



Home Office

Detention services order 04/2012

Visitors and Visiting Procedures

March 2019



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Document Details

Process: To provide instructions to be followed by staff in the immigration detention estate when checking the identity of official, professional and social visitors and when dealing with minors visiting detainees.

To provide instructions to be adopted when placing a detainee on closed visits or when banning a detainee's visitor(s) from the centre.

Implementation Date: March 2012 (reissued March 2019)

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Contains Mandatory Instructions

For Action: Home Office staff and suppliers operating in immigration removal centres and short-term holding facilities.

For Information: N/A

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Processes Affected: Identification of visitors, closed visits and banned visitors and the retention of biometric data.

Assumptions: N/A

Notes: N/A

Instruction

Introduction

1. This detention services order clarifies the procedures to be followed by staff operating in the main gate or visits areas of immigration removal centres (IRC), pre-departure accommodation (PDA) and short term holding facilities (STHF) when checking the identity of official, professional and social visitors and when dealing with minors visiting detainees.
2. It explains the procedures to be adopted when placing a detainee on closed visits or when banning a detainee's visitor(s) from the centre.
3. It contains instructions to suppliers on how to handle data taken from visitors and their retention periods.
4. In this DSO, 'IRC centre manager' refers to the supplier's centre manager.

Purpose

5. The purpose of this DSO is to ensure the correct procedures are followed by IRC and STHF staff when allowing visitors into their centres, that safeguarding measures are in place for visiting minors and data protection rules are observed when retaining information from visitors.

The role of Detention Engagement Teams

6. Two different Home Office teams operate in IRCs only: the Detention and Escorting Services Compliance Team (Compliance Team) and Immigration Enforcement Detention Engagement Team (DET). In STHF, the PDA and IRCs where DETs are not yet fully operational, all actions for Home Office staff in this instruction must be completed by the local Compliance Team.

Procedures

7. Centres will undertake all efforts to allow any requests for official, professional and social visits to take place. However, the booking of social or official visits will depend on the centre's operational capacity and availability and will include consideration of any associated individual risk assessment that has been undertaken.

8. In accordance with Detention Centre Rule 57, the prohibition or cancellation of any visit or the banning of visitors attending a centre must be justified and balanced against the need to maintain security and keep detainees and visitors safe.
9. Unforeseen incidents such as violent or concerted indiscipline, external protests or critical loss of service may force centres to cancel or rearrange individual visits. In these circumstances, the IRC centre or security manager must notify both the Compliance and DET local managers and the Detention & Escorting Security Team when any pre-booked visit is cancelled for security or safety reasons. A record must be kept of any visits that are refused, cancelled or rearranged, detailing the reasons for such decisions.
10. The decision to cancel or rearrange any social or official visits must be made on a case-by-case basis and will depend on an individual risk assessment. This decision is independent of any consideration to ban a visitor as set out in paragraph 46-52.
11. In addition to the general guidance in this DSO there are also specific arrangements for the identification and searching of visitors in PDA are set out in the PDA Operating Standards.

Publication of local rules for visitors and procedures for booking visits

12. All centres are required to publish clear instructions to visitors on how to book social or official visits to detainees. Local procedures such as visiting times, identification requirements, prohibited items or the protection of visitors' information must be available on the centres' website or, as a minimum, within the information provided on www.gov.uk, as well as clearly displayed in the visitor's reception and visits area.
13. The list of prohibited items which visitors may not bring into the facility must be displayed in appropriate locations where visitors and detainees can view them clearly. The list should also be displayed in pictorial format so that it is accessible to those with limited English.

Identification of visitors

14. All visitors must provide proof of identification before being allowed access into the centre or visits hall. A failure to provide adequate identification will result in refusal of entry. The onus is on those seeking to gain entry to demonstrate that they satisfy the conditions below. Any decision to refuse entry should be made by supplier staff at duty manager level as a minimum.
15. For security reasons, centres may also require visitors to provide information before being granted access to the visits area. Any information collected from visitors needs to be compliant with the latest General Data Protection Regulation (**GDPR**) requirements.

