

# **Biometric data-sharing process** (Migration 5 biometric data-sharing process)

#### Version 13.0

This instruction was formerly titled "Biometric data-sharing process (Five Country Conference (FCC) data-sharing process)".

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# About this guidance

This guidance sets out the background of the UK's biometric data-sharing arrangements with the authorities in Migration 5 (M5) countries, explains the process for obtaining and requesting checks under the arrangements, and outlines how results from checks can be used in decisions and in wider case management.

## 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 the Asylum Policy Secretariat or Nationality Policy, as appropriate.

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.

# **Publication**

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

- version 13.0
- published for Home Office staff on 22 November 2024

## Changes from last version of this guidance

The changes since the last version of this guidance are:

- overall restructure
- detail added regarding the Atlas system (and outdated information regarding the CID system removed)
- content added to differentiate that manual requests for biometric data-sharing checks with the US must be made to the International Biometric Check Team (IBCT), whereas requests for checks with other partners must be made to the Biometric Case Management Team (BCMT)
- where a pro forma is sent to IBCT or BCMT, it must now be sent as an attachment to an email (rather than as text within an email, as previously required)
- minor changes to emphasise where international biometric data-sharing may be relevant in nationality application considerations
- additional examples of when further information may be sought from partners
- additional match code examples in the glossary

#### **Related content**

**Contents** 

# Introduction

This guidance is for all Home Office decision-makers, screening officers and other caseworkers and officials (referred to as "officers") involved in immigration casework and related activities, including asylum decisions, appeals and removals, and foreign national offender cases.

It sets out the background of the international biometric data-sharing process and explains how officers can obtain and use information from the process.

### **Further reading**

This guidance **must** be read alongside other applicable policies and guidance documents, including (but not limited to):

Children's asylum claims Assessing age Family asylum claims Dependants and former dependants Inadmissibility: safe third country cases Asylum interviews Nationality: doubtful, disputed and other cases Assessing credibility and refugee status Exclusion – article 1F and 33(2) of the 1951 Refugee Convention Drafting, implementing and serving asylum decisions Withdrawing asylum claims Withdrawing decisions Further submissions Revocation of refugee status Transfer or refer a case Disclosure and confidentiality of information in asylum claims Operating mandate: UK Visas and Immigration Nationality guidance

#### **Related content**

**Contents** 

# Background

The Migration 5 countries (the UK, Australia, Canada, New Zealand and the United States) have longstanding arrangements under which immigration fingerprints can be shared. Where fingerprint checks between partners lead to confirmed matches, previously unknown evidence of identity and immigration history may be discovered, which may in turn assist with case closures, asylum inadmissibility action, casework decisions (including substantive asylum decisions), other casework actions, redocumentation and removals.

The UK's international biometric data-sharing began with a manual referral and exchange process, however, automated checks are now being undertaken for some cases through the "Secure Real-Time Platform" (SRTP).

Automated checks with the US for new fingerprinted asylum claimants began on 7 November 2022, and for new fingerprinted nationality applications on 3 June 2024. Automated checks will be extended to other case cohorts in the future, but until then, officers will still be able to request checks with the US for other cohorts under the manual process, ensuring that checks can be made wherever needed.

Officers can also continue to request checks with other M5 countries under the manual process.

The data-sharing process also works on an inbound basis, where M5 countries request and obtain information from the UK (in line with the Disclosure and confidentiality of information in asylum claims guidance, the <u>Data Protection Act</u> <u>2018</u> and international agreements). This part of the process is served through automated rules and does not require action from ordinary casework users.

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

<u>Section 55 of the Borders, Citizenship and Immigration Act 2009</u> requires the Home Office to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions or override existing functions.

Where officers carry out any actions in this instruction, they must do so with due regard to the statutory guidance on section 55, <u>Every child matters: change for children</u>, which sets out the key principles to take into account in all Home Office activities involving children.

