

CHAPTER 9
SECTION 8

REMOVAL

1. THE POWER TO GIVE DIRECTIONS FOR THE REMOVAL OF A PERSON REFUSED LEAVE TO ENTER

The power to give directions, requiring the carrier to remove from the United Kingdom (or make arrangements for the removal of) *a person refused leave to enter*, is contained in Paragraph 8(1) of Schedule 2 to the Immigration Act 1971. Under that Paragraph, directions may be given:

- * to the captain of the ship or aircraft in which the passenger arrived, to remove him *on that ship or aircraft* [Paragraph 8(1)(a)];
- * to the owners or agents of the ship or aircraft in which the passenger arrived, to remove him *on another ship or aircraft which has the same owners or agents* [Paragraph 8(1)(b)]; or
- * to the owners or agents of the ship or aircraft in which the passenger arrived (or, where the passenger arrived through the channel tunnel, the Concessionaires), *to make arrangements for the passenger's removal to a specified country or territory in a ship or aircraft which does not have the same owners or agents* [Paragraph 8(1)(c)].

It should be noted that Paragraph 8(1) does not oblige the immigration officer to specify a *date* for removal and that subparagraphs 8(1)(b) and (c) require, in relation to the ship or aircraft in which the person is to be removed, only that it should be specified *or indicated*.

Directions for removal are given by service of form IS 83 upon the appropriate owners or agents.

2. NOTICE OF INTENTION TO GIVE REMOVAL DIRECTIONS

Paragraph 8(2)(as amended by the Immigration Act 1988) enables the immigration officer, if he is not in a position to give specific removal directions at the time of refusal or after deferment of existing refusal directions, to give written notice of his *intention to give removal directions*, at a later date, under Paragraph 8(1)(b) or (c) (see paragraph 6 below for further details).

Form IS 83 serves as both notice of directions for removal and notice of the immigration officer's intention to give such directions.

3. TIME LIMIT FOR GIVING REMOVAL DIRECTIONS/NOTICE OF INTENTION TO GIVE REMOVAL DIRECTIONS

Paragraph 8(2) of Schedule 2 imposes a time limit of *2 months from the date of refusal* on the giving of removal directions *at the carrier's expense*.

This time limit applies not only to the *initial* giving of directions but also to any *variation* of directions already given which amends either the destination or the flight or ship in which removal is to be effected.

Notice of intention to give removal directions must similarly be served *within 2 months* of the date of refusal.

3.1. Effect of appeals upon the two month limit

Paragraph 28(4) of Schedule 2 to the Immigration Act 1971 provides that any period during which an appeal is pending against:

- * the decision that leave to enter is required; or
- * the refusal of leave to enter; or
- * the destination given in directions for removal or in a notice of intention to give such directions

is to be *disregarded* when calculating the period of two months allowed for the giving of directions. An appeal is "pending" for this purpose from *the moment notice of appeal is given* until *the moment it is finally determined or withdrawn*.

It is therefore important to note in the port papers the date on which notice of appeal was given and the date of the dismissal of the appeal by the adjudicator or, where the appeal goes to the Tribunal, by that body. This extension of the period applies only to appeals *under the Immigration Act* and not to other court proceedings.

3.2. Cases where the two month time limit is not applicable

The time limit does not apply where removal is to be at *public expense*.

Nor does it apply where directions for removal are given *without the person being refused leave to enter*. Such cases would be:

- * *illegal entrants*;

- * *seamen* overstaying or suspected of an intention to overstay temporary shore leave;
- * *seamen* given leave to enter (other than on Code 5N for hospital treatment) to sign articles on the same or another ship, for repatriation, or under contract to join in the United Kingdom, who fail to comply or are suspected of an intention to fail to comply with their conditions of leave.

4. SERVICE OF FORM IS 83 - GENERAL PROCEDURE

When a passenger is refused leave to enter, form IS 83 should normally be served upon the carrier, or his agent, ***at the time of refusal***. Where this is not possible directions may be given at any time within two months of the date of refusal of entry.