16. **Social visitors** (personal visitors to detainees) must provide **one** of the following:

- A passport (current or if expired within 5 years of expiry date). This can include foreign passports and travel documents recognised by HM Government.
- European Community identity card.
- Photographic driving licence.

Or **two** of the following:

- Birth certificate
- Marriage certificate
- Rail or bus pass with photograph
- Employer's ID card or NUS student card
- Young person's proof of age card
- Trade union membership card
- Senior citizen travel pass issued by a local authority
- Home Office ARC card (asylum support application registration card)
- Benefits book

Note: Due to the very nature of the centres and their population, once individuals are released from detention they may wish to visit the centre in the future. Often the documents prescribed above are not available to them due to their pending immigration cases. If the centre staff can verify the identity of the individual by way of archived data and if he or she can produce a release order containing photographic evidence, e.g. form IS96, their identity is considered confirmed and access to visits should be granted.

17. **Home Office officials, other government officials** or official visitors invited by the Secretary of State in such capacity when accompanied by a Home Office Official, must provide an ID card containing a photograph (such as an Immigration Enforcement warrant card, or recognised pass to a government building).

18. **IMB members and HMIP inspectors** have a statutory right of access to an immigration removal centre. They must provide their IMB ID card containing a photograph.

19. **Representatives of non-governmental organisations** are treated as social visitors for the purposes of this DSO.

20. **Medical practitioners** must provide an ID card issued by their Primary Care Trust, NHS or equivalent. Independent medical practitioners may provide identification as per the requirements for social visitors at paragraph 4. In addition, establishments have the right to check independent medical practitioners are registered with the General Medical Council (GMC) and/or the General Dental Council and our

expectation is that they hold indemnity insurance cover as required by the GMC and/or GDC. It is possible to check a medical practitioner's status at the GMC website: <http://www.gmc-uk.org/doctors/register/LRMP.asp> and to check a dentist's status at the GDC website: <http://www.gdc-uk.org/Pages/SearchRegisters.aspx>.

Legal representatives

21. Legal representatives wishing to visit detainees must make an appointment with the IRC. On arrival, legal representatives must provide:
 - Any photographic ID, as described in paragraph 16;
 - Identity card issued by their firm or chambers, or business card;
 - Be able to identify the detainee(s) to be visited by providing name, date of birth and/or the Home Office case identification number.
22. Legal visits are subject to operational availability and solicitors should give centres as much notice as possible when booking an appointment. Solicitors will not be allowed to conduct a legal visit without an appointment. If a legal visit was not booked in advance and no legal visit appointments are available on arrival at the centre, solicitors may be offered the opportunity to conduct a visit with the detainee as a social visitor – subject to the identification requirements for social visits and compliance with the prohibited items list, such as mobile IT.
23. Under exceptional circumstances, such as an impending transfer or removal, where requests for visiting out of hours are made by legal representatives or officials, attempts must be made to accommodate these. Where these requests are not accepted, or an out of hours visit is cancelled or rearranged for security or safety reasons, the procedures set out in paragraph 8 and 9 must be followed.
24. When the requirements set out in paragraph 20 are met, legal representatives will conduct the visit within the area reserved for legal appointments, regardless of whether the advisor/solicitor is currently representing the detainee.
25. Legal visits will only be accommodated when arranged and agreed with the detainee. If a legal visit, whether pre-booked or requested on arrival, is refused by the detainee, this action must be recorded and investigated by the centre's security team. Centres must ensure that the detainee is aware of alternative legal services available and the reasons for the refusal must be detailed in a Security Information Report (SIR).
26. All legal representatives must complete a Section 84 form (attached at annex A) in full on their arrival at the IRC which is to be sent by the IRC to the Office of the Immigration Services Commissioner via email to, intelligence@OISC.gov.uk. If a Section 84 form is not completed legibly and in full, legal representatives may be refused entry.

27. In accordance with DSO 11/2014 'Security information reports', any suspicions staff may have relating to a detainee being defrauded must be detailed in a SIR and sent to HOsecurity-CentralReferralsTeam@homeoffice.gsi.gov.uk.

