

Annex 1

Border and Immigration Agency: Asylum Process Instruction

Suitability for Detained Fast Track (DFT) and Oakington processes

July 2007

1. Any asylum claim, whatever the nationality or country of origin of the claimant, may be considered suitable for the DFT or Oakington process where it appears, after screening, to be one that may be decided quickly.
2. It is the responsibility of the duty officer at the Asylum Intake Unit (AIU) to identify claims suitable for the DFT process at Harmondsworth and Yarl's Wood or Oakington process at Oakington and Yarl's Wood.
3. This instruction provides advice as to which claims are unlikely to be accepted into the DFT or Oakington process (see box A below). It also provides advice on age dispute cases (see Box B below) together with a list of countries (see Annex 2) which may well give rise to claims which may be decided quickly. However, if you are unsure as to whether a case is suitable for the DFT or Oakington process then do not hesitate to discuss the case by telephone with the AIU.
4. The guidance in this instruction should not be taken as implying any departure from the fundamental principle that all asylum claims are looked at on a case-by-case basis and decided on their individual merits.

A. CLAIMS WHICH ARE UNLIKELY TO BE ACCEPTED INTO THE DFT OR OAKINGTON PROCESS

- Pregnant females of 24 weeks and above.
- With any medical condition which requires 24 hour nursing or medical intervention.
- With a disability, except the most easily manageable.
- With an infectious/contagious disease.
- Presenting with acute psychosis, e.g. schizophrenia and requiring hospitalisation.
- Presenting with physical and/or learning disabilities requiring 24 hour nursing care.
- Where there is independent evidence that the claimant has been tortured.
- Where detention would be contrary to government policy, e.g. where the claimant is an unaccompanied asylum-seeking child.
- Where there is independent evidence from a reputable organisation, eg the Poppy Project, that the claimant has been a victim of trafficking.

B. AGE DISPUTE CASES

Applicants claiming to be under 18 should be accepted into the DFT or Oakington process

only if one or more of the following criteria apply:

- There is credible and clear documentary evidence that they are 18 years of age or over ;
- A full “Merton-compliant” age assessment by Social Services is available stating that they are 18 years of age or over. **Please note that assessments completed by social services Emergency Duty Teams are not acceptable evidence of age.**
- Their physical appearance/demeanour **very** strongly indicates that they are **significantly** over 18 years of age and no other credible evidence exists to the contrary.

Any age dispute case not falling within at least **one** of the criteria above is not suitable for the DFT or Oakington process. Where it is decided that an age dispute case is suitable for the DFT or Oakington process, Annex 3 should be completed by the officer dealing with the case and faxed to the AIU after initial contact has been made with the AIU by telephone. Copies of Forms BP7 and IS97M referred to in Annex 3 are at Annex 4 and Annex 5 respectively.

Annex 2

LIST OF COUNTRIES LIKELY TO BE SUITABLE FOR THE DFT OR OAKINGTON PROCESS

The countries listed below are likely to provide claims that may be suitable for the DFT or the Oakington process. Claims from nationals of countries not on the list below (and claims from women who are nationals of the countries listed in respect of men only) may also be suitable if you have reason to believe that the claim may be decided quickly.

Afghanistan	Malawi (NSA – men only)
Albania (NSA)	Mali (NSA – men only)
Bangladesh	Mauritania
Benin	Mauritius (NSA)
Bolivia (NSA)	Moldova (NSA)
Bosnia-Herzegovina (NSA)	Mongolia (NSA)
Botswana	Montenegro (NSA)
Brazil (NSA)	Mozambique
Burkina Faso	Nigeria (NSA – men only)
Cameroon	Nigeria (females)
Canada	Pakistan
Central African Rep	Peru (NSA)
China	St Lucia
Congo (Brazzaville)	Senegal
Ecuador (NSA)	Serbia (NSA)
Equatorial Guinea	Sierra Leone (NSA men only)
Gabon	Somaliland (not Somalia)
Gambia (NSA – men only)	South Africa (NSA)
Ghana (NSA – men only)	Sri Lanka
Ghana (females)	Swaziland
Guinea-Bissau	Tanzania
Ivory Coast	Togo
India (NSA)	Trinidad and Tobago
Jamaica (NSA)	Turkey
Kenya (NSA – men only)	Uganda
Liberia (NSA – men only)	Ukraine (NSA)
Macedonia (NSA)	Vietnam
Malaysia	Zambia

NSA: under section 94 of the Nationality, Immigration and Asylum Act 2002 the Secretary of State may certify an asylum or human rights claim as clearly unfounded, with the result that an appeal may not be brought whilst the claimant is in the UK. In respect of people entitled to reside in the countries listed in section 94, the Secretary of State must certify the claim as clearly unfounded unless satisfied that it is not clearly unfounded.

Annex 3

Age Dispute Referral Form for DFT/Oakington Processes

CASE REFERENCE:

- ❖ Is there **any** evidence to suggest that the claimant **may** be **under** 18?
YES (detail & attach copies) / NO
- ❖ Is there credible, clear documentary evidence that the claimant is 18 or over 18?
YES (detail & attach copies) / NO
- ❖ Is there any form of social services age assessment available stating that the claimant is 18 or over 18?
YES (attach copy) / NO
- ❖ Does the claimant's appearance **VERY** strongly indicate that he/she is significantly over the age of 18?
YES / NO (if YES, please say why immediately below)
- ❖ Has the Refugee Council Children's Panel been notified by fax?
YES (attach copy of fax) / NO
- ❖ Has the claimant **ever** been accommodated by social services?
YES (detail) / NO
- ❖ Has the claimant been served with a correctly completed IS97M?
YES (attach copy) / NO
- ❖ Has the claimant been **seen** by the CIO / HEO?
YES / NO
- ❖ Name of CIO / HEO signing IS97M (if assessed on appearance alone)?
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- ❖ Has a BP7 been completed?
YES (attach copy) / NO
- ❖ Does the **original** IS91 (detaining authority) show the claimant's date of birth as the generic age dispute date of birth (currently 01/01/89); if not, DEPMU will not arrange a move
YES (attach copy) / NO
- ❖ Please complete the declaration on page 2 before sending this form by fax to the AIU.
- ❖ Pages 1 & 2 of Annex Completed?
YES (attach copies of each page) / NO

Officer making referral to complete the following:

I(print name) am aware that I may be asked to provide further information if the claimant is subsequently assessed as under 18.

Signed:

Date:

To be faxed to the AIU on 01234 424092 with all supporting documents *after* initial referral to the AIU by telephone.