A copy of form IS 83 should be retained on the port file, a copy should be issued to Group 4 Security (or other escort, as appropriate) where necessary, and a further copy should be sent to IS (Enforcement) Detention Policy Planning Unit (IS(E) DPPU). Within 7 days of removal, confirmation of departure should be sent to DPPU so that the detention and removal costs can be recovered from the carrier.

In cases where it is ***apparent from the outset*** that removal is likely to be delayed, form IS 83 should still be served, as soon as possible, informing the carrier of the immigration officer's ***intention*** to set directions for removal. See paragraph 6 (below) for further guidance in respect of delayed removals.

The implementation of removal directions should not be unduly delayed once the requirements of natural justice and any compassionate circumstances have been met. Deferments to suit the convenience of carriers or for police enquiries should be resisted and where a person has to be documented or it is necessary to obtain visas before removal, the High Commission or Consulate concerned should be asked to deal with the matter urgently and progress should be constantly reviewed.

4.1. Details of destination to be entered on form IS 83

- * When giving directions for the owners or agents to remove the passenger ***on one of their own ships or aircraft*** [under Paragraph 8(1)(a) or (b)], the ***destination, including the port and the country or territory***, should normally be entered on form IS 83.
- * When removal directions are given to owners or agents to ***make arrangements*** for the removal of the passenger ***by another ship or aircraft*** [under Paragraph 8(1)(c)], the ***country or territory*** must be specified on form IS 83 (***and*** in the notice of refusal of leave to enter given to the passenger).

5. SETTING REMOVAL DIRECTIONS

Although it is not part of the immigration officer's duties to protect the interest of carrying companies, directions should, for practical reasons, wherever possible, be given for removal on a ship or aircraft owned by the carrier who brought him to the United Kingdom (ie. under Paragraph 8(1)(a) or 8(1)(b), as appropriate).

5.1. Directions to arrange removal by another carrier

It may be decided, however, because, for example, the carrier has no available flights to the proposed destination, that directions should be given to make arrangements for removal by another carrier [under Paragraph 8(1)(c)].

While Paragraph 8(1)(c)(iv) provides for removal to another country or territory, (for example, if the passenger *asks* to be removed to a specific country), it would be *unlawful* for an immigration officer to give removal directions under this sub-paragraph if he did not have reason to believe that the passenger would be admitted to that country or territory. In these circumstances directions should be given for the passenger's return to:

- * the country of which he is a *national or citizen* [8(1)(c)(i)];
- * a country in which he *has obtained a passport* [8(1)(c)(ii)]; or
- * the country in which he *embarked for the United Kingdom* [8(1)(c)(iii)].

6. DIRECTIONS IN DELAYED REMOVAL CASES

As explained in paragraph 2, above, removal directions must be given within 2 months of the date of refusal of leave to enter. However, Paragraph 8(2) of Schedule 2 (as amended by the Immigration Act 1988) provides for directions for removal to be given under 8(1)(b) or (c) at a later date, *if* the immigration officer has, within that period, given to the owner or agent written notice of his intention to give removal directions.

6.1. Where it is known at the time of refusal that removal will be delayed

There are occasions when, at the time the refusal decision is taken, it is known or there is good reason to believe that it may not be possible to serve directions within 2 months, eg. because the person:

- * is medically unfit to travel;
- * is awaiting trial or is in prison;

- * has inadequate documentation; or
- * a Private Office "stop" has already been accepted.

In such circumstances the immigration officer should serve an IS 83 on the owner or agent, suitably amended *to make it clear that it is intended to give specific removal directions when the case is finally resolved*. The refusal form IS 82 (paragraph A), should be annotated to read

"I propose to give directions for your removal to.....in due course"

the destination should be inserted and the remainder of paragraph A should be deleted.

