

# MULTIPLE APPLICATIONS

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# 1. Introduction

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## 1.1 Purpose of Instruction

This instruction provides guidance to staff in the UK Border Agency on the policy and processes for identifying and handling multiple applications.

For the purpose of this instruction, a multiple application is where an individual has practised deception by making more than one asylum application in a different identity. For these purposes, the applicant's identity can refer to their name, date of birth or nationality.

This instruction provides guidance on how to:

- Identify a multiple application;
- Establish the true / accepted identity of a multiple applicant;
- Casework a multiple applicant's asylum claim.

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## 1.2 Application of this Instruction in Respect of Children and those with Children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the UK Border Agency 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.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to Section 55. The UK Border Agency instruction 'Arrangements to Safeguard and Promote Children's Welfare in the United Kingdom Border Agency' sets out the key principles to take into account in all Agency 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.

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## 1.3 Use of Terms

Within this instruction, the term:

**“Case Owner”** refers to case owners or caseworkers within Regional Asylum Teams, Detained Fast-Track (DFT), Criminal Casework Directorate (CCD), and the Case Resolution Directorate (CRD).

**“Senior Caseworkers”** applies to SEO Senior Caseworkers within the regional teams, DFT and CRD (not Technical Specialists).

**“Applicant”**, **“Individual”**, **“Person”** and **“Subject”** are all interchangeable terms referring to the asylum seeker.

An explanation of terms and abbreviations specific to this instruction are explained in [the Glossary](#).

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## 2. Identifying Multiple Applications

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The UK Border Agency considers a multiple application to be where an asylum application is made in one identity and another asylum application is subsequently made by the same individual in a different identity (regardless of when the second application is made and regardless of whether the individual has remained in the UK since the first application).

The UK Border Agency does not consider the following as a multiple application:

- An individual changing identity within the same claim, provided there is a reasonable explanation for doing so (*e.g. arrives on a forged document and claims in another identity*);
- An individual who attempts to apply for asylum more than once in the same identity (*repeat application*). For further guidance refer to the chapter '*Applicants who have Left and Subsequently Returned to the United Kingdom*' within the *Further Submissions* instruction.

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### 2.1 Techniques Used to Identify Multiple Applications

#### 2.1.1 Fingerprinting Procedures

Everyone who makes an asylum application is subject to fingerprinting (the relevant powers to take fingerprints and retain them resides under paragraphs 141 - 143 of the Immigration and Asylum Act 1999). If the subject has applied for asylum within the last ten years there should be a fingerprint match.

For further guidance see the instruction on *Fingerprinting*.

#### 2.1.2 Photographic and Handwriting Comparisons

A suspicion that a person is a multiple applicant may also arise through photographic and handwriting comparisons. In the absence of any other evidence, these will not be sufficient to prosecute the subject. However, the subject should be challenged at the interview stage of their asylum claim about the similarities, if the subject then admits to making a multiple application, appropriate action must be taken (see section '[4. Multiple Application Identified by a Case Owner](#)'). If there is evidence of a multiple application the evidence could also be used as the basis for an adverse credibility finding (for further guidance refer to the instruction *Assessing Credibility in Asylum and Human Rights Claims*).

#### 2.1.3 Intelligence Reports

Immigration officers (IOs), intelligence units and police officers may identify suspected multiple applicants while investigating an individual for other reasons. They will then refer this information to the case owner. The determinativeness and/or disclosability of intelligence information will vary from case to case, depending upon the nature of the information received.

#### 2.1.4 CRS Hits

Where there is a fingerprint match revealing that a subject has previously applied for a visa in the same or different identity, this is known as a "CRS hit". Please refer to the instruction on *Visas: Handling Asylum Claims from UK Visa Applicants*.

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## 2.2 Children

The policy of dealing with those who make multiple applications applies equally to children. However, officers must pay particular care to whether the child understood the consequences of making multiple applications in different identities and whether the child took a willing part in the deception.

For further guidance refer to the instruction on *Processing Asylum Applications from Children* and see section [1.2 Application of this Instruction in Respect of Children and those with Children](#).

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## 2.3 Dependants

A dependant can be included in more than one application where for example both the mother and father have applied for asylum in their own right and the identity of the dependant is the same on both applications.

