

# Visa Matches (Handling Asylum Claims from UK Visa Applicants)

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## Table of Contents

- 1. Introduction**
  - 1.1 Audience and Purpose**
  - 1.2 Background**
- 2. Information Sources**
  - 2.1 CRS Information**
    - 2.1.1 Using CRS
    - 2.1.2 Accessing CRS
  - 2.2 VAF Information (Obtaining VAFs)**
- 3. Identifying Visa Matches**
  - 3.1 Key Responsibilities/Actions**
    - 3.1.1 Screening Officers
    - 3.1.2 Biometric Case Management Team (BCMT)
    - 3.1.3 Case Owners – Mandatory Actions
- 4. Initial Actions and Routing**
  - 4.1 Safe Third Country Cases**
  - 4.2 NSA Countries**
- 5. Asylum Interviews**
  - 5.1 Areas of Questioning**
- 6. Decisions and Redocumentation**
  - 6.1 Decision Making Stage**
    - 6.1.1 CRS and VAF Evidence for Decisions and Appeals
  - 6.2 Re-Documentation**
- 7. Annex A - Visa Match Scenarios and Possible Conclusions / Actions**
  - 7.1 Scenarios**

# 1. Introduction

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## 1.1 Audience and Purpose

This instruction is intended for the sight of all officers deciding and managing asylum applications.

It provides instruction on the handling of asylum claims from applicants who may have obtained or have applied for, a visa to come to the United Kingdom.

[Back to contents](#)

## 1.2 Background

Robust and reliable identity management is an important part of securing the United Kingdom's borders. The biographical and biometric visa system supports this.

Key points in relation to the visa system:

- All applications for a UK visa made abroad are recorded and are identifiable in the UK;
- Visa application centres (spokes) and the place where the applications are considered (hubs) may be in different places;
- The taking of fingerprints for visa applications began in 2003 as a pilot. It expanded in 2004 to include some east African countries. By 2008 all visa applicants were required to provide fingerprints (<http://www.ukvisas.gov.uk/en/doineedvisa/visadatvnationals>);
- All persons aged 5 or over (who are not officially exempted) who are applying for a visa to come to the United Kingdom are now fingerprinted;
- All asylum seekers in the UK aged 5 or over (and any dependants) are fingerprinted. Their fingerprints are automatically checked against biometric visa fingerprints, during the screening process;
- Asylum seekers are asked mandatory questions during their screening interview about whether they obtained a visa to come to the UK. Any travel documents containing visas are scrutinised, noted and placed on file for consideration;
- A visa match (and the responses given by the applicant to questions in screening and in the substantive interview about the visa match) may be valuable in deciding and concluding cases. It may have implications for support eligibility, for the substantive asylum decision, for the handling of an applicant as an adult/child, and for redocumentation and removal. There may also be criminality implications.

[Back to contents](#)

## 2. Information Sources

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CRS and Visa Application Forms (VAFs) are key resources which can assist in identifying visa matches, and which can provide detailed information about matches.

### 2.1 CRS Information

CRS is a web-based, read-only system that contains information about visa applications (biometric and non-biometric). CRS may be interrogated with wildcard searches to identify possible matches. It is also capable of providing reliable evidence of identity and evidence material to asylum and Human Rights applications.

CRS includes the following information:

- Personal details and photograph of the applicant;
- Type of visa applied for;
- Sponsor's details;
- Scanned image of the applicant's passport / travel document;
- The applicant's passport number and issuing place;
- Q&A interview notes or refusal notices associated with the application.

#### 2.1.1 Using CRS

CRS must principally be used to identify matches and obtain information relating to the VAF number. Only when the VAF cannot be located or obtained in time for the interview or decision may CRS evidence be relied upon.

CRS is available to all UK Border Agency colleagues with a business need for it. The CRS User Guide provides further detailed guidance on the use of CRS.

[Back to contents](#)

### 2.2 VAF Information (Obtaining VAFs)

VAFs may (particularly in the case of older visa applications) contain a greater depth of detailed information than can be found on CRS. It is therefore important that they be reviewed wherever possible. To obtain a VAF, take the following actions:

- Search CRS for the case, looking for an embedded VAF record (newer cases). If the VAF is not scanned to CRS, take a note of the reference number for further enquiries;
- Telephone the overseas post, providing confirmation of name and UKBA unit, and quoting the number of the VAF required. Contact details for overseas posts can be obtained from the [Foreign and Commonwealth Office website](#);
- If necessary, fax or email the overseas post to request the VAF;
- Take receipt of the VAF from email or fax.