6.2. **Where it subsequently becomes apparent that removal will be delayed**

There are also occasions when it becomes apparent only after refusal action has been taken and initial removal directions given that it may not be possible to implement those directions within 2 months, eg. MP's representations following refusal of leave to enter (see also paragraph 7, below). In such circumstances, the immigration officer should cancel the initial removal directions by serving form IS 88 on the owner or agent, suitably annotated to indicate an intention to issue specific removal directions when the case is finally resolved.

6.3. **Review of cases where removal directions have not been given**

In order to comply with Ministerial undertakings given to Parliament, forms IS 83 and IS 88 notify carriers that the situation will be reviewed by the immigration officer where specific removal directions have not been served but liability for removal is to continue. Both forms include a space for the date by which the case should be reviewed. The date should be *three months* from the date of issue.

Ports should review all such cases just before the three month period expires. Forms IS 83 and IS 88 then invite the carrier to ascertain the outcome of such a review, and if a carrier requests information at the review stage, then he should be advised of the current situation.

Arrangements can then, if necessary, be made for any further reviews by local agreement with the carrier. The nature of any subsequent review will depend upon the individual case - it may not be realistic to have regular reviews in prison or asylum cases, for example, because these may not be resolved for some time. In such circumstances the carrier should be so advised and asked to seek further information when appropriate. *In no circumstances should the immigration officer assume the responsibility for initiating a further review.* That should be left to the carrier.

The purpose of these reviews is simply to acquaint carriers with the extent of their continuing financial liability. A review need do no more than advise carriers of the fact

that the case is not yet resolved. The review does not imply that a carrier's liability will at any time be removed. Provided that a notice of intention to serve removal directions has been served within the 2 month period, then the carrier's liability is continued.

6.4. **Giving removal directions subsequent to issue of notice of intention**

When removal directions can be finally issued, the passenger should be informed by service of form **IS 92** and the carrier by service of form **IS 83**, suitably amended.

6.5. **Notifying carrier that removal directions are not to be implemented**

If it is decided not to implement a notified intention to make removal directions (because, for example, leave to enter is granted), then the carrier should be informed by means of form **IS 88A**, and a copy sent to IS(E) DPPU.

7. **PUBLIC EXPENSE REMOVAL (PER)**

A person may be removed from the United Kingdom at public expense where:

- * in respect of *a person who has been refused leave to enter* or *an illegal entrant*, either it is not *practicable* for removal directions to be given at the carrier's expense, or any such directions would be *ineffective* [Paragraph 10(1)(a) of Schedule 2]; or
- * in respect of *a person refused leave to enter*, removal directions or a notice of intention to give removal directions have not been served within 2 months of the date of refusal [Paragraph 10(1)(b)]; or
- * in respect of *a seaman* in either of the circumstances set out in paragraph 3.2 above, either it is not *practicable* for removal directions to be given at the carrier's expense, or any such directions would be *ineffective* [Paragraph 14(1) of Schedule 2].

Authority *at Inspector level* is required for removal at public expense.

The following procedures should be applied in cases of removal at public expense:

7.1. **Procedure for obtaining tickets**

Once authority to remove at public expense is received the handling port should contact Carlson Wagonlit Travel on the telephone numbers in paragraph 7.2 below.

On requesting a booking, basic details will be needed in order to both verify the call and to provide information for the ticket. To save time when making reservations, officers should have the following information ready before phoning, as the volume of calls is often heavy:

- ◆ family name, initials and sex of the person being removed;
- ◆ full name, sex and age of each child (age establishes fare to be paid);
- ◆ for Asian or Chinese passengers - second and third names (needed to assist with identification - Singh/Ali/Lee are common names on Asian routes);
- ◆ departure date and time of day preferred; and
- ◆ port reference **and** category/type of removal (each category is charged to a separate Home Office account). They are as follows:

IE	Illegal Entrant	IE/E	Illegal Entrant Escort	(Acct. 254763)
D	Deportee	D/E	Deportee Escort	(Acct. 254741)
R	Refusal	R/E	Refusal Escort	(Acct. 254774)
SD	Supervised Departure			(Acct. 254741)
DEP	Dependant			(Acct. 254785)

