

## Chapter 48 – Index

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### 48 Making flight arrangements

#### If escorts are not required:

- ◆ contact the removal contractor Travel to obtain routing and flight availability information, and to make a provisional booking;
- ◆ The removal contractor will provide details of the most cost-effective flight and route available. If not acceptable obtain details of alternative arrangements and state the reasons for using the alternative arrangements on form IS107B - Public Expense Removal Requisition Order (see 48.1). In no circumstances should detention be prolonged to enable a cheaper flight to be used. This should be taken into consideration when the removal contractor offer alternative removal options;
- ◆ The removal contractor will provide advice on where the ticket should be collected from, usually the relevant airline ticket desk. This information should be passed to the person responsible for collecting the ticket and noted on the form.

#### If escorts are required:

- ◆ contact the removal contractor Travel to obtain routing and flight availability information;
- ◆ complete form IS108 - Request for Escorts (Public Expense Removal Case). As the form will not pass through DEPMU ensure that it contains accurate, up to date information, and risk factors. The name of the authorising Inspector must be included and the form must be signed by a CIO;

- ◆ Wherever possible 36 hours' notice of a removal should be given. However, it is recognised that on occasion escorts are required at very short notice and every effort will be taken to assist where possible;
- ◆ Book escorts directly with the escorting contractor (presently G4S) by sending them form IS108 and flight availability on;
- ◆ If for any reason G4S are unable to accept a task or have to withdraw from it at short notice, they (G4S) will advise DEPMU who will refer the task to the Approved List suppliers (currently RSI & ITA). The successful Approved List supplier will effect a name change and DEPMU will advise the Port/LEO on form IS108A so that they can confirm this to Public Expense Removal Booking Team (formerly Central Booking Unit) with form IS107A.
- ◆ All other procedures including notification of removal directions (RDs) to DEPMU remain unchanged.
- ◆ The removal contractor will provide details of the most cost-effective flight and route available. If not acceptable obtain details of alternative arrangements and state the reasons for using the alternative arrangements on form IS107B - Public Expense Removal Requisition Order (see 48.1). In no circumstances should detention be prolonged to enable a cheaper flight to be used. This should be taken into consideration when the removal contractor offer alternative removal options;
- ◆ The removal contractor will provide advice on where the ticket should be collected from, usually the relevant airline ticket desk. This information should be passed to the person responsible for collecting the ticket and noted on the form.

### **48.1. Ordering tickets**

Only provisional bookings can be made with the removal contractor. This is because they only accept official orders through the Central Booking Unit.

- ◆ complete form IS107B, giving details of any accompanying dependants (including dates of birth and nationality for all) and, if appropriate, the names of the escorts;
- ◆ a CIO must sign form IS107B;

- ◆ fax forms IS107A\* and IS107B to the Central Booking Unit
- ◆ ensuring the correct category of removal (i.e. illegal entrant) is entered onto the IS107A;

\*In cases where authority for a public expense removal is given verbally, and a IS107A is forwarded without the Inspector's signature, Central Booking Unit will still require, for audit purposes, a copy of the IS107A signed by the Inspector to be forwarded as soon as practicable.

**Self check-in cases:**

serve IS151D

- ◆ fax a copy of RDs to the Operational Support and Certification Unit (OSCU)
- ◆ in all priority cases;
  
- ◆ if subject makes a human rights claim refer to chapter 21.
- ◆ if subject makes a racial discrimination claim refer to chapter 21.
- ◆ serve IS96 check-in on the subject;
  
- ◆ advise the subject to report to the immigration office at the port of departure at least two hours before the flight and to embark at least one hour before the flight;
  
- ◆ fax IS152b to the airline;
  
- ◆ follow procedures for removals via a second port if appropriate (see 49);
  
- ◆ ensure the passport or EU travel letter is available for collection at the port of departure if necessary.