However, an applicant cannot use one identity to be a dependant on one applicant's application, and another identity to be a dependant on another applicant's application. An officer must consider which the true / accepted identity is by considering the principles outlined in either section '[3.2 Deciding the True / Accepted Identity at Screening](#)' or section '[4.2 Deciding the True / Accepted Identity](#)'.

If there is fingerprint evidence of a dependant making a multiple application, the case owner must follow the procedures outlined in either section '[3. Ports, ASU, LITs/LEOs and CITs Actions: Multiple Application Identified at Screening](#)' or section '[4. Multiple Application Identified by a Case Owner](#)'

For further guidance refer to the instruction on *Dependants*.

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## 2.4 Prosecution

A multiple applicant may be committing a criminal offence. In particular, section 24A (1) of the Immigration Act 1971 which came into force on 14 February 2000 states that:

*A person who is not a British Citizen is guilty of an offence if, by means which include deception by him -*

- (a) he obtains or seeks to obtain leave to enter or remain in the United Kingdom; or*
- (b) he secures or seeks to secure the avoidance, postponement or revocation of enforcement action against him.*

The maximum penalty on indictment is an unlimited fine or imprisonment for a term not exceeding 2 years, or both.

If a subject attempts to make a multiple application, this will feed into the UK Border Agency's Harm Matrix, which is set out specifically in the Enforcement Strategy, Strategic Objective 3 (2007) and states that *"We will ensure and enforce compliance with our immigration laws, removing the most harmful people first and denying the privileges of Britain to those here illegally"*.

### 3. Ports, ASU, LITs/LEOs and CITs Actions: Multiple Application Identified at Screening

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The processes stated in this section are for screening officers within ports, the Asylum Screening Units (ASU), Local Immigration Teams (LITs)/Local Enforcement Offices (LEOs) and Criminal Investigation Teams (CITs). A process map is available at [Annex A](#) which illustrates this process in full.

Once a subject has been fingerprinted at the screening stage and a verified fingerprint match has been returned stating that they are a multiple applicant, the screening officer must immediately refer the case to their local CIT and consider detention (for further guidance see section [3.6 Reporting Regime or Detention](#)).

#### 3.1 Prosecution

The screening officer must ensure that their minutes on the HO file and CID are clear and precise, as they could be used as evidence in court.

If the screening officer suspects that a forged document has been presented by a suspected multiple applicant, it must be placed immediately in an evidence bag. If the screening officer is unsure on the process to follow for documenting evidence, they should seek advice from their Chief Immigration Officer (CIO).

The screening officer may also be asked to provide a statement of the events that they have minuted. Failure to provide a statement means that if the subject is prosecuted the screening officer may be called to court as a witness.

##### 3.1.1 CIT Actions

If the CIT has an interest, they will take ownership of the case until any investigation and/or criminal prosecution has been concluded.

It is then the responsibility of the CIT to ensure that the case is forwarded to the case owner who dealt with the first application, in order to conclude the subject's asylum claim in the true / accepted identity.

If the CIT does not have an interest in the case then they must minute the HO file stating why they are not going to refer the case to the Crown Prosecution Service (CPS) to enable a prosecution to be undertaken. The screening officer is then responsible for deciding the true / accepted identity and forwarding the case to the appropriate case owner.

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#### 3.2 Deciding the True / Accepted Identity at Screening

Prior to forwarding the case to the case owner who dealt with the first application, the subject's true / accepted identity must be decided.

The screening officer must put the fingerprint evidence to the subject and ask them which identity is true. The screening officer must accept the first identity used by the subject as the true / accepted identity, unless satisfactory evidence exists in support of another identity.

In practice, satisfactory evidence means reliable proof of identity. Passports, ID cards, birth certificates and other documents may be presented as proof of identity. The principles outlined in the case of Tanveer Ahmed [2002] UKIAT 00439 should be applied in determining whether reliance can properly be placed on any documentary evidence. Specifically, the two principles are:

1. It is for an individual claimant to show that a document on which he seeks to rely can be relied on.
2. The decision maker should consider whether a document is one on which reliance should properly be placed after looking at all the evidence in the round.

