



Home Office

# Identity checking, family tracing and fact checking in Vietnam cases

Version 2.0

# Contents

|  |   |
|--|---|
| Contents.....  | 2 |
| About this guidance.....   | 3 |
| Contacts .....   | 3 |
| Clearance and publication .....  | 3 |
| Changes from last version of this guidance .....                                     | 3 |
| Application of this instruction in respect of children and those with children ..... | 4 |
| Assistance available.....  | 5 |
| Assessing suitability .....  | 6 |
| Assistance requiring contact with the Vietnamese authorities .....                   | 6 |
| Helping to assess the accuracy of country related information .....                  | 7 |
| Family tracing .....   | 7 |
| Submitting requests.....   | 8 |
| Data handling and confidentiality .....  | 8 |
| Processing times .....   | 9 |

# About this guidance

This guidance sets out the policy and procedures for obtaining information from the British Embassy Hanoi relevant to verifying the identities and tracing the families of unaccompanied asylum seeking children and assessing the credibility of information that they provide.

The processes set out in this instruction should be carried out in conjunction with the Processing children's asylum claims asylum instruction (AI) and the Family tracing AI.

## 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 and publication

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

- version **2.0**
- published for Home Office staff on **28 April 2021**

## Changes from last version of this guidance

Minor amendments made to guidance, including taking in to account the introduction of the [General Data Protection Regulation](#) (GDPR) and the [Data Protection Act 2018](#).

### Related content

[Contents](#)

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

This page provides guidance on the duty under section 55 of the [Borders, Citizenship and Immigration Act 2009](#).

Section 55 requires the Home Office to carry out its functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. This includes that their best interests must be a primary consideration. It does not impose any new functions or override existing functions.

Staff must apply the actions set out in this instruction either to children or to those with children with due regard to section 55. The Home Office's statutory guidance Every Child Matters – Change for Children sets out the important principles to take into account in all Home Office activities.

Our statutory duty to children includes the need to demonstrate:

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

## Related content

[Contents](#)

# Assistance available

This page provides guidance to you, the decision maker, on the assistance available from the British Embassy Hanoi.

If in adherence with the guidance in [Assessing suitability](#), assistance potentially available from the British Embassy Hanoi includes the following:

- contacting the claimant's school or local police to obtain information relevant to family tracing or identity checking
- if the school or local police are unable to assist or the case warrants more in-depth investigation, a request for assistance can be submitted to the Vietnamese Ministry of Public Security (MPS) who will check the claimant's details against the Vietnamese household registration system or passport database
- contacting the claimant's family on behalf of the Home Office (if valid contact details are available)
- helping to assess the accuracy of information provided by the claimant in support of their application for asylum

Requests which require the assistance of the MPS will usually be processed within 6 to 8 weeks. Other requests are expected to be processed within shorter timeframes.

Before requesting assistance from the British Embassy, you must assess whether this course of action is suitable – refer to [Assessing suitability](#). For example:

- you must not take any action which may put an individual at risk
- while the asylum claim is being examined, contact must not be made with the alleged actors of persecution that would result in them being directly informed that an application for asylum has been made by the claimant and would jeopardise:
  - their physical integrity and their dependants
  - the liberty and security of their family members still living in the country of origin

## Related content

[Contents](#)

# Assessing suitability

This page provides guidance to you, the decision maker, on assessing the suitability of requesting assistance from the British Embassy Hanoi.

You must assess whether and when obtaining the assistance of the British Embassy is appropriate and for what type of assistance. When making this assessment, you must ensure that the following suitability criteria are satisfied:

- that it adheres with the duty under section 55 to safeguard and promote the welfare of children
- that the safety of the family would not be jeopardised
- that it adheres to paragraph 339IA of the [Immigration Rules](#)

For the purposes of examining individual applications for asylum, paragraph 339IA requires that:

- information provided in support of an application and the fact that an application has been made shall not be disclosed to the alleged actors of persecution of the claimant
- information shall not be obtained from the alleged actors of persecution that would result in their being directly informed that an application for asylum has been made by the claimant in question and would jeopardise either:
  - the physical integrity of the claimant and their dependants
  - the liberty and security of their family members still living in the country of origin

## Assistance requiring contact with the Vietnamese authorities

Where the assistance requires the British Embassy to share information with Vietnamese authorities, the assessment of whether such a step is suitable will 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.