On receiving a request for a booking, the travel consultant will check availability on the date and to the destination requested. The consultant may then offer several options of both direct and indirect flights including flights on a different day but close to the date requested. The cost of the various options will also be provided. In all cases it will be for the officer concerned to decide which flight to select by noting the cost but also by ensuring that the flight chosen satisfactorily meets the primary objective which is successful removal. This will apply particularly to flights which may involve stopovers when the possibility of difficulties with the authorities in third countries should be considered.

In no circumstances should detention be prolonged solely to enable a cheaper flight to be used. The practice adopted by some ports of upgrading tickets in order to reduce detention costs (which are an average of,400 per night in police cells, and in some forces considerably more) may be pursued.

Since, in the majority of cases, departure cannot be guaranteed, Wagonlit will be charged premium fares which are refundable if the passenger fails to leave.

If departure **can** be guaranteed, the cheapest fare may be requested. However, for these there are cancellation charges, and some fares are not refundable if the passenger does not travel as arranged.

7.2. **Carlson-Wagonlit - address and contact numbers**

Carlson Wagonlit Travel	0900-1730 hrs Tel:	0181 844 1179
Unitair Centre		Fax: 0181 751 3129
Great South West Road		
Feltham	1730-0900 hrs, Tel:	0181 844 2944
Middx TW14 8NT	Bank hols & Weekends	Fax: 0181 844 0094

7.3. **Collection of tickets**

In most cases arrangements should be made for the collection of tickets at point of departure either from the airline (by noting the *locator number*) or from a Carlson Wagonlit representative. Information on the location of tickets for collection should be included on the paperwork passed to Group 4 Security. If, however, the particular circumstances of a case warrant it, (and this might include cases in which an escort is provided) tickets can be made available prior to departure for collection or delivery from any office within the Wagonlit network.

All arrangements for the collection of tickets should be made initially via the Heathrow office of Carlson Wagonlit. At ports where local police are involved in the escorting of deportees and illegal entrants, Officers-in-Charge should draw the attention of the Chief Constable to this arrangement. Where escorts are required to facilitate removal, the police should use Wagonlit for ticketing and hotel bookings. Police should only be used in cases where it is inappropriate to use a private security firm and approval from IS(E) DPPU has been given.

7.4. **Advising Carlson Wagonlit when PER arrangements are suspended**

If a removal is deferred (eg. when a person absconds or judicial review is sought), or if the subject fails to embark, the port involved should advise Carlson Wagonlit *immediately* by telephone so that the booking can be cancelled. Any tickets obtained must be returned without delay, so that the accounts may be adjusted.

Similarly, Carlson Wagonlit *must* be informed as soon as possible if there is any suspicion that a ticket has been misused. All unused tickets must be returned to Carlson Wagonlit without delay.

7.5. **Forms to be used in Public Expense removal cases**

A new form is under preparation for public expense removals, but in the meantime the existing form IS 107 should be used with the section requesting the carrier to provide a ticket or to send an invoice to a particular office crossed out. In the case of persons detained or required to report to an immigration office following temporary admission, relevant forms should be served on the carrying company or on the captain at the point of departure.

7.6. **Invoicing**

The administration of Public Expense Removals (PER) is the responsibility of IS(E) DPPU. Under the above arrangements, invoices sent directly to ports and those sent to ports by DPPU for verification should be certified within 7 days of receipt (see also paragraph 7.7 below) and sent directly to DPPU.

7.7. **Certification of invoices**

All invoices must be certified on the face of the original, or a duplicate if the original invoice is not available. It may be helpful for ports to devise a standard wording which can be written or stamped on the invoice. The wording should include a statement that the goods or services have been satisfactorily delivered and that the amount stated is correct. Invoices must be countersigned and dated by someone of at least one grade above and sent to IS(E) DPPU.

