual of resolving the asylum claim in a timely way. In cases where it appears that family tracing is likely to be protracted, you should therefore not defer making an initial decision pending the outcome of a tracing request. A positive decision in favour of granting asylum to a child should not normally be withheld just because family tracing has not reached a conclusion.

When a decision is made to proceed to issue the asylum decision before the conclusion of family tracing steps, the decision letter must specify the reasons for this. In many cases this will simply mean:

- setting out the particular difficulties or obstacles that prevent this
- a statement that there is no reason to believe that their conclusion would make a difference to the resolution of the asylum claim

Credibility inference from family tracing

Where there are areas of inconsistency or ambiguity between the details in the child's claim for asylum and information obtained as a result of family tracing, before any substantive decision is taken on their credibility or the claim, you must:

- normally bring this to the attention of the child

- provide them with an opportunity to understand and address any inconsistencies discovered

A child may have a number of reasons for being reluctant to provide information relevant to family tracing (see [Considering the views and feelings of the child](#)). You must avoid drawing adverse inference on the credibility of the child's claim for asylum or eligibility for other forms of leave from this reluctance alone. Consideration must be given to assessing:

- whether there are any contributory factors at work which lead to this reluctance to provide information about family on the part of the child
- whether the reluctance is an attempt to obscure facts which are material to the claim for asylum or other forms of leave

However, you must not draw an adverse credibility inference from omissions if:

- it is likely that their age or maturity is a factor
- there are logical or other justifiable reasons for those omissions

Decisions on the credibility of family tracing information provided by the child must be based on this information and not based on wider credibility assessments made on the claim for asylum. For example, just because wider aspects of the child's claim for asylum are assessed as lacking credibility should not be allowed to lead on to an adverse credibility assessment in respect of information provided by the child around family tracing.

For further information on assessing credibility, refer to the Processing children's asylum claims guidance and Assessing credibility and refugee status guidance.

Corrective relief following a failure in carrying out the tracing duty

The application for asylum is decided on its own merits according to the issues in that application, regardless of whether or not the family tracing duty has been adhered to. In [DS \(Afghanistan\) v Secretary of State for the Home Department \[2011\]](#), the Court of Appeal in paragraph 68 found that:

'The obligation to endeavour to trace under regulation 6 applies when a child has made an asylum application, but the application is to be determined on its merits, whether or not any steps have been taken pursuant to the obligation. To that extent I would accept the submission ... for the respondent that the obligation to endeavour to trace is distinct from the issues that arise on an application for asylum. If steps have been taken pursuant to the obligation under regulation 6, the results, if any, may be relevant to the determination of the asylum application, depending on what the issues are on that application.' And, 'It seems to me that that failure is not, by itself, relevant to the determination of the appellant's asylum application.'

There needs to be a present risk entitling the applicant to international protection otherwise asylum will not be granted. In [TN, MA and AA \(Afghanistan\) v Secretary of State \[2015\]](#), the Supreme Court found (paragraph 70):

‘...it is not for the tribunal or the court, in considering a claim for asylum, to try to compensate the claimant for some past breach of duty which does not affect the question whether he is presently exposed to a risk entitling him to the protection of the Refugee Convention (or to humanitarian protection). The consequences of a breach of duty by the respondent may be a relevant factor in the assessment of present risk, because of the possible effect on the nature and quality of the available evidence. But that is different from exercising some form of remedial jurisdiction entitling the tribunal or court to order that the claimant should have indefinite leave to remain, on account of the respondent’s breach of duty, in a case where the evidence does not establish the present existence of a right to refugee status or humanitarian protection’ (paragraph 53). And, in ‘an asylum appeal the question is one of present status: does the appellant meet the criteria of the Refugee Convention or is he in need of humanitarian protection?’

The court does not require the Home Office to grant discretionary leave as relief for a disadvantage suffered by a breach of the duty under regulation 6, to an applicant who:

- is not entitled to such leave under current policy
- does not have a current right to remain in the UK on other grounds

In [TN, MA and AA \(Afghanistan\) v Secretary of State \[2015\]](#), the Supreme Court in paragraph 72 found that:

‘Discretionary leave by definition involves a discretion, but it is a discretion which belongs to the respondent and not to the court. The respondent must of course exercise her discretion lawfully, with proper regard to any policy which she has established, but I agree with Sir Stanley Burnton that it is not proper for a court to require the respondent to grant unconditional leave to an appellant who would not be entitled to such relief under current policy (or have a current right to remain in the UK on other grounds, such as article 8), as a form of relief for an earlier error or breach of obligation.’