The 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
- that asylum applications are dealt with in a timely fashion
- identification of those that might be at risk from harm

Subject to wider capacity and policy requirements, checks under manual or automated biometric data-sharing processes may be applied in respect of anyone who has had their fingerprints recorded in the UK for immigration purposes, which could include children aged 5 or older. The actions and considerations to take in respect of any evidence obtained from the process will always be determined by case-specific factors, taking account of the nature of the evidence, the circumstances in which the evidence and biometrics were recorded, the claimant's age at the time of the biometric event and wider policies and processes.

See <u>Identity information</u> and <u>Age disputes</u> in this guidance (and the wider guidance to which those sections link, where relevant).

For further information about considering evidence in children's cases, see the guidance Children's asylum claims and Registration as British citizen - children, as appropriate.

# Related content

<u>Contents</u>

# Data-sharing requests and responses

## Who can be checked and how is it arranged?

The international biometric data-sharing check process may be applied to anyone, provided they:

- have had their fingerprints recorded in the UK for immigration purposes (which will only be those aged 5 or older)
- are not a national of the Migration 5 (M5) country with which the check is done

## Automated data-sharing

Since 7 November 2022, nearly 100% of asylum claimants and dependants will have had their fingerprints checked automatically with the US. Those who claimed asylum before this date may not have had their fingerprints checked automatically against US systems.

Since 3 June 2024, all new nationality applicants will have had their fingerprints checked automatically with the US. Those who made nationality applications before this date will not have been checked automatically against US systems.

Automated checks will usually have results available within 24 hours and in many cases, responses may be received in minutes.

If automatic checks have not been initiated, manual requests should be made for data-sharing checks.

## Manually requested data-sharing

Manual requests for biometric checks may usually be made in the following circumstances:

- the individual's biometrics should have been checked automatically with the US at the point of registration, but it was not done at that time
- the individual has no identity documentation, or has documentation which is unreliable or unsatisfactory
- the individual's identity is accepted, but there is reason to believe they may have spent time in or have links to an M5 country (for instance, travel history, family links, or documents indicating a connection)

Requests may be made at any time. However, to ensure there is proper opportunity to obtain, explore and consider match information, requests must be made as soon as possible – this can be as early as the asylum screening stage.

Manual requests for biometric checks may be made only for cases where the immigration fingerprint bureau (IFB) person reference number is in the person's Atlas record or case file (if there is one).

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Manual checks will usually have results available within 7 working days, but can take longer where there is a match.

## **Request checks**

Manual requests for biometric checks must not be made for anyone who has already been checked, whether or not there was a match, unless there is evidence to suggest the person has subsequently travelled to or interacted with an M5 country.

Officers may request checks in individual cases by completing the following actions:

- 1. Complete the <u>biometric data-sharing request pro forma</u>, using the main, accepted biographical details (not each alias), asking for checks to be made with the particular M5 country or countries most likely to generate a match.
- 2. For checks with the US, send the pro forma as an email attachment to the International Biometric Check Team through the Secure Real-Time Platform inbox; for checks with other M5 partners, send it to the Biometric Case Management Team through the biometric data-sharing requests inbox.

Bulk data-sharing request referrals may be made if agreed in advance with the relevant team. Such requests will be considered on an individual basis.

## Identify check status and obtain match results

If a check was likely done **on or after 7 November 2022** (see <u>Automated data-sharing</u>), it may be identified in Atlas, taking the following steps:

- 1. Open the person's record and review the "Checks and Traces" screen.
- 2. If a check has been initiated, an "International Biometric Check [Country]" entry will show, which will indicate either an outstanding check or an outcome of "No Match" or "Match".
- 3. Where there is a match with the US, there will be a link to the detailed results; Where there is a match with another M5 partner, the results will be recorded as "Additional Information".

The same information can also be found through an alternative method:

- 1. Open the person's record and in the "Person Summary" view, expand the relevant case card in "Cases History".
- 2. Select the "View Case Details" link at the bottom of the card.
- 3. If a check has been initiated, it will be shown under "Case History", which can be expanded to show results and if applicable, a link to the detailed results.

If a check was likely done **before 7 November 2022** (or if a check isn't listed in Atlas "Checks and Traces"), review the Atlas screens, as set out above, but also review the CID Person notes, which are now included in Atlas.