Some invoices involve costs incurred directly in relation to passengers falling within the scope of Paragraph 9 of Schedule 2 to the Immigration Act 1971, eg escort, ticketing, meals and detention in police cells etc, and can be passed on to the carrier by DPPU. Others relate to cases falling within Paragraph 10 of the Schedule and are borne by the Home Office. It is important for DPPU in deciding whether to pass the cost on or not, that the certifying officer indicates whether the carrier is liable or the Home Office, as appropriate.

In addition to the above, on invoices for tickets issued by Carlson Wagonlit the certifying officer must confirm the departure or otherwise of the passenger as arranged. DPPU can only pay for *used* tickets. If the passenger has not gone, DPPU will need to notify Carlson Wagonlit so that they can obtain credit notes for any unused ones.

7.8. **Excess baggage in Public Expense Removal cases**

The Home Office has no responsibility for arranging or paying for baggage in excess of what is allowed by the carrying company, and this should be pointed out to the passenger at the time he is informed that he is to be removed.

7.9. **Removal of illegal entrants**

Under the provisions of Paragraph 9(2) of Schedule 2 to the Asylum and Immigration Act 1996, the Home Office can no longer charge carriers for the detention of people who have gained entry by deceiving an immigration officer, ie someone who has a leave to enter endorsed in his passport which has not subsequently been withdrawn under Paragraph 6(2) of Schedule 2 of the 1971 Act. It is still possible to charge carriers (if they can be identified) in respect of clandestine entrants, ie those people who entered the UK without being examined by an immigration officer.

this provision does not affect the power to give removal directions to carriers (where they can be identified) under Paragraph 9 of Schedule 2 and carriers will continue to be responsible for detention costs.

8. **REMOVAL AT PASSENGER'S OWN EXPENSE**

If the passenger expresses a wish to use his own ticket he should be requested to make a booking on an appropriate flight on a date near to that originally arranged and to advise the immigration officer of the arrangements. The immigration officer should, if the arrangements are satisfactory, then cancel the original directions and give directions on form IS 107 for the rearranged flight. The form IS 107 should be endorsed "The passenger is in possession of a ticket".

Care should be taken to ensure that the flight is one for which directions can properly be given ie. to the country of which the passenger is a citizen or where he obtained his passport or where he embarked for the United Kingdom or one to which there is reason to believe he will be admitted. Attempts by the passenger to extend temporary admission unduly by booking a flight well after the original date should be resisted and if necessary the original directions should be adhered to even if this means removal at public expense.

No suggestion should be made to the passenger that he should use his own ticket. The procedure set out above will be used when the initiative comes from the passenger.

9. ESCORT AND DETENTION AT PUBLIC EXPENSE

Although removal may be directed by the Secretary of State at public expense it does not follow that the escort and detention costs relating to the person also fall on the Home Office. These costs are met from public funds where:

- * in the case of ***an illegal entrant***, no inward carrier can be identified;
- * ***a person holding an entry clearance, certificate of entitlement or work permit*** is removed at carriers' or at public expense following refusal;
- * where a person is refused entry and ***subsequently given leave to enter***; and
- * in those ***seamen*** cases mentioned in paragraph 3.2, above.

In all other cases these costs fall on the inward carrier.

Note: Since a direct airside transit visa is not an entry clearance a carrier should technically be liable for detention costs. If, however, the holder of such a visa has been brought in good faith, detention costs should not be charged to the carrier if the passenger is refused entry and detained pending removal.

10. ACCOUNTS FROM OTHER ORGANISATIONS WHICH ARE PAYABLE FROM PUBLIC FUNDS

In cases where other organisations, eg. carriers, port authorities, the police, hotels etc, render accounts and where these are payable from public funds, these accounts must be certified (see paragraph 7.7 above) by the Officer-in-Charge for the ***port handling the case*** (not the removal port). Where such accounts relate to additional expenditure by Police escorts, it should be ensured that they relate only to expenditure over and above

Police Officers' normal expenses, ie. mileage charges at the appropriate rate for the use of Police vehicles, subsistence given to the passenger or deportee at the rate appropriate to his journey.