### 3.2.1 Application Registration Cards (ARCs)

Multiple asylum claims made by one subject will not result in an ARC being issued in relation to each of those claims. Only one ARC is appropriate and that must reflect the subject's true / accepted identity.

For further information refer to the instruction *ARC (Application Registration Card)*.

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### 3.3 Documents Presented as Evidence of Identity

Regardless of whether the subject's subsequent identity has been accepted or not, the documents presented to a screening officer must be held and sent securely to the original case owner.

For further guidance refer to [3.7 Forwarding the Case to the Case Owner](#).

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### 3.4 Updating CID

Once the true / accepted identity has been decided, the screening officer must undertake the following actions on CID:

- Link the multiple identities (specifying the false identity as an alias to the true / accepted identity);
- Void the false application (if it was entered onto CID prior to receiving a fingerprint match);
- Insert the special conditions flag '*Confirmed Multiple Applicant*' on CID.

For step by step guidance on linking and voiding multiple applications please see below.

#### 3.4.1 CID Guide: Linking the Multiple Identities

1. Click '*Person / Case Search*' and enter the Home Office reference of the subject's true / accepted identity;
2. Click '*Person Details*' on the left-hand toolbar;
3. Under '*Reference Numbers*' highlight the first blank field, click '*List of Values*' on the toolbar at the top of the screen and select '*Home Office File*' from the list;
4. Under '*Ref. Number*' enter the Home Office reference for the subjects false identity;
5. Click the '*Alias*' tab on the '*Person Details*' screen;
6. Highlight the first blank '*Alias Details*' field;
7. Enter the alias that the subject has used under '*Alias Name*';
8. Under '*Alias Type*', click '*List of Values*' and select '*Multiple Applicant*' from the list;
9. Enter the alias Date of Birth and Nationality under '*Date of Birth*' and '*Nationality*';

10. Click the *'Person Notes'* tab on the *'Person Details'* screen;
11. Enter a brief note about the subject's immigration history
12. Click *'Save / Exit'*;
13. Click *'Notes'* on the left-hand toolbar;
14. Enter another brief note about the subject's immigration history and that this is a multiple application;
15. Click on the *'Special Conditions'* screen on the left-hand toolbar indicated by a pale blue flag;
16. Click on the first blank field, click *'List of Values'* on the toolbar at the top of the screen and select *'Confirmed Multiple Applicant'*;
17. For *'Lodged Date'* enter the date on which the information is being recorded;
18. For *'Additional Information'* write *'Confirmed Multiple Applicant – HO References: #####, #####'*;
19. Click *'Save/Exit'*;
20. Repeat the above process for each identity.

For dependants, follow the instructions above. However, for step 8, choose *'Also Known As'* as opposed to *'Multiple Applicant'* and for step 18 write *'Confirmed Multiple Applicant Dependant – HO Reference: #####, #####'*.

### 3.4.2 CID Guide: Voiding the False Identity

Once the identities have been linked, the screening officer must void on CID the asylum application of the false identity (if the false identity was entered on to CID prior to receiving fingerprint evidence). See below for a step-by-step CID guide:

1. Click *'Person / Case Search'* and enter the Home Office reference of the false identity;
2. Under *'Associated Cases'* highlight the asylum claim;
3. Click *'Case Details'* on the left hand toolbar;
4. Click on the *'Case Outcome'* field, click *'List of Values'* on the toolbar at the top of the screen and choose *'Void – Multiple Applicant'*;
5. Click *'Save / Exit'*;
6. Click *'Notes'* on the left-hand toolbar;
7. Enter a note detailing the subject's immigration history and the Home Office reference of their true identity;
8. Click *'Save / Exit'*.

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### 3.5 Further Submissions / Information

The screening officer must, if the subject is Appeal Rights Exhausted (ARE) in their first identity, inform the subject that if they have any further information to present, they must make an appointment to attend the Further Submissions Unit in Liverpool.

If the subject is **not** ARE in their first identity the case owner will consider any further information presented as part of the non-concluded first application.

For further guidance refer to the instruction *Further Submissions*.

### 3.6 Reporting Regime or Detention

If the applicant is not currently reporting in their true / accepted identity the screening officer must set up an appropriate reporting regime, taking into consideration where the subject is currently living. As the subject has actively sought to deceive the UK Border Agency, careful consideration must be given to implementing a strict reporting regime for the applicant.