Minors visiting detainees

28. Visitors under the age of 18 are allowed to visit detainees if they have a close relationship with the detainee, such as the detainee is their parent, sibling, step-parent, parent's partner, other close family relationship or a family friend. A record must be kept of the minor's name and date of birth and relationship to the detainee being visited and to the accompanying adult.
29. No visitor under the age of 18 years old is allowed to visit a detainee unless they are accompanied by an adult with whom they have a close relationship with as described above.
30. Minors visiting detainees are subject to the same identification checks as adult social visitors as per paragraph 16, however, if a minor is accompanied by one or both of the parents, any photographic ID will verify the minor's identity when used in conjunction with their birth certificate. Centres must make this requirement clear when publishing the requirements to all visitors.
31. No detainee with a known history of being a risk to children will be allowed an open visit as per paragraph 35 by anyone under the age of 18 years old.
32. If a visitor is unaccompanied and produces identification which does not confirm the visitor is over 18 years of age, or centre staff are unsure about the validity of the identification, the visitor must be refused entry. Any decision to refuse entry should be made at duty manager level as a minimum. Centres must report any such incident to the Home Office IRC immigration team and to the intelligence and security team.
33. If centre staff have any concerns regarding the welfare of any visitor under 18 years of age encountered trying to visit a detainee, they should always refer the information to their local social services for advice and information.
34. This instruction does not override centres' MAPPA responsibilities or safeguarding duty to children detained as part of a family group.

Detainees who pose a risk to children

35. Centre staff must carefully manage the supervision of detainees who pose a risk to visitors, especially those with accompanying children. Each case must be assessed on a case-by-case basis but in these circumstances, it may be necessary for detainees who pose a risk to children to be placed on 'closed visits'. Any decision to apply closed visits must be documented with a risk assessment to justify the

decision. Detainees have the right to appeal this decision in writing with the centre manager, with each case being reviewed once a month (see paragraphs 38-45).

Bringing laptops into establishments

36. Home Office officials, other government officials, Independent Monitoring Board (IMB) (visiting committee) members, legal representatives and medical practitioners may bring a laptop into an establishment for the conduct of their work. This facility is dependant of approval and review from the centre's Security Manager or deputy and may be withdrawn from an individual if misused. A log must be kept by the centre's security department of visitors' mobile IT accepted into the IRC or STHF.
37. Photo and video facilities may not be used inside an IRC or STHF. DSO 05/2018 on 'Mobile Phones and Cameras' provides further information on this matter and circumstances in which cameras may be taken inside an establishment. Visiting medical practitioners may bring a mobile phone (without internet access) and a camera into a centre for the conduct of their work.

Closed visits

38. A 'closed visit' is one which takes place behind glass, with no possibility of physical contact between the detainee and visitor(s).
39. Detainees are only placed on closed visits when they are proved or reasonably suspected of involvement in smuggling prohibited items (such as drugs) through visits or are considered to pose a reasonable risk of involvement, or are considered to pose a threat to other detainees' visitors. Decisions to apply closed visits must be taken on an individual basis. A closed visit should be offered before a visit is refused following a drug detection dog giving a positive indication for a visitor.
40. Closed visits must not be applied as a punishment; they are an administrative measure.
41. Closed visits must be applied for a specified period of time rather than for a specific number of visits. The period of time for which closed visits may need to be applied will vary from case to case, and each case must be considered on its individual circumstances, with a documented risk assessment to justify the decision. However, a period of up to one month may normally be appropriate in the first instance. IRC centre managers can, if appropriate, specify a shorter or, if it can be justified, longer period in an individual case. The specified period for closed visits can be extended if **further** evidence of risk is received during the initial/previous period of closed visits. Closed visits must not be applied for an indefinite period.
42. If a decision is made to place a detainee on closed visits, both the Compliance and DET local managers must be notified. The reason(s) for placing a detainee on closed visits must be reviewed at least every month by the local supplier security

manager and notified to both the Compliance and DET local managers must be notified, to assess whether there is a continuing need for closed visits.