11. REMOVAL OF PASSENGERS UNDER MEDICAL ESCORT

It is occasionally necessary to remove with a medical escort or escorts a person who has been refused entry. The inward carrier in these cases may well object to the cost of providing this escort, particularly if it entails the purchase of tickets on another carrier's service.

An immigration officer does not have power specifically to require in the removal directions that a medical escort should be provided. He should, however, draw to the carrying company's attention anything within his knowledge which suggests that an escort may be necessary. Removal directions can require only the removal of the passenger on a service specified or indicated and it is for the carrying company on which they are served to ensure that the necessary arrangements, including the provision of a medical escort where appropriate, are made to give effect to them. If, however, removal in accordance with the directions is prevented by the company's *refusal* or *failure* to provide an escort where that is necessary for the removal to be given effect, this *may* amount to a *refusal to carry out the directions*.

In order to ensure that all ports treat such cases in a uniform manner the procedure set out in 11.1 - 11.3 below should be adopted.

11.1. Advising the carrier that an escort is desirable

If advice is received from a competent medical officer that a person should not be removed without an escort, the inward carrier should be given removal directions in the normal manner but in addition should be notified in writing that the immigration officer has been advised that a medical escort is desirable or essential. Reference to the escort should not be made in the directions.

It may be that the desirability of an escort becomes evident only after an initial attempt to remove the passenger has failed, for example if the captain declines to carry him because of his erratic behaviour. The amended directions should then be covered with a letter advising that an escort is essential or desirable. If the carrier complies with the directions and removes the passenger with or without an escort no further action is necessary.

Once it is decided that a passenger is to be removed under escort, a letter should be given to carriers, confirming the names of the escorts.

11.2. Action where carrier refuses to provide escort with a ticket

If the carrier, on receipt of the directions and the advice, refuses to provide the escort with a ticket, the directions, together with a copy of the advice, should be served on the registered office of the carrier or his agent.

If removal follows, with or without an escort, no further action is necessary but a report should be submitted to IS(E) DPPU, giving the full facts relating to the difficulties of removal.

Directions should be served on the registered office of the company in the first instance if the immigration officer has reason to believe that the carrier on whom the directions are to be served will decline to pay for an escort.

11.3. **Action where removal is frustrated due to carrier's refusal to provide an escort**

If the carrier on whom directions have been served persists in a refusal to provide an escort and removal is thereby frustrated because the designated carrier declines to accept the passenger, the port should seek the authority of DPPU for removal of the passenger with an escort under Paragraph 10 of Schedule 2 (at public expense). The full facts should be reported as soon as possible to DPPU with copies of all the correspondence with carriers. Consideration will then be given to prosecution of the carrier. A copy of the report should be sent to Passenger Casework Section where there has been previous PCS involvement.

12. **REMOVAL OF PASSENGERS UNDER ESCORT (NON-MEDICAL)**

If the immigration officer has reason to believe that any person being removed could be disruptive and a potential danger to the safety of the ship/aircraft in which he is to travel the officer should so advise a responsible official of the carrier. The officer should note the case file to the effect that the advice has been given and to whom. If the carrier declines to remove the passenger without an escort and declines to provide the escort the procedure set out in 11.1 - 11.3 above should be followed.

The immigration officer has no power to *insist* on the provision of an escort if the carrier decides none is necessary and removes the passenger. If removal is to be with another carrier the immigration officer will not be held liable if the carrier, on whom directions to make arrangements for removal are served with the advice that an escort is essential or desirable, withholds this advice from the outward carrier.

Where it is decided that a passenger is to be removed under escort, a letter should be given to carriers, confirming the names of the escorts. *Chapter 22, Section 4, The Chicago Convention* provides further guidance.

