

# DOCUMENT RETENTION

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## Introduction

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This instruction details the processes and procedures to be followed in identifying cases where staff can retain documents, and the circumstances in which they can be returned to the applicant. It also details the different procedures regarding the process of storing such documents by the New Asylum Model, Asylum Casework Group (South) and Asylum Casework Group (North), and includes instructions on using the Valuable Document Bank (VDB) to store documents in ACG (N). This notice complements the Management of Valuable Documents instruction issued by the UKIS ERD process team and identifies what documents are covered by this instruction.

## Background

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Section 17 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 confers on the Secretary of State the power to retain passports and other documents. The Act reads:

### Section 17 Retention of Documents

Where a document comes into the possession of the Secretary of State or an immigration officer in the course of the exercise of an immigration function, the Secretary of State or an immigration officer may retain the document while he suspects that a person to whom the document relates may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and retention of the document may facilitate the removal.

Section 17 came into effect on 1 December 2004.

The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 can be viewed at:

<http://www.opsi.gov.uk/acts/acts2004/20040019.htm>.

## Identifying And Processing Cases Where Documents Have Been Submitted

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It is extremely important that at all times UK Border Agency know where retained passports and identifying documents are located, as not only are these items valuable and will need to be returned following a grant of leave but when a negative asylum decision is made they may be required to facilitate removal action. Case Owners, caseworkers and team support should therefore ensure that they always update CID when receiving or sending on retained passports or other valuable documents, and that CID is updated when returning documents.

If a case file is received with documents attached, staff should check whether the documents are classed as 'valuable documents'. Valuable documents are defined as passports and other documents that can be used for travel plus any documents that can be used to support an application for a Travel Document, such as identity cards, driving licences and birth certificates. The full list can be found in List of Valuable Documents.

For the Asylum Casework Groups, ACG (S) and ACG (N), the identification of appropriate documents to be retained will be by the Asylum Co-ordination Units 1 and 11, respectively. However, once the case has been passed to a Case Management Unit (CMU) it is the responsibility of the caseworker to ensure that any further documents submitted are retained in accordance with these instructions, or if any have not been identified to deal with them appropriately.

For the New Asylum Model, the case is routed from an Asylum Screening Unit (ASU) to an asylum team. It is the responsibility of the Case Owner to identify and retain valuable documents in accordance with local procedures.

## Recording, Receipt and Storing of Valuable Documents

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Documents can be submitted at any stage of the asylum process. In all cases once a document has come into the possession of Asylum Casework Directorate (ACD) or the New Asylum Model a photocopy should be taken and placed on file, regardless of whether the document is to be retained. Staff should follow local practices for how to store them. List of Valuable Documents contains a list of all valuable documents to be retained.

CMU staff are to check the file to ensure that ACU1 Team A or ACU11 have followed local instructions, if a valuable document has been overlooked then they are responsible for ensuring that the document is retained and recorded in line with the local instructions.

### Local Practices – Asylum Casework Group (South) and New Asylum Model

In Asylum Casework Group (South) and New Asylum Model, staff should: -

1. Photocopy all marked or identifying pages of the documents to be retained and place the photocopies on file.
2. Attach a white “Documents Enclosed” label near the spine of the file.
3. Minute the file to state which documents have been retained on file.
4. Record the retention of the documents on CID.
5. Hole-punch a clear plastic wallet and enclose the documents inside then attach it to the right side of the file. Stick a white label on the wallet and record the HO reference number on it.

### Local Practices – Asylum Casework Group (North)

In Asylum Casework Group (North), staff should: -

1. Photocopy all marked or identifying pages of the documents to be retained and place the photocopies on file.
2. Minute the file to state which documents have been retained.
3. Record the retention of the documents on CID
4. Arrange for documents to be hand delivered to the Valuable Document Bank located in ACU 11.