[Back to contents](#)

## 3. Identifying Visa Matches

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### 3.1 Key Responsibilities/Actions

#### 3.1.1 Screening Officers

If a biometric visa fingerprint match or CRS hit occurs during the screening process the screening officer will update CID to show "VIAF Hit" (Visa/Immigration Asylum Fingerprint).

#### 3.1.2 Biometric Case Management Team (BCMT)

The BCMT will pro-actively contact caseowners when there is a biometric match. They will identify the case owner responsible for the case, and send a notification email, providing suggestions as to how the biometric match evidence may be used to progress the case.

#### 3.1.3 Case Owners – Mandatory Actions

Although other officers have responsibility to identify and notify visa matches, there may be delays in matches being identified or updated. Case owners must be proactive in managing their cases to conclusion.

When managing and deciding an asylum application, officers must take the following actions in all cases:

- Ensure that the applicant has been fingerprinted. This will be apparent from an IFB reference number on CID. If there is no IFB reference on CID or other indication on the case file that fingerprints have been taken, the case owner **must** arrange through local means for the applicant to be fingerprinted on an IFB1 and sent to IFB;
- Ensure that case ownership is properly updated on CID Case Details;
- Check CID Notes and CID Special Conditions, to see if a visa match has been identified and flagged by screening officers or the BCMT;
- Check email to see if the BCMT have notified a visa match (see the final bullet point above in [2. Background](#));
- Check the case file for reference to a visa match having been identified;
- Check CRS to see if a non-biometric visa match can be identified (searching for the applicant's name, aliases, variant spellings, and dependants);
- Where a visa match is identified, record the fact of the match and the VAF reference number on CID notes;
- Obtain the VAF. Record on CID notes any difficulties in so doing. Notify senior caseworkers of any particular problems in obtaining VAFs, for policy colleagues to be notified (via usual enquiry channels);
- If an applicant has applied for a visa in a different identity to that in which asylum has been claimed, CID should be checked to see if there is a record in the alternate identity;
- Proceed to consider the application, taking due account of the information arising when interviewing the applicant and making the decision (see [5. Asylum Interviews](#) and [6. Decisions and Redocumentation](#)).

[Back to contents](#)

## 4. Initial Actions and Routing

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Visa match information may influence the initial actions, routing or onward casework process applicable to a case. Decisions as to the process and routing will ordinarily be made following screening, where most visa matches are expected to be recognised, but such decisions may also be made later in the process.

### 4.1 Safe Third Country Cases

A CRS or VAF record may contain evidence that makes the case of interest to the Third Country Unit (TCU). See the instruction Third Country Cases: Referring and Handling.

Case owners should always refer to the full instruction, however for ease of reference, TCU are likely to have an interest in cases where a decision has not been made, where there is evidence that the applicant:

- Has been granted a visa to enter another EU member state (or Iceland, Norway or Switzerland);
- Has applied for a UK visa while living in another EU member state (or Iceland, Norway or Switzerland);
- Has a residence permit or status in another EU member state (or Iceland, Norway or Switzerland);
- Can be admitted to a non-EU safe third country (e.g. USA, Canada, Australia) or had an opportunity to apply for asylum there (airport referrals only and must be within 24-72 hours of arrival).

[Back to contents](#)

### 4.2 NSA Countries

Unless TCU have an interest in a case, consideration should be given as to whether the applicant may be suitable for the NSA process, according to the nationality information revealed by the visa match.

The NSA process is intended to deal with applications which, after a full consideration of the facts, are regarded as clearly unfounded. (See the instructions Certification under Section 94 of NIA Act 2002 and NSA Disputed Nationality Cases for information regarding NSA countries and the NSA process.)

If the applicant's true nationality is considered to be one to which the NSA process applies, certification of the decision under section 94(3) of the 2002 Act may be possible.

NSA cases may be routed to a non-detained team, or to a detained team. Details on case suitability for the DNSA process may be found in the instruction DFT & DNSA Intake Selection. This instruction also details suitability for the Detained Fast Track process, for which visa match cases may also be applicable.

If the applicant's true nationality is not one to which the NSA process applies, the application may nonetheless fall to be refused and certified as clearly unfounded on a "case by case" basis, under section 94(2) of the 2002 Act. Such a conclusion must only be found after a full consideration of the facts of the case. If unsure about any aspect of certification, SCW advice must be sought.

[Back to contents](#)

## 5. Asylum Interviews

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Officers must consider the possible conclusions which might be drawn from the fact of the visa match, and – if the visa match is in any way relevant to the decision and onward management of the case – prepare interview questions accordingly, to thoroughly explore the issues.