Once the case has been forwarded to the appropriate case owner, they must consider amending the reporting regime to suit their local requirements.

For further guidance refer to the instruction *Reporting*.

The screening officer must also consider whether or not the subject is suitable for detention. If detention is deemed appropriate the screening officer must detain in line with current policy.

For further guidance refer to *Chapter 55 of the Enforcement Instructions and Guidance*.

#### 3.6.1 Cancelling Reporting Events in the False Identity

The following process must be followed in order to close the reporting events linked to any false identities of the multiple applicant:

1. Click 'Calendar Events' on the left-hand toolbar;
2. Click 'Event Type' in the 'Event Filter' box and select restriction 'Reporting – TA/TR/RO' from the drop down menu;
3. Click 'Centre' and select the relevant centre from the drop down menu;
4. Click 'Unit Responsible' and select the relevant unit from the drop down menu;
5. Click 'Event Status' and select 'Cancelled' from the drop down menu;
6. In the 'Event Status Details' box, click 'status' and select 'Cancelled' from the drop down menu;
7. All other fields such as 'By User', 'Date' and 'By Unit' will auto-populate automatically;
8. In the 'Comments' section, enter the details of all other identities and state which is the subjects accepted/true identity.

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### 3.7 Forwarding the Case to the Case Owner

Once the screening officer has completed their required actions as detailed above, they must contact the case owner by email and notify them that their asylum applicant has made a multiple application and that they may submit further information for the case owner's consideration. Once contact has been made the HO file, if there is one, must also be forwarded to the case owner.

Regardless of the number of multiple applications made by the subject, it is the case owner who owns the first application, who is responsible for concluding the case.

The screening officer must refer the case to:

- **CRD** if the first application was made prior to 5<sup>th</sup> March 2007. Referrals to CRD should be made by using the *CRD Allocation Finder*. The Allocation Finder informs the user which CRD team is responsible for a particular case.

However, if there is evidence to suggest that the subject has left the UK and returned to their country of origin (e.g. stated as removed on CID or their passport is correctly dated), since the first asylum claim was made, the subject is now the responsibility of a regional asylum team and not CRD. In this instance the screening officer must contact the Asylum Routing and Initial Accommodation Team who will assign the case to a regional asylum team.

- **Regional Asylum Teams** if the first application was made after 5<sup>th</sup> March 2007. In order to forward the case to the case owner who dealt with the first asylum claim, the screening officer should:
  - Open CID and click on the asylum case type of the true / accepted identity);
  - Click the 'standard events' icon on the left-hand toolbar, this will then display a list of events that the subject has gone through and it also displays the case owners name under 'Event Status Details' (right-hand side of the screen).

If the case owner has left, the responsible asylum team should be contacted and told that the case must be reallocated to a case owner within their team.

- **Asylum Intake Unit (AIU)** - in some circumstances it may be appropriate to refer a multiple applicant to the Detained Fast Track (DFT) process.

However, a case may only be referred to the DFT process, if a decision remains outstanding on the first asylum application and where no non-asylum applications remain outstanding.

If the applicant meets the above criteria, then the screening officer must refer the case to the AIU and await their decision.

For further guidance refer to the instructions *DFT & DNSA - Intake Selection and DFT Drop-In Process*.

### 3.7.1 Referring a Case to CCD

If a multiple applicant is convicted of deception and their conviction falls within CCD's referral criteria, the screening officer must forward the file to CCD to consider any deportation action.

If CCD has an interest, they will assume ownership of the case. If CCD has no interest they will refer the case back to the screening officer who will then forward the case to the correct unit.

If the first application was made after 5<sup>th</sup> March 2007, the screening officer must contact the Asylum Routing and Initial Accommodation Team, as they will need to remove the case from the regional asylum team's allocation statistics.

For further guidance refer to the *CCD Horizon homepage*.

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## 4. Multiple Application Identified by a Case Owner

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The processes stated in this section are for case owners and CIT officers only.

If a case owner identifies that a subject has made a multiple application, and if it is clear that prosecution action has not previously been considered, the case owner must refer the subject to their local CIT, as they may have an interest in the case.