**All valuable documents in ACG (N) are to be stored in the Valuable Document Bank (VDB)**

### Valuable document bank (VDB)

Asylum Co-ordination Unit (ACU) 11 will store valuable documents as listed in List Of ‘Valuable Documents’ in a secure unit, and the document details will be added to a secure database. ACU 11 staff have access to all functions of the Valuable Document Bank. All other Asylum Casework Group (North) staff located in the Liverpool Estate have read only access to search and view the contents of the Bank, and should use the Passport Withdrawal Form facility to request a withdrawal of an item in the Valuable Document Bank. Requests will be processed within 24 hours, or sooner if urgently required. Team support will be expected to collect the item from ACU11.

Staff outside ACG (N) are able to see what is held in the VDB through a Business Objects report, or through CID for individual cases, and may make a request through the dedicated email

account, if they need to withdraw an item. Items to be sent outside the Liverpool Estate will be sent by recorded delivery. For further details of the VDB please see the ACG North Communication "Valuable Document Handling in ACG (N)".

## Return or Retention of Documents After Asylum Decision

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Where the decision is to grant leave (asylum, Humanitarian Protection or Discretionary Leave), documents should be returned in accordance with current implementation processes. The assigned officer should see the relevant instructional minute for details.

Where the decision is to refuse leave, valuable documents should not be returned. Staff should ensure that local practices are maintained, either all documents have been put in the clear plastic wallet and placed on file or secured in the Valuable Document Bank (if they have been taken from it) before the file is passed to team support for dispatch (ACD) or prepared for service in person (New Asylum Model).

### Asylum Decision Service Unit (ADSU) action in Asylum Casework Group (North)

On receipt and allocation of the case file in ADSU (N), staff should check that if there are copies of documents on the file, that these documents correspond to those recorded as submitted on CID.

Where there are copies of documents on file, which are not recorded on CID, staff should contact ACU 11, to confirm what is held, and ACU11 should update CID if appropriate. If the decision is an outright refusal then any documents will remain in the Valuable Document Bank when the file is dispatched to the Appeals Processing Centre (APC) after all implementation action has been completed.

The exception to this is EEA/EU nationals unless removal is appropriate.

On receipt and allocation of the case file in ADSU, staff should remove any valuable document that has been inadvertently left on file, and walk it to ACU 11, and record that this action has been taken in the notes field of CID.

### Asylum Decision Service Unit (ADSU) action in Asylum Casework Group (South)

On receipt and allocation of the case file in ADSU (S), staff should check that copies of the documents are on the file, the retained documents are in the wallet attached to the file and that these documents correspond to those recorded as submitted on CID.

Where there are documents on file, which are not recorded on CID, staff should update CID.

For staff in ADSU where there are documents recorded on CID that are not on the file, staff should contact the CMU to check whether the documents are still there.

Once these checks have been completed, and CID has been updated, staff should continue implementing the decision.

If the decision is an outright refusal then documents should remain on file when it is dispatched to the Appeals Processing Centre (APC) after all implementation action has been completed.

The exception to this are EEA/EU nationals unless removal is appropriate. If documents are returned because of a grant of leave or claimant is EEA/EU national then the 'Documents Enclosed' label on front of the file needs to be overwritten 'Returned'.

## Updating CID Records

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When documents are received in an asylum team (New Asylum Model), ACU1 Team A, ACU11 or the CMU in ACD, staff should immediately update CID to record the document and its location. When receiving a file staff should check that CID accurately reflects what documents have been recorded and photocopied to file.

## Dealing With Claims of Non Receipt of Documents

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The return of retained documents to a claimant or their representative by post must always be by Recorded Delivery. The Recorded Delivery number must be recorded on CID.

Claims by an applicant or representative that they have not received their documents (i.e. in cases of granted leave) must always be investigated thoroughly, by the caseworker in the first instance, if necessary in consultation with their Senior Caseworker. ADSU and The Post Room must be contacted to determine if the letter was dispatched, and if so the Post Office must be contacted to discover if the letter was delivered, and if so, who signed for it. The Royal Mail through their website: [www.royalmail.com](http://www.royalmail.com), operate a Track & Trace service that allows for the status of Recorded Delivery to be tracked. A copy of the signature should be requested if delivery is disputed and records indicate otherwise.