In general, when evidence is to be relied upon it should be put to the applicant during their interview.

It is recommended that questions regarding the visa match be asked only after the full facts of the case have been ascertained and confirmed, although the facts of the match and of the case will influence when such questions are most appropriate.

### 5.1 Areas of Questioning

The applicant should be asked about the reasons they gave in their visa application, and on arrival, for coming to the United Kingdom (UK) and if this differs from the reasons they are now seeking to remain in the UK, asked to give an explanation.

The answers given by an applicant regarding their visa application will be especially relevant if the visa granted was not for settlement, as they would have been required to supply sufficient evidence to convince the Entry Clearance Officer (ECO) that they intended to depart the UK at the end of their leave. It should be noted that lack of evidence of leave the UK is one of the main grounds used by ECOs to refuse visa applications. Other circumstances, where an applicant must provide an explanation at interview include:

- If the applicant used a visa to come to the UK and failed to seek asylum immediately upon arrival in the UK;
- If the applicant has applied for a UK visa while living in another EU member state;
- If the applicant failed to disclose during the screening process that they applied for a visa to come to the UK;
- If the visa information indicates that they may hold another nationality or that they may be removable to more than one country, if not disclosed during the screening process;
- If the visa information indicates that they have applied for a visa in a different identity;
- Where there is evidence that an applicant may be able to return to a safe third country (for further guidance see *Safe Third Country Cases*) questions should be put to the applicant regarding whether they have a fear of return to the safe third country and whether they acknowledge they have a legitimate right to reside there or not;
- Where the visa application information and the replies given during the interview raise credibility issues;
- If the applicant denies that they have previously applied for a visa they must be shown a copy of their CRS record (but see [5.1.1 CRS and VAF Evidence for Decisions and Appeals](#) regarding disclosure) or a copy of the VAF, including their photograph.

See [Annex A – Visa Match Scenarios and Possible Conclusions](#) for further suggested areas of questioning and consideration. Neither the bullet points above nor the annex is exhaustive.

For further guidance on interviewing, credibility and doubted nationality see the instructions *Conducting the Asylum Interview, Assessing Credibility in Asylum and Human Rights Claims and Nationality - Cases Where There is an Issue Relating to the Applicant's Nationality*.

[Back to contents](#)

## 6. Decisions and Redocumentation

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### 6.1 Decision Making Stage

When considering whether to grant or refuse asylum, Humanitarian Protection or Discretionary Leave, any available visa application information must be taken into account and considered in line with all other information. It will usually be appropriate to refer to the visa match in any grant minute or refusal letter, when addressing the immigration history and/or credibility issues.

See [Annex A – Visa Match Scenarios and Possible Conclusions](#).

#### 6.1.1 CRS and VAF Evidence for Decisions and Appeals

As stated previously, CRS must principally be used to identify matches and obtain information relating to the VAF number. Only when the VAF cannot be located or obtained in time for the interview or decision may CRS evidence be relied upon.

Decision makers must whenever possible evidence their conclusions regarding visa matches with a VAF (requesting one if it is not already on file).

CRS evidence is nonetheless a reliable and acceptable form of evidence. In the exceptional circumstances when time constraints prevent a VAF being obtained, CRS evidence may be used, although all reasonable steps should be taken to obtain the VAF post-decision, for later addition to any appeal bundle.

The [CRS “Main” page](#) on CRS may be disclosed subject to the following restriction:

- The data must be relevant and specific to the applicant. Information regarding third parties, for example regarding sponsors or family members, should be disclosed only in exceptional circumstances where it has a direct bearing on the outcome of the case. Any use of third party information should be considered against the relevant policy guidance and on the advice of a senior caseworker.

[Back to contents](#)

### 6.2 Re-Documentation

If an applicant is refused asylum, information on CRS or the VAF may be valuable to the re-documentation process. For instance, the passport number or a scanned copy of the passport will usually be available. See the Returns Documentation intranet page, and the Travel Documentation instruction.

[Back to contents](#)

## 7. Annex A - Visa Match Scenarios and Possible Conclusions / Actions

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All cases, including those with visa match evidence, must be considered on a case by case basis, taking all evidence in the round, considering credibility in line with the published instruction (Credibility), and taking care to properly evaluate future fear of harm.

Attention must be paid to the nature of matches and any explanations given for them. The matches may be of no relevance, have an explanation, or have discrepancies arising because of innocent mistakes.