### 4.1 Referring to Local CIT

Once a referral has been made to a local CIT, the case owner must not take any further action until the case has been referred back to them. If the CIT does not have an interest in the case then they must minute the HO file and state why they are not going to refer the case to the CPS to undertake prosecution action.

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### 4.2 Deciding the True / Accepted Identity

The case owner must decide upon the true / accepted identity (if not already done by the CIT) before taking any further action.

If possible, the case owner should invite the subject for an interview, put the evidence to them and ask which identity is the true one.

For further guidance see [3.2 Deciding the True / Accepted Identity at Screening](#).

#### 4.2.1 Evidence Presented after Identity has been Decided

At any stage of the proceedings satisfactory evidence may be forthcoming that demonstrates that the dismissed 'false' identity should be accepted as the true / accepted identity. If this is the case, the subject must be informed by letter of the identity we now regard as true, and CID updated accordingly.

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### 4.3 Updating CID

For guidance on linking the identities, voiding the false identity and flagging the case as a multiple application, refer to section ['3.4 Updating CID'](#).

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### 4.4 Further Submissions / Information

If the subject has presented further information, this must be considered, regardless if it has been submitted in their true / accepted identity or false identity.

If the subject is ARE in their first identity the case owner must inform the subject that if they have any further information to present, they must make an appointment to attend the Further Submissions Unit in Liverpool.

If the subject is **not** ARE in the first identity the case owner must consider any subsequent information presented to them and the fact of the multiple application itself, when deciding and handling the case in the first identity.

For further guidance refer to the instruction *Further Submissions*.

## 4.5 Reporting

Case owners must follow the process outlined in [3.6 Reporting Regime or Detention](#).

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## 4.6 Notifying the Asylum Routing and Initial Accommodation Team

As multiple identities for one subject will be present on CID, the case owner must contact the Asylum Routing and Initial Accommodation Team and ask them to ensure the subject is only recorded once (in the true / accepted identity) and that any subsequent applications made in false identities are removed from any of the asylum team's statistics.

**Please note:** It is for the case owner to ensure that CID is corrected and not the Asylum Routing and Initial Accommodation Team (see [4.3 Updating CID](#)).

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## 4.7 Asylum Support

The case owner must also investigate if they have applied for asylum support in more than one identity.

Asylum support may in appropriate circumstances be discontinued under [regulation 20 of the Asylum Support Regulations 2000](#) (as amended in 2005). This regulation makes provision for the termination of support when a person has made a claim for asylum, and before that claim has been determined, makes or seeks to make a further claim for asylum (not being part of the first claim) in the same or different names. However, decisions must be based on the particular situation of the person concerned.

Where suspicion arises that a subject is defrauding the UK Border Agency by claiming more than one set of benefits, the case will be referred to the Asylum Support Investigation Team (ASIT). The Investigations Referral form for referring cases to the ASIT can be found under Investigating a Breach of Conditions in the [Withdrawal of Asylum Support where a Breach of Conditions has Occurred](#), instruction.

For guidance on asylum support investigations for multiple applicants see Chapter 12 of the *Investigation Standard Operating Procedures (SOPs)*.

Policy guidance is available in the *NASS Policy Bulletin 83; Duty to Offer Support, Family Unity, Vulnerable Persons, Withdrawing Support*.

### 4.7.1 Section 4 Support

Subjects found to have applied for Section 4 support under multiple identities cannot have their support discontinued in both identities.

However, we can withdraw support from all of the false identities on the basis that the subject is claiming in more than one identity.

For further guidance refer to the instruction *Section 4 Support*.

## 4.8 Representatives

All immigration documents should be forwarded to the representatives of the subject's true / accepted identity.

All representatives under false identities must be sent ASL.3452 (available on DocGen) to advise them that they will no longer receive any decision documentation.

#### **4.8.1 Representatives Suspected of Aiding Multiple Applicants**

The case owner should look for any evidence that a representative of a multiple applicant has knowingly represented a client in a false identity. If the same representatives represent a multiple applicant in more than one identity, they may be colluding with the subject. In such an event, the case owner must refer to *Chapter 1 (Section 17, Regulation of Immigration Advisers) of the Immigration Directorate's Instructions* and then discuss the representative's actions with a senior caseworker.