Where a match is identified, ensure key information is recorded to Atlas and where appropriate, actioned. See <u>Initial and priority actions on receipt of match information</u>.

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### Inbound matches

Match requests to the UK from M5 partners may indicate that a person has a previously unknown link to an M5 country. Such matches and related information can also be found in Atlas (see <u>Identify check status and obtain match results</u>, above).

## **Request further information**

#### **General requests**

Further information may be requested about biometric data matches from the matching country where necessary and appropriate, on a case-by-case basis. All requests must be made through the BCMT: officers must not directly contact the authorities in M5 countries.

Travel documents will usually be copied into match results. If they are not, it is because they are not available. Further requests for travel documents must therefore not be made.

Immigration history information in the match results should include decision outcomes for listed applications. If outcomes are not provided, a request for this information may be made if necessary.

Other information from the US may only be requested in very limited circumstances, for instance, if requested by an immigration judge in the course of an appeal or where information from the M5 partner indicates they have taken the person's fingerprints after the last Home Office fingerprint recording event.

To request further information from the US, officers must complete the <u>further</u> <u>information request form</u> and send it to the biometric data-sharing requests inbox.

To request further information from other M5 partners, officers should email the biometric data-sharing requests inbox, clearly setting out exactly what is required, and why it is needed in terms of its value to managing and deciding the case.

#### Witness statements

Witness statements are only available for results received from Australia, Canada and New Zealand.

A witness statement may be requested only if the match information will be relied upon to refuse an asylum claim or other application and if the decision confers an appeal right, is being challenged via judicial review, or is required in a prosecution.

To request a witness statement officers must complete a <u>witness statement request</u> form and send it to the biometric data-sharing requests inbox.

#### **Related content**

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# Information in matched cases

A match is confirmation that a set of fingerprints captured by the Home Office has been found to match a set of fingerprints captured by a Migration 5 (M5) country, meaning that they belong to the same individual.

Matches may reveal previously undisclosed information that is relevant to identity, an asylum or other casework decision or other aspects of case management. If there appear to be material inconsistencies or contradictions between the match information and an individual's own evidence and statements, they must be given the opportunity to explain, and their explanation robustly considered.

Automated match responses may contain unfamiliar terminology. The <u>Glossary of</u> <u>terms</u> sets out the main response types likely to be seen. If other terms are unclear, officers should seek advice from the Biometric case management team.

If match results arrive before an asylum decision (either before or after the asylum interview), see <u>Interviews</u>. If results arrive after a decision, see <u>Post-decision</u>.

If the information arrives before a nationality decision is made or prior to a citizenship ceremony, consideration must be given to the requirements of the application route and whether the information will affect the decision. See Nationality policy and Nationality policy - good character.

Broad categories of information that may be received in the event of an international biometric data-match are set out below, with suggested or required actions.

If assistance is required to interpret the results provided, officers can contact the biometric data-sharing requests inbox.

### Initial and priority actions on receipt of match information

In cases where a match is identified, officers receiving the information and managing the case subsequently must check Atlas and ensure the following actions are completed, if they have not been already:

- record any aliases found through the manual process (aliases found through automated checks will be automatically recorded) – this is done in Atlas by selecting the person's record, and in the "Person Summary" view, selecting "Personal Details", selecting "Add Personal Details", and then following the onscreen prompts
- if match information indicates criminality, review "Referring cases to Criminal Casework" in the guidance Transfer or refer a case, and if appropriate, refer the case for Foreign National Offender Returns Command to progress
- if relevant, consider whether entry clearance or leave in the UK was obtained without disclosure of a conviction, as this might amount to illegal entry or leave to remain by deception, and invalidate the individual's leave (see the guidance Initial consideration and assessment of liability to administrative removal)

# **Further considerations**

## Identity information

Identity information can establish details such as the name, date of birth and nationality used by an individual in their interactions with another M5 country.

Any discrepancies between the information provided by the individual to the authorities in the UK and to the M5 country must be explored. Minor discrepancies may be due to data error, for example slight misspellings of names or dates of birth. If there are material discrepancies, the identity details supported by a verifiable travel document are more likely to be genuine, but all evidence must be considered.