Failure to discharge the tracing duty identified at the appeal stage

If a failure to adhere to the tracing duty under regulation 6 is identified while the appellant has an outstanding appeal, you must immediately consider if and what family tracing is appropriate and, if so, expedite the process. This also applies to individuals who claimed asylum as an unaccompanied child, but are now adults, if the breach occurred while the duty applied. Although the duty refers to children and not adults, the effects of family tracing can potentially endure past the applicant’s eighteenth birthday. In [TN, MA and AA \(Afghanistan\) v Secretary of State \[2015\]](#) the Supreme Court in paragraph 73 found that:

‘There would be force in the argument that it should not make a difference whether the appellant has by then turned 18, since that would not remove an obligation which had arisen under the Reception Directive and the effects of which were intended to last beyond their minority...’

If it is identified during the appeal hearing that there has been a breach of the duty to trace, it is open to the appellant to ask the Tribunal to adjourn for the family tracing process to be undertaken ([TN, MA and AA \(Afghanistan\) v Secretary of State \[2015\]](#)).

If family tracing is started but the information on the file is more than 6 months old, you must consider whether updated information needs to be obtained.

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Independent family tracing assistance

This page tells decision makers where children can obtain independent family tracing assistance.

Children can obtain assistance in finding their families from organisations which offer family tracing services independent of the UK asylum process, such as the British Red Cross.

The British Red Cross is part of the International Red Cross and Red Crescent Movement, and is an independent humanitarian organisation. It provides a family tracing service which works to restore family links between family members separated as a result of war and conflict, natural or man-made disasters, or migration.

Children are informed of the availability of assistance from the British Red Cross within the Point of claim leaflet, which contains important information on the UK asylum process, and is issued by the Home Office shortly after a claim for asylum is made.

Pressure must not be placed on the child to contact the British Red Cross. The Home Office duty to trace under regulation 6 is not satisfied by referring the child to the services of the British Red Cross. In [KA \(Afghanistan\) v Secretary of State \[2012\]](#) the Court of Appeal in paragraph 15 found that:

‘...regulation 6 imposes a positive duty on the Secretary of State and, in my judgment, it is not discharged by simply informing the minor of the facilities of the Red Cross.’

The British Red Cross will only accept requests for assistance with family tracing directly from the child. It will not undertake family tracing at the request of a third party, including the Home Office. The British Red Cross considers the findings of its family tracing enquiries to be confidential and will only disclose the findings to the child and not to third parties. The British Red Cross does not intend that the results of their family tracing enquiries will be afforded any official status or evidentiary weight in the context of an asylum claim in the UK. However, if a child chooses to disclose the results of the British Red Cross’ family tracing enquiries, you can use the information to assist with immigration processes. However, you should be mindful of the British Red Cross’ position as to the use of such findings.

Advice and support to the child on obtaining independent family tracing assistance can also be obtained from:

- the Refugee Council’s Panel of Advisers, whose role is to advise and assist an unaccompanied child in their dealings with the Home Office and other central and local government agencies while their application is outstanding
- their social worker

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Miscellaneous

This page provides general background information on conducting family tracing.

Correspondence

All family tracing correspondence to the child must be submitted through their social worker, with their legal representative and, if applicable, the appointed guardian, copied in.

Country specific family tracing guidance

Albania

Guidance on obtaining information relevant to family tracing with assistance from the British Embassy Tirana can be obtained from the asylum instruction: Identity checking and family tracing by the Albanian authorities.

Bangladesh

Guidance on family tracing assistance available from the British Consulate in Bangladesh can be obtained from the asylum instruction: Family tracing assistance from the Foreign and Commonwealth Office in Bangladesh.

Afghanistan

On the family tracing assistance available from the British Embassy in Kabul, on 02 April 2017 the British Embassy provided the following update:

The British Embassy in Kabul has confirmed that it does not at this time have the resources or geographical capability to carry out family tracing in the field, for example, travelling to the last known location of the family to conduct enquiries in-person. The Embassy is not aware of any third party family tracing provider which can trace the families of unaccompanied children on behalf of the Home Office or Foreign & Commonwealth Office. The Afghan Identity Document Checking Unit (IDCU), within the Afghan Ministry of Interior, which provides charged services to foreign governments for tracing the families of adults, has confirmed that it does not have the capacity or legal remit to carry out tracing of the families of unaccompanied children from Afghanistan. Furthermore, the Embassy has confirmed that the Afghan Government does not currently maintain comprehensive central records of its citizens.

However, if an email address and/or telephone number is known for a family member in Afghanistan then the Embassy can try to contact the family. Please forward this information to the British Embassy Migration team.

Please note, only unclassified emails should be sent to this address so please do not include any classified background – as a general rule the name of the asylum applicant, date of birth, family contact details, and list of questions should suffice.

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