If the senior caseworker agrees that there is evidence that the representative has knowingly represented a client in a false identity, an IS.46 (located on DocGen) must be completed and forwarded to the UK Border Agency Intelligence Service who will forward it to the appropriate agency.

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#### **4.9 Amalgamating Files**

All physical files relating to a multiple applicant must be amalgamated. The File Creation Unit (FCU) can undertake this work and the minute sheet, which can be located *here*, must be completed and sent to them, along with the physical files that require amalgamation.

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#### **4.10 Concluding Outstanding Casework**

When the subject's identity has been decided, any outstanding casework in the true / accepted identity must be concluded as per normal procedures.

For further guidance see the instructions '*Considering the Asylum Claim*', '*Humanitarian Protection*' and '*Discretionary Leave*'.

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#### **4.11 First Identity is not Owned by the Current Case Owner**

If the case owner realises that the first application is owned by a different case owner, the original case owner must be contacted and notified that their subject has made a multiple application and that it is their responsibility to resolve and conclude the case.

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## 5. Case Owner Actions – Caseworking the Application in the True / Accepted Identity

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### 5.1 Interviewing Multiple Applicants

If the subject requires an interview in their true / accepted identity regarding their asylum claim, the case owner should ask the subject questions regarding their multiple application(s) as it could result in an adverse credibility finding.

Subjects who have already been interviewed in their true / accepted identity do not usually need to be interviewed again.

For further guidance case owners should refer to *Assessing Credibility in Asylum and Human Rights Claims* and *Conducting the Asylum Interview* instructions.

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### 5.2 Subject has Leave in a Previous Identity

Where a subject appears to have obtained leave by deception, the case must be referred to a senior caseworker. Where appropriate, cancellation of refugee status and/or revocation of indefinite leave to enter or remain (ILE/R) or curtailment of leave to enter or remain (LTE/R) must be considered.

For further guidance refer to the instructions on *Cancellation, Cessation & Revocation of Refugee Status* and *Revocation of Indefinite Leave*.

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### 5.3 Refusing Leave

If the subject has not had a decision made on their first asylum application then the information they presented to the case owner, and the fact of the multiple application itself, must be considered with all other evidence. If following consideration, a refusal is appropriate, normal procedures must be followed.

For further guidance refer to the instruction *Considering the Asylum Claim*.

#### 5.3.1 Section 94 Certification – Case by Case

The case owner should give serious consideration to certifying the case under section 94, if in light of the multiple application, or other evidence, it can be argued that the subject's asylum claim is clearly unfounded.

For further guidance refer to the instruction *Section 94 Certification*.