13. **REMOVAL DIRECTIONS IN RESPECT OF UKPH ARRIVING FROM CERTAIN COUNTRIES**

The United Kingdom has obligations under visa abolition agreements made with the countries listed below not to return to those countries holders of United Kingdom passports refused entry to the United Kingdom after arriving from one of those countries. The countries concerned are:

Belgium	Finland	Netherlands
Bolivia	Iceland	Norway
Denmark	Luxembourg	Sweden

Further guidance on this subject is provided in *Chapter 22, Section 2, "United Kingdom passports"*.

13.1. **British Passport holders who do not have a sovereign territory to return to**

In all cases where leave to enter is refused to British Overseas Citizens (BOCs) or British Protected Persons (DPPs) who do not have a sovereign territory to return to, a report should be submitted to Passenger Casework Section to request authority for removal.

13.2. **Holders of British Dependent Territories (Hong Kong) or British National (Overseas) Passports expelled from certain countries**

When a British Dependant Territories (Hong Kong) passport holder who is normally resident in Hong Kong arrives at a United Kingdom port having been expelled from the countries listed in paragraph 13 above and is to be refused entry, the procedures set out under this heading in *Chapter 22, Section 2, "United Kingdom Passports"* should be followed.

14. **REMOVAL OF YOUNG PERSONS AFTER REFUSAL OF LEAVE TO ENTER**

The Officer-in-Charge should ensure that all reasonable precautions are taken to ensure the safe return home of any young person refused leave to enter.

In any case where there is doubt about the escort or reception arrangements in respect of a child under the age of 16, reference should be made to Passenger Casework Section.

15. **FITNESS TO TRAVEL FOR MEDICAL REASONS**

In straightforward cases of refusal where removal is not delayed, the advice of the Port Medical Officer should be sought whenever there is doubt about a passenger's medical fitness to travel (see paragraph 11 above, regarding medical escorts). In the case of a pregnant woman such advice should be sought, but removal should only be effected after reference to an Immigration Inspector.

"Liaison with the DSS" in Chapter 25 provides guidance for those cases where passengers on temporary admission, having been refused leave to enter, are said to be unfit to travel and it is considered that there is unreasonable delay before they are declared fit to be removed.

16. REMOVAL OF PASSENGERS WITHOUT DOCUMENTS

16.1. Removal to Chicago Convention Contracting States

Where a person who is to be removed either holds no passport or travel document or holds such a document which has expired and the person is to be removed to a country which is a signatory to the "Chicago Convention", the guidance contained in *Chapter 22 Section 4 "The Chicago Convention"* should be followed.

16.2. Removal to other countries, using standard EU format single journey travel document

In the case of countries which are not signatory to the Chicago Convention, persons without valid travel documents should normally be removed on the standard format single journey document used by all EU member states. *Use of the document must be authorised by an Inspector.*

Some countries fluctuate between acceptance and refusal to accept the document and ports are often aware of the current situation with regard to individual countries. In some cases, however, it may be necessary to make enquiries of other ports or enforcement offices for up-to-date information as to whether or not and under what circumstances the document will be accepted.

Where an application for a travel document has been made to a High Commission or Embassy but it is subsequently decided that, due to a change of circumstances, it is appropriate to remove the person on a single journey document, the High Commission or Embassy should be contacted and the new circumstances explained to them. It is important that such contact should be handled as tactfully as possible, in order not to compromise the willingness of the country concerned to accept the person.

Only the printed version of the document should be used (ie *no* photocopies). Copies are held at ports. Requests for additional copies should be made to the IS(Enforcement) Management Support Unit.

16.3. Removal to countries which will not accept the standard EU format single journey travel document

Where it is known that a country will not accept persons removed on such a document, or when an attempt to remove a person on such a document has failed, it will necessary to approach the appropriate Embassy or High Commission as a matter of urgency with a request that they issue a document to the person or revalidate an existing one which has

expired. Certain countries have restrictions on the circumstances under which they are willing to comply with such requests.