Further checks in any alternative or variant details must be carried out on other information systems and sources according to biographic check requirements in the Operating Mandate, to establish whether there may have been deception and whether the individual is already known in the alternative identity.

False identity details must be recorded as aliases (see <u>Initial and priority actions on</u> <u>receipt of match information</u>). If an alias is later accepted as the true identity, all other identities must be recorded as aliases.

See also Age disputes.

#### Immigration history and safe third country inadmissibility

If match results contain information indicating an asylum claimant in the UK was previously present in or had some other connection to a safe country (including but not limited to the M5 match country), inadmissibility action may be possible.

Provided a substantive decision has not been made in a case, if new evidence relevant to inadmissibility is identified, the case should be referred to the Third Country Unit. See Inadmissibility: safe third country cases.

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## Transaction information

Transaction information records an individual's location at the specific time their biometrics were taken and the reason for the biometric capture. The biometric event may show that the individual was in another M5 country or in contact with that country elsewhere in the world (for example, in their own country or a third country, when applying for a visa to enter the M5 country).

Officers must consider whether the verifiable transaction evidence contradicts or supports material aspects or criteria in the application. For instance, in asylum claims, if fingerprint evidence definitively shows the claimant to have been in an M5 country or in another country, at a time when the core claim rests on the claimant having been imprisoned or persecuted in another way in their country of origin, that will weigh against the credibility of the claim, and it may lead to the claim being refused. Depending on the circumstances, it may also be appropriate to certify the decision as clearly unfounded, although caution must be exercised in such cases. See Clearly unfounded claims: certification under section 94.

Transaction information may also be important to the ongoing consideration and closure of asylum claims. If biometric match evidence indicates that the claimant was outside of the UK while their asylum claim was outstanding, unless they had permission to travel, the asylum claim may be treated as withdrawn (see Withdrawing asylum claims), and any later attempts to reapply for asylum treated as Further submissions, where applicable.

In nationality applications, transaction information showing time abroad may affect the residence requirements of the application route and the requirement to be present in the UK at the start of the qualifying period.

## Criminality

Match results may disclose information about criminality in the M5 country which may be relevant to substantive decisions and wider case management, particularly if a person is to be removed from the UK.

In asylum cases where match information identifies criminality, the decision must take full account of the evidence, in line with all relevant instructions, including Exclusion - article 1F and 33(2) of the 1951 Refugee Convention.

In nationality applications where match information identifies criminality, refer to the guidance Nationality policy - good character.

Where further information about the criminality is required, requests must be made according to the guidance on Requesting information from ACRO.

If criminality is indicated and the case is not already being managed by a Foreign National Offender Returns Command (FNORC) team, officers must consider referring the case onward. See "Referring cases to Criminal Casework" in the guidance Transfer or refer a case.

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#### Travel document information

Match information may indicate that a travel document is known to the M5 country, which, if relating to an individual's true identity, provides a verifiable means to seek to redocument and remove the individual (if there are no barriers to removal).

If there is evidence of the claimant having had a travel document, they must be asked to produce it, or to give a reasonable explanation for not doing so.

The absence of travel document information from a match does not mean that the

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stated identity in the UK is necessarily genuine. An assessment as to true identity must be based on the particular facts available.

Where additional travel document information is identified for a nationality application, the document details must be added to Atlas, in the "Identity documents and other references" screen, and all mandated checks completed as indicated in the Operating Mandate guidance.

See Removals documentation.

# Interviews and decisions

### Interviews

Asylum interviews must be conducted in line with the instructions: Asylum interviews and Children's asylum claims.

If the facts of a biometric match are known before an asylum interview and are likely to be material to the decision, the claimant must be questioned about the match. If they accept the information from the Migration 5 (M5) country, including any information showing alternative identity details or other significant and material factors which may impact the decision, they must be given an opportunity to explain, and asked whether they wish to withdraw their asylum claim.

If match information becomes available only after the asylum interview, officers must refer to "Action after the interview" in the instruction Asylum interviews.

In non-asylum cases, the need to interview an individual about a biometric match will be determined by the particular facts of the case and the nature of the match, the case and the consequences of any decision relying on the match information.