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 claimant. 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.

Before undertaking a step which could bring a family member to the attention of the Vietnamese authorities, you also need to consider the legitimacy of residency of any family members in Vietnam. If the family member does not have status in Vietnam, decision makers must assess whether the undertaking of such a step could result in their persecution due to their lack of status.

If contact with the Vietnamese authorities is not suitable, this must be clearly communicated within any requests for assistance to the British Embassy.

## Helping to assess the accuracy of country related information

Obtaining assistance from the British Embassy with assessing the accuracy of information provided by the claimant in support of their application for asylum will not normally require the embassy to disclose information to third parties, such as the Vietnamese authorities. However, unless the disclosure of information to the Vietnamese authorities has been assessed as suitable, the request for assistance to the embassy should make it clear that information which could lead to the identification of the claimant or their family by the Vietnamese authorities should not be disclosed to third parties.

## Family tracing

If you intend to request assistance with family tracing, you must refer to the Family tracing asylum instruction for further guidance before proceeding.

If contact with family tracing is not suitable, this must be clearly communicated within any requests for assistance to the British Embassy.

### Related content

[Contents](#)

# Submitting requests

This page provides guidance to you, the decision maker, on how to submit requests for assistance to the British Embassy Hanoi.

Requests for assistance should be sent to the Migration and Immigration Liaison Manager in Hanoi.

The referral should contain as much of the information listed below as possible:

- claimant's full name
- date of birth
- place of birth
- last address in Vietnam
- name, date and place of birth of the mother and father
- names and addresses of other family members
- telephone or cell phone of close or other family members (if any)
- name of school
- identification numbers and documents for the child
- any additional relevant identification information
- what assistance is being requested
- other information which needs to be taken account of
- name and contact details of the requester
- details of where the results should be sent

For assistance with tracing the child's family, decision makers should submit the request on a tracing pro forma (ASL.5213).

## Data handling and confidentiality

The implementation or application of any aspect of the processes specified in this instruction must be compliant with data protection obligations and the duty of confidentiality towards the child. This includes the [General Data Protection Regulation](#) (GDPR), the [Data Protection Act 2018](#), the [Human Rights Act 1998](#), the Common Law Duty of Confidentiality, relevant international instruments and the Immigration Rules. The section 55 duty must also form part of this decision-making process. For guidance on the processing and transmission of personal data, refer to Data protection and use.

The guidance within this asylum instruction on data sharing and confidentiality, including adhering to the duty under section 55 and Paragraph 339IA, not only applies to Home Office members of staff requesting assistance, but also to embassy staff undertaking checks in Vietnam on the Home Office's behalf.

Decision makers must carefully consider if and what security classifications should be assigned to the information disclosed. Information with official and official sensitive classifications can be disclosed to the Migration and Immigration Liaison



Manager. If, based on the information provided, the Migration and Immigration Liaison Manager allocates tasks to locally employed embassy personnel who do not have clearance to access information above official classification, before sharing any information, they will review the contents of information assigned an official sensitive classification and redact where necessary. To prevent unnecessary delays and wasting embassy resources, decision makers must avoid assigning official sensitive classification to information which warrants an official classification.

## Processing times

Following submission of the request for assistance, the British Embassy Hanoi will provide you with an indication of the likely processing time. Unless the estimated processing time is exceeded or the priority of the request changes, you should refrain from requesting updates from the embassy on the progress of the request.

### Related content

[Contents](#)