If in doubt as to the relevance of visa match evidence, or how to handle such evidence, advice must be sought from a senior case worker before substantively interviewing an applicant.

### 7.1 Scenarios

- **Visa application identity matches asylum application identity:** In the absence of evidence to the contrary, this will confirm the applicant's identity and whereabouts at the time of the visa application (but of itself, nothing further).
- **Visa application identity matches asylum application identity, and applicant claims to be a refugee-sur-place:** The applicant may claim to have applied for the visa, have left his/her country and arrived in the UK in line with the conditions on his/her visa, without intending to claim asylum, and to have claimed asylum only when personal or country circumstances have changed. The visa information will need to be scrutinised, overall credibility established, and future fear examined.
- **Visa application identity matches asylum application identity, except for showing a different nationality:** The applicant may have dual nationality, and so the discrepancy may be partly accounted for. However, removal to the alternate country should be explored. There may also be credibility conclusions in respect of any failure to disclose such key information. See the instructions on Credibility, Cases where there is an issue relating to the applicant's nationality and NSA Disputed Nationality Cases.
- **Visa application identity partly or wholly different from asylum application identity (including age):** As the entry clearance officer will have seen the passport and possibly the applicant, the visa identity may be more reliable. However, all evidence and explanations presented must be taken into account, and a view taken on identity in line with the Credibility instruction. See also the Age Dispute instruction.
- **Visa application post-dates asylum application:** This will show that the applicant has returned to country of claimed persecution. This may demonstrate safety. Credibility conclusions may also arise from this. It will also be significant if the applicant is not forthcoming about returning to his country of origin and does not volunteer information regarding harm during that period of return. The visa will indicate that the applicant has departed the UK, which will have the effect of withdrawing the earlier asylum application. See the instructions for Travel Abroad and Further Submissions (rule 353).
- **Visa application transactions (submission date, interview date, etc.) clearly show applicant to have possessed a national passport and suggest they were freely moving in country of origin:** If at a time the applicant claims to have feared the authorities/to have been in hiding/to have been detained or imprisoned, credibility conclusions may arise. See the Credibility instruction.

- **The grant of a visa may show that an asylum applicant had the means to leave his country earlier than he did:** Conclusions as to credibility may arise from the delay to departure. Conclusions may also arise as to the level of interest/threat by alleged persecutors. See the instruction on Credibility.
- **Visa application may show applicant to have lived in a safe part of the country of origin:** This may cast doubt on substantive aspects of the applicant's claim, for instance, to have become involved in problems affecting a particular area. It may also indicate that it is reasonable for the applicant to return to their address. See the Credibility and Internal Relocation instructions.
- **Visa applications may contain considerable detail and statements as to the basis for the visa application (e.g., study, visits, etc.), but not addressing a fear of persecution:** Conclusions may be drawn regarding a seemingly planned and well-ordered departure, not demonstrating the urgency of fleeing, and a willingness to travel using a genuine passport in their own name. Conclusions may also be drawn about the applicant's previous willingness to deceive a UK government official, if the reasons for the visa appear false, and if persecution were not mentioned (as is likely). See the Credibility instruction.
- **Landing card/e-Borders/intelligence or other evidence may show the applicant to have entered the UK in the visa application identity, possibly in contradiction of statements given in the asylum application as to time, method and place of entry to the UK, and promptness of asylum application:** Such contradictions may – depending upon the facts of the case and any explanations given – be material to the asylum application. See the Credibility instruction. There may also be conclusions to be drawn in respect of the applicant's status, and of possible verbal deception - see Identifying Potential Illegal Entry Cases and Establishing Immigration Status in the instruction Conducting the Asylum Interview.
- **Visa application gives details of parents/family members:** This may provide information not otherwise known about the level of support and reception arrangements in the country of origin which may be available to UASCs or vulnerable females, to be used in making a substantive decision on a case, and possibly in tracing those family members.
- **Visa application shows bank statements/assets/other financial details:** This may affect the individual's eligibility for support payments.
- **Visa application made, but applicant denies such evidence in interview, until confronted with the evidence:** This may, of itself, give rise to conclusions that the applicant's evidence cannot be trusted. Such a conclusion would have to be made taking the wider evidence into account, in line with the Karanakaran caselaw and the Credibility instruction.
- **VAF information will include copies of passport numbers (and scanned copies of the passport for more recent records):** This may assist in redocumenting the applicant for removal.
- **Visa match may show that the applicant is known to us in a different identity than the one he has presented on his asylum claim:** CID and the Police National Computer (PNC) should be checked to see if the applicant is known in the visa identity;