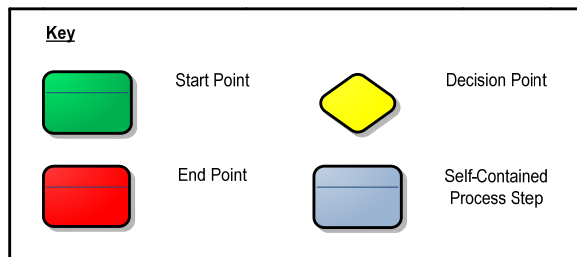
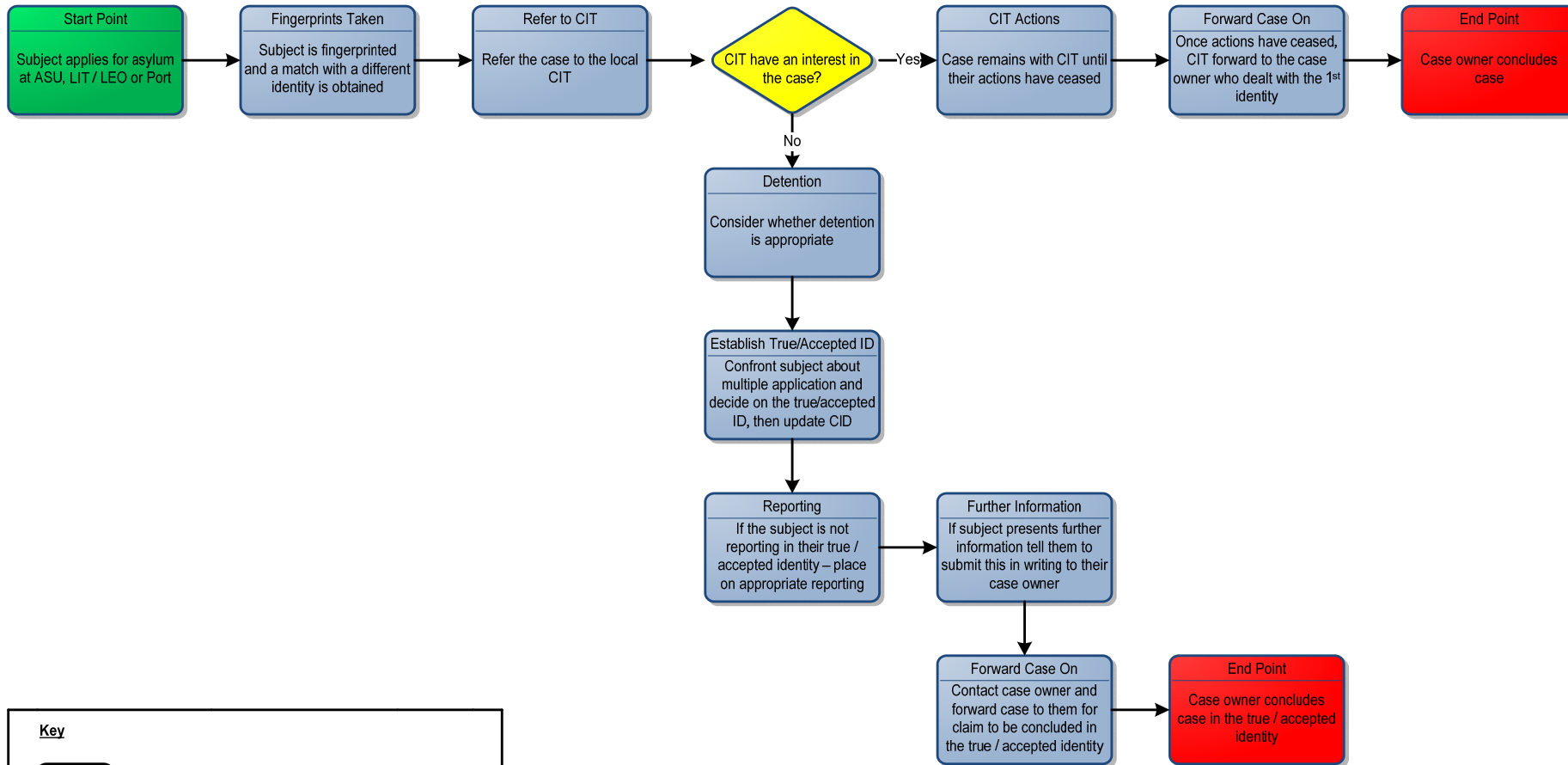
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### 5.4 Granting Leave

When individual circumstances warrant a grant of leave the case owner should follow normal procedures.

For further guidance refer to the instructions *Considering the Asylum Claim, Humanitarian Protection* and *Discretionary Leave*.

# Annex A – Multiple Applications Screening Process Map



## Glossary

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<b>Term</b>	<b>Meaning</b>
AIU	Asylum Intake Unit
ARE	Appeal Rights Exhausted
ASIT	Asylum Support Investigations Team
ASU	Asylum Screening Unit
CCD	Criminal Casework Directorate
CIO	Chief Immigration Officer
CIT	Criminal Investigation Team
CRD	Case Resolution Directorate
CRS	Central Reference System (Visa Applications Database)
DFT	Detained Fast Track
DL	Discretionary Leave
DNSA	Detained Non-Suspensive Appeal
FCU	File Creation Unit
HP	Humanitarian Protection
LEO	Local Enforcement Office
LIT	Local Immigration Team

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# Document Control

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## Change Record

Version	Authors	Date	Change Reference
1	BN	17/07/2009	Final version.
2.0	GL	01/10/09	Update to include Children's Duty
3.0	GL	23/10/09	Further Update To Children's Duty

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