If claimants or applicants request it, they must be given copies of any disclosable match information held by the Home Office, subject to <u>Disclosure of match</u> <u>information</u>.

# **Asylum decisions**

All asylum decisions must be made according to the guidance on Assessing credibility and refugee status, as well as any other relevant guidance. See also <u>Age disputes</u>, where applicable.

Information from an M5 country may support or undermine aspects of the claim. It must always be considered alongside all other evidence, including country information and oral and documentary evidence from the claimant. Where material, the biometric match information and conclusions arising from it must be clearly set out in the grant minute or the Reason for Refusal Letter (RFRL).

In non-certified refusal decisions, any match evidence that is material or likely to be material to the decision must be annexed to appeal bundles, unless it is non-disclosable. This may include screenshots of the match information from Home Office systems. In matches with Australia, Canada or New Zealand, this should also include a witness statement (see <u>Witness statements</u>).

See <u>Disclosure of match information</u> in respect of general and particular disclosure requirements.

# Age disputes

## Age assessments

Biometric checks may provide information which supports or undermines an individual's claimed age. Where such information is identified, it must inform the age assessment process – this will mean sharing relevant evidence with local authorities where they are responsible for assessing age (see <u>Disclosure of match information</u>).

For detailed guidance on the considerations and actions due in disputed age cases, see the Assessing age instruction, in particular the section, "Evidence of age from visa applications or biometric data".

## **Asylum decisions**

Unaccompanied Asylum-Seeking Children (UASC) leave must not be granted if the individual is assessed to be over 18 years of age. Where UASC leave has already been granted in such cases, steps must be taken to curtail that leave. See "Refusal and curtailment of UASC Leave" in the instruction Children's asylum claims.

If the individual's age is reassessed following receipt of the information from the M5 country and the proper consideration of all the facts in the case and the individual's explanation of any discrepancy, and the individual is accepted as a child but with a different date of birth, it may be necessary to adjust the period of leave already granted.

## **Support considerations**

If an individual who is being or has previously been treated as a child has their age reassessed according to the Assessing age instruction and is determined to be an adult, it may have implications for their eligibility for support under children's legislation and asylum support. For further information please see the guidance on Assessing age and Children's asylum claims.

# Related content

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# **Post-decision**

If biometric match information comes to light only after a decision has been served, it must be carefully reviewed and appropriate action taken (usually to change or add to the decision, and in some cases, to withdraw).

Some general examples of post-decision biometric match scenarios are provided in this section. They are neither detailed nor exhaustive, but they signpost action and resources for the most common cases.

## Match information suggests the claimant may be entitled to a grant of leave or status

If match information brings a refusal decision into question, clarify the claimant's response regarding the match information if possible, and consider whether it is right to maintain or amend a refusal, or implement a grant.

If match information clearly shows an immediate grant to be appropriate, implement the appropriate grant, according to the guidance on Drafting, implementing and serving asylum decisions. If an appeal against the refusal decision is pending, inform the relevant Presenting Officers' Unit (POU), to enable them to notify the court.

# Match information shows leave or status to have been granted on the basis of deception

If match information shows leave or status to have been granted on the basis of material deception in a previous application (false identity, age, or circumstances), officers must consider revoking that leave and any status associated with it. See in particular the guidance Revocation of protection status and Initial consideration and assessment of liability to administrative removal.

Any application made for further leave by the individual should be refused, unless - despite the deception involved in the previous grant - they now qualify for leave.

# Match information confirms refusal decision was correct, but further action required

# Information received within appeal deadlines or after an appeal is lodged but before an appeal hearing

If match information shows the claimant's identity or nationality details to be different to those recorded, clarify the claimant's response regarding the match information if possible. Where appropriate, issue an updated Reasons for Refusal Letter (RFRL), according to "New grounds or reasons in appeals cases" in the Withdrawing decisions guidance, requesting an adjournment if necessary. If the match information shows the claim to be clearly unfounded (taking careful account of the section "Credibility" in the guidance Clearly unfounded claims: certification under section 94), identify the listing date of any appeal, and taking that and all other relevant facts into account, consider whether it is appropriate to issue an updated and certified decision.