If a self check-in IS96 is to be used, it should be noted on both the IS96 and the IS107B where the ticket is to be collected from. It should also be noted that the Home Office has no responsibility for arranging or paying for excess baggage and this should be pointed out to the subject at the time they are sent the IS96.

**Detained cases:**

- ◆ inform the Detention Co-ordinator of the removal details; he will arrange for the escort contractor to transfer the person from the place of detention to the flight and he will require a copy of the removal directions form IS152b for the airline;
  
- ◆ inform the police or prison of the removal arrangements where appropriate;
  
- ◆ serve IS151D
- ◆ fax a copy of RDs to the Operational Support and Certification Unit (OSCU)  
in all detained cases;
  
- ◆ if subject makes a human rights claim refer to chapter 21
- ◆ if subject makes a racial discrimination claim refer to chapter 21
- ◆ fax IS152b to the airline;
  
- ◆ follow procedures for removals via a second port if appropriate (see 49);
  
- ◆ ensure the passport or EU travel letter is available for collection at the port of departure if necessary.

## **48.2. Collection of tickets**

In unescorted cases the ticket should not be collected until the subject has attended for removal. He should then be taken to check-in to obtain a boarding pass. Under no circumstances should the ticket be collected in advance and retained on file. If for any reason the ticket/flight coupon comes into the possession of a member of the IS, it should be returned to the removal contractor as soon as possible.

## **48.3. Procedures for deferral of removal**

### **For unescorted removals:**

If removal has to be cancelled or deferred for any reason, e.g. if further representations are received or the person absconds, or if the subject fails to turn up for removal:

- ◆ advise the removal contractor by telephone;

- ◆ fax form IS107C (Notification of a cancellation/amendment of Public Expense Removal), authorised by a CIO, to the Central Booking Unit.

#### **For escorted removals:**

If escorts have been arranged and the removal is deferred or cancelled:

- ◆ Inform LPI
- ◆ and the DC  
**immediately;**
- ◆ Complete IS109 (Cancellation of request for escorts - Public Expense Removal case) and fax to DEPMU **as soon as possible**
- ◆ Inform the removal contractor by telephone;
- ◆ Fax form IS107C to the Central Booking Unit.

#### **48.4. Paragraph 10 removals without prejudice**

Sometimes, a carrier will not accept liability for removal expenses under paragraph 9. In such cases, and with the authority of an Inspector, the person is removed under paragraph 10 without prejudice to further action against the carrier in respect of removal and detention costs. (See also 48.5).

Proceed as in paragraph 10 removals (see 47.6) but serve form "IS152b Without Prejudice" on the inward carrier.

#### **48.5. Carrier's obligations**

Where the inbound carrier is known, the carrier may be given directions for the removal of an illegal entrant under paragraph 9 of Schedule 2 to the 1971 Act. Under paragraph 20 (1) of Schedule 2 to the 1971 Act, as amended by paragraph 9 of Schedule 2 to the 1996 Act the carrier is liable for the cost of removal and for detention costs for any period not exceeding 14 days **except** where the person gained leave to enter by deception, in which case the carrier is not

liable for any detention costs (unless the leave to enter was actually cancelled within 24 hours). The carrier usually requires evidence of carriage, such as a landing card, ticket or boarding card.

The possession of a visa or entry clearance does not affect the carrier's liability for costs.

A carrier is also obliged to accept directions when an illegal entrant is removed under paragraph 10 of Schedule 2 to the 1971 Act.

Section 27 of the 1971 Act sets out the offences concerning failure to comply with directions lawfully given under Schedule 2 to the 1971 Act and is amended by the 1996 Act.

Report to an Inspector any cases where carriers decline to accept their responsibility under the 1971 Act but ensure that directions have been properly served and formally declined. Then seek authority for removal under paragraph 10 without prejudice to any action that might ensue under section 27 of the 1971 Act. (See 48.4).