## Requests For The Return Of Documents

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The purpose of Section 17 of the 2004 Asylum and Immigration (Treatment of Applicants, etc.) Act 2004 is to retain documents that may facilitate removal whilst a person is still liable to be removed from the United Kingdom. It does not allow for the retention of documents without limit of time. So when leave is granted in any capacity (asylum, Humanitarian Protection or Discretionary Leave) such documents should be returned. If valuable documents are requested for any other reason then follow the most appropriate action listed below:

### EEA/EU Nationals

Requests from applicants or their representatives for the return of retained documents before a decision has been made on their claim should be refused, on the grounds that they are needed for consideration of the claim, and that they will be returned once the claim is concluded.

Where the applicant or a representative acting with the authority of the applicant has written in withdrawing the asylum claim and human rights claim, the documentation should be returned by Recorded Delivery with the standard letter ASL.2685. A copy of ASL.2685 should be placed on file. CID should be updated to record the withdrawal of the claim. Record the return of the documents on CID.

For further guidance on handling asylum claims of EEA/EU nationals see Asylum Guidance on Applications from Nationals of the EEA and EU Accession Countries.

### Requests for documents for a specific purpose

Any requests for documents from applicants or their representatives for a specific purpose (e.g. for opening a bank account or applying for a driving licence) should be declined. Photocopies of the documents with the officer's name printed and signed at the end of each page should be sent to the claimant together with the ASL.2685 and a covering letter ACD.1100.

The covering letter should list the documents, their issue numbers and the number of pages photocopied. It should also contain the following text, "These documents are /This document is presently being held by the UK Border Agency, each of the photocopied document pages have been signed to confirm that they are held. If you wish to confirm that these documents are held by the UK Border Agency please phone the number listed at the top of this page and giving this reference number **HO ref number**".

A copy of ASL.2685 and the covering letter should be placed on file.

### Requests for documents to facilitate a return to claimant's country of origin

Valuable documents **are not to be returned** to applicants if they request them for travel. It is important that UK Border Agency manages and monitors the departure of asylum applicants and failed asylum seekers from the United Kingdom. The United Kingdom Immigration Service hold responsibility for recording departures and to ensure compliance with a request to voluntarily depart the United Kingdom will only hand valuable documents to the claimant at the port of departure. If such a request is made staff should see Asylum Guidance on Assisted Voluntary Return and Voluntary Departures (non UKIS Enforcement & Removals) issued by the UKIS ERD process team. These instructions explain the processes and procedures that are to be followed for claimants who wish to voluntarily depart the United Kingdom.

## List of 'Valuable Documents'

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Documents to be retained by the Secretary of State under section 17 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

1. 1951 Convention Travel Document
2. 1951 Stateless Document
3. 1954 Convention Travel Document
4. Birth Certificate
5. Carrier's Copy Of Travel Document
6. Certificate of citizenship
7. Chicago Convention Letter
8. Curriculum Vitae (CV)
9. Driving licence
10. Educational Certificate
11. Emergency Travel Document
12. Employment ID
13. Entry Clearance Certificate
14. GV3
15. ID card
16. Laissez Passer
17. London Convention Letter
18. Marriage Certificate
19. Medical certificate
20. National ID card
21. National Insurance Card
22. Non 1951 Convention Travel Document
23. Non-UK Asylum Decision Document
24. Non-UK Asylum ID Document
25. Passport
26. Police Registration Certificate
27. Seaman's Book
28. Seaman's Discharge Certificate
29. Stateless Travel Document
30. Student ID
31. Vignette
32. Visa
33. Wage Slip
34. Work Permit

## Glossary

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<b>Term</b>	<b>Meaning</b>
ASL.2685	Acknowledgement of Request to Return Documents
ACD.1100	Blank Letterhead

# Document Control

## Change Record

Version	Authors	Date	Change Reference
1.0	DD	21/02/2007	New web style implemented
2.0	RB	30/10/2008	Update branding only