If previously unknown criminality is revealed, the case must be referred to Foreign National Offender Returns Command colleagues if appropriate (see <u>Criminality</u>).

#### Information received after appeal rights are exhausted

If match information shows the claimant to have a different or an additional nationality to that previously recorded, ascertain whether the individual claims a fear of return to the new country.

If the individual has no fear of return to the new country, proceed to remove them to the country considered to be their true country of origin.

If the individual claims to fear return to the country of prospective removal, the allegation must be treated as Further submissions.

#### Redocumentation

Redocumentation and removal must be actively pursued in the identity and nationality believed to be correct, taking proper account of the information from the Migration 5 (M5) country.

Information from M5 countries may disclose travel document references not previously known to the Home Office. This (as with any travel documentation information already held) may assist with redocumentation and removal.

The relevant country's documentation requirements should be adhered to (see the Removals documentation resource). However, where this is not possible, for example because the individual refuses to admit to the alternate identity, redocumentation using the fingerprint match evidence must still be attempted.

# **Disclosure of match information**

In all cases, there is a general presumption that match information must be disclosed to the data subject. This arises from the data subject's rights to information and access under the <u>Data Protection Act 2018</u>.

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There are further specific provisions that have been agreed with each Migration 5 (M5) country for the wider and onward disclosure of information provided by them.

Even where onward disclosure of information is permitted by agreements with M5 countries, any communication and disclosure of that or any other information to the authorities in an asylum claimant's country of origin must also comply with the requirements of paragraphs 339IA in Part 11 of the Immigration Rules. See the guidance Disclosure and confidentiality of information in asylum claims, in particular the section "Document verification".

### Australia and New Zealand

Match information may be disclosed where necessary to other UK authorities, including immigration tribunals, that are involved in the consideration, regulation and enforcement of whether, and on what basis, a person may enter or remain in the UK.

Information may also be disclosed, where necessary, to UK authorities responsible for determining eligibility for receiving public benefits or services, and with UK law enforcement agencies in accordance with domestic law.

Travel document information, including scans of documents, may be shared with the relevant authorities in a third country for the purposes of verifying identity or documentation in connection with redocumentation and return.

#### **United States**

If the check was done before 7 November 2022, match information may be disclosed in line with the rules for <u>Australia and New Zealand</u>, set out above.

If the check was done on or after 7 November 2022, match information may be shared, where necessary, with other UK authorities involved in the administration and enforcement of immigration laws, without permission or notification. **This does not include use in immigration tribunals**.

Information may be used in an immigration tribunal, or shared with the authorities in a third country for verifying identify or documentation in connection with an individual's return, but **only with prior permission from the US Department of Homeland Security**. Officers must request permission in advance to disclose whenever an appealable decision is made that is based on the match information, using the <u>Onward disclosure notification form</u>. The Biometric Case Management Team (BCMT) will respond if permission is given.

Information may be shared with UK law enforcement agencies in accordance domestic law, but the US Department of Homeland Security must be retrospectively notified, using the <u>Onward disclosure notification form</u>.

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# Pro forma: biometric data-sharing request

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# Pro forma: biometric data-sharing witness statement request

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# Pro forma: request for further information in automated match cases

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# Pro forma: US onward disclosure notification

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# Glossary of terms (automated match response cases)

# **US Terminology**

Tarm	Maaning
Term	Meaning
Asylee	An individual whose application for
	asylum has been approved.
	Note: US asylee status lapses if an
	individual spends more than 12
	consecutive months outside of the US.
	It may not be possible to return the
	individual to the USA in these
Final Order of Removal	circumstances. The decision of an immigration judge,
	the Board of Immigration Appeals, an immigration officer, or other authority authorized under the US Immigration and Nationality Act, which orders the
	removal of a non-citizen who is
	deportable or inadmissible. The order
	becomes final when non-citizens have waived their right to appeal, allowed the
	time to appeal to expire, or have
	exhausted administrative and judicial appellate rights.
Lawful Permanent Resident	An individual who has been accorded
	the privilege of residing permanently in the United States as an immigrant in
	accordance with the immigration laws.

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