43. Individual centres are responsible for putting in place monitoring arrangements for administering closed visits.
44. Centres should be able to demonstrate that in deciding to apply closed visits they have taken into account all the individual circumstances of the case and have acted proportionately. In applying closed visits, centres should consider:
 - Analysis and the use of intelligence.
 - Incidents on visits.
 - Behaviour of visitor.
 - CCTV evidence or possession of drugs on a post-visit search.
 - Finds from room searches.
 - Time served foreign national offender (TSFNO) index offence and criminal record.
45. Detainees can appeal a closed visits decision to the Home Office's Head of Detention Operations in Detention & Escorting Services.

Banning of visitors

46. Detainees' visitors may be banned if their presence impacts on ensuring safety and security or the prevention of crime, for example, if a visitor has facilitated an (attempted) escape or been aggressive or abusive towards staff. A ban of the visitor would be applied only in exceptional circumstances.
47. Detainees' visitor(s) can only be banned for smuggling prohibited items if:
 - they are found to be engaging in the activity, such as being caught in possession of a prohibited item during a search,
 - they are seen passing a prohibited item to a detainee who is found to be in possession of the same item on leaving the visiting area,
 - a detainee is found in possession of a prohibited item and either the detainee or the visitor admits that this visitor supplied it.
48. As set out in the Detention Centre Rules (rule 54), any prohibited item conveyed, thrown or deposited in centres by a visitor can be confiscated by a manager. Centres must make known to visitors the list of prohibited items when publishing the visiting rules.
49. The ban and its length should be recommended by the IRC centre manager but must be approved by the Home Office's Head of Detention Operations, or the Delivery Manager of the Compliance Team for the IRC or STHF in his absence. If an extension to the ban is considered appropriate, this must be reviewed by the IRC

centre manager and authorised by the Home Office Head of Detention Operations, or the Delivery Manager for the IRC or STHF in their absence. Details of the ban must be confirmed in writing to the visitor and should include information of the appeal process.

50. The details of any banned visitors must be submitted to the Detention & Escorting Security Team on the weekly security returns. The security return must include the reasons for the ban, duration of the ban including any review dates, and the details of the detainee being visited.
51. Bans of visitors who are not social visitors (legal representatives and medical practitioners) are at the discretion of the IRC centre manager but must be approved by the Home Office Director of Detention and Escorting Services. In these circumstances, the security departments in the other IRCs should be informed, in addition to the relevant professional body.
52. For the ban to be lawful, this power must be exercised in a reasonable manner. The IRC centre manager must take into consideration the following circumstances when recommending whether to impose a ban:
 - if a ban would cause disproportionate harm to the rights of the detainee's child or children to have access to a parent (UN Convention on Rights of a Child, Article 9 (3));
 - if a ban would cause disproportionate harm to the detainee's or visitor's right to a family life (protected by the European Convention on Human Rights, Article 8), and
 - any other exceptional circumstance such as compassionate or other grounds.

Handling and retention of data

53. All centres have to ensure that all data collected from visitors is secured and managed appropriately in accordance with the legislative framework for data protection.
54. Visitors must be made aware in advance that providing this data is a requirement for being granted access to the centre. Details of the reasons for these requirements and local policy for handling of personal information must be available to visitors, alongside the instructions for booking a visit and a contact point must be provided for all Information Security queries. Signs detailing this policy need to be visible in all visitors areas.
55. Supplier staff must ensure data collected from visitors, such as visitor records are accurately completed for each detainee that they visit, including the company the visitor is representing (if appropriate). When requested, Home Office teams should be provided information from these records within 72 hours of the request.

56. Visitors will only be granted access to a centre once they provide the details required by local policies. They must be informed of how this data will be stored, processed and for how long it will be retained. Visitors must also be made aware of how to request a copy of their information and how to submit a Subject Access Request. An example of notice to be given to visitors is provided in Annex B.
57. All personal data from visitors must be permanently deleted 6 months after their last visit or after the detainee has been discharged from the centre. This must be detailed in the centre's visiting instructions as detailed in Paragraph 12.

Revision History

Review date	Reviewed by	Review outcome	Next review
June 2016	E Jarvis	General update and reformat	June 2018
March 2019	S Ali	Update to visitor identification requirements and inclusion of instructions for the handling of data and retention periods.	March 2021