#### **48.6. Voluntary departures**

If the illegal entrant has signed a disclaimer, form IS101 (voluntary departure - illegal entrant), he may elect to provide his own ticket and make a voluntary departure. Authority for removal is not required and, since removal directions have not been set, there is no right of appeal from abroad, so do not issue a Notice of Appeal IS87 (Overseas). NB If asylum has been claimed, the asylum disclaimer IS101 (asylum) should be signed.

When a person wishes to make a voluntary departure and signs a disclaimer, but he is unable to pay for his ticket, the costs of removal may be defrayed by the Secretary of State. In such cases, and for statistical purposes, treat the case as a removal, not a voluntary departure. Where a person who is detained wishes to make a voluntary departure in these circumstances, consider issuing removal directions in paragraph 9 cases so that removal costs may be recovered, but in such cases, seek authority for removal.

The person must produce his ticket as soon as possible and ticket details should be checked with the removal contractor .

If a ticket is not produced within a reasonable time, set directions as for a paragraph 9 or 10 removal and:

- ◆ if detained, inform the DC and the relevant casework unit (if detained for less than 28 days) or MODCU (if detained for 28 days or more) of removal details;
- ◆ if so detained, inform the police/prison of removal arrangements;
- ◆ serve IS152c (voluntary departure - own ticket) on the airline;
- ◆ advise departing port of removal;
- ◆ ensure the passport/EU Standard Pro-forma letter is available at the port of departure or with the escort Contractor.

A person may rescind his wish to make a voluntary departure at any time up to departure.

For details about the Voluntary Assisted Return Programme see 46

#### **48.7. Removing Irish Land Border illegal entrants**

A person who has entered the UK illegally from the Republic of Ireland via the land border may be served with notice of illegal entry. Since 17 July 2002 removal directions may now be served in respect of anyone who has entered illegally using this route including those who have arrived prior to 17 July 2002 (the date on which The Immigration (Entry Otherwise than by Sea or Air) Order 2002 came into force. Refer also to Ch 2.6.1.) Where a person falls to be removed because he has been refused leave to enter, the power to remove only applies where the subject entered on or after the Order came into force.

#### **48.8. Removing BDTC, BOTC, BNO and BOC passport holders**

A holder of a BNO or BOC passport may be served with notice of illegal entry but removal is not straightforward. The person concerned must apply for entry clearance to the appropriate Embassy or High Commission of the country to which he is to be removed. If entry clearance is issued, he may then be removed. If the Embassy or High Commission refuse the application and he can prove this by presenting a letter from them, leave to remain in the UK may be granted by the Managed Migration Directorate (MMD) if further efforts to obtain re-admission to his country of origin are unlikely to prove successful.

Hong Kong BDTC passports ceased to be valid at the end of June 1997. Holders of such documents were able to register as BNOs until this date. Enquiries about nationality status should be made to Nationality Policy & Special Cases Unit (Liverpool).

The British Overseas Territories Act came into force on 21 May 2002. All British overseas territories citizens (BOTCs), except for those from Sovereign bases of Cyprus, became British citizens with the right of abode in the United Kingdom from this date. A list of British Overseas Territories can be located in the Immigration Directorate Instructions (IDIs) Chapter 1 Annex D

#### **48.10. Representations made before removal**

Representations are often made by a person or a representative immediately prior to removal and many of these are made in an attempt to delay removal. Such representations would normally be referred to OSCU.

Refer all matters involving asylum issues to OSCU.

Threats of seeking judicial review of the decision to remove should be dealt with as in Chapter 60. Refer written representations immediately to JRMU.

If an MP becomes involved, refer the case to the relevant casework unit to liaise with Private Office (see Chapter 59).

Removal should not proceed whilst there are outstanding unresolved representations. However, persistent representations that do not provide any new evidence of a compassionate nature should not avail the person. Refer to OSCU for authority to proceed with such a removal, or refer to an Inspector out of office hours.