

Identity checking and family tracing via the Albanian Authorities

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1. Introduction

This instruction sets out the policy and procedures for initiating identity and family tracing checks by the Albanian Ministry of the Interior/authorities for Albanian unaccompanied children who have made claims for asylum.

The processes set out in this instruction should be carried out in conjunction with the family tracing guidance set out in the [Processing an Asylum Application from a Child](#) Asylum Instruction (AI), which sets out the policy and procedures to follow when dealing with an asylum application from a child, and the KA (Afghanistan) interim guidance instruction.

1.1 Regulation 6 of the Asylum Seekers (Reception Conditions) Regulations 2005

Regulation 6 of the [Asylum Seekers \(Reception Conditions\) Regulations 2005](#) (2005 Regulations) requires that:

- 1) So as to protect an unaccompanied minor's best interests, the Secretary of State shall endeavour to trace the members of the minor's family as soon as possible after the minor makes his claim for asylum.
- 2) In cases where there may be a threat to the life or integrity of the minor or the minor's close family, the Secretary of State shall take care to ensure that the collection, processing and circulation of information concerning the minor or his close family is undertaken on a confidential basis so as not to jeopardise his or their safety.

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

Section 55 of the [Borders, Citizenship and Immigration Act 2009](#) (2009 Act) requires the Home Office to carry out its 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 of the 2009 Act. The Home Office's statutory guidance [Every Child Matters – Change for Children](#) sets out the key principles to take into account in all Agency activities.

Our statutory duty to children includes the need to demonstrate:

1. Fair treatment which meets the same standard a British child would receive;
2. The child's interests being made a primary, although not the only consideration;
3. No discrimination of any kind;
4. Asylum applications are dealt with in a timely fashion;
5. Identification of those that might be at risk from harm.

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2. Identity Checking and Tracing Process

2.1 Summary

Where suitability criteria are satisfied, identity checks and family tracing information for Albanian unaccompanied children must be obtained from the Albanian authorities via the British Embassy in Tirana. The British Embassy can check the applicant's details against the following systems:

- The General Department of Civil Registry**

Under Albanian law all births must be recorded. The Albanian Civil Registry issue Birth Certificates (known as Personal Certificates), Marriage and Death Certificates as well as Family Certificates. The Personal Certificate covers the subject's details and those of their parents as is the case on a UK birth certificate. The Family Certificate covers all residents of a household (head of family, siblings etc). A scanned copy of the original certificates can be provided by RALON Tirana.

- Total Information Management System (TIMS)**

TIMS is a comprehensive database holding the bio-data of all Albanians issued a biometric passport. It records the travel movements of Albanian nationals that pass through Albanian border control points and holds a record of all nationals with an adverse Immigration history or criminal record. The system retains data on mode of transport, vehicle registration numbers as well as point of origin and/or destination.

- State Police Criminal Fingerprint Records**

Fingerprints can be checked against Albanian criminal records to confirm whether a subject has a criminal record in Albania.

- Blood Feud Status**

Albanian State Police maintain a database of persons directly involved in blood feuds. The authenticity of blood feud certificates can be checked against this database.

- Ministry of Justice**

The Ministry of Justice can provide detail of any court decisions against Albanian nationals.

If the child's identity can be verified, results will be provided in the form of:

- TIMS results in Albanian on Embassy letter-headed paper, including a cropped photograph where available.
- Copies of Family and/ or Personal certificates in Albanian.
- A translated template of official terms used.

2.2 Assessing Suitability

Identity and family tracing checks must be conducted for an Albanian unaccompanied child in the following circumstances:

- In cases where the Albanian State is not the alleged actor of persecution, identity and family tracing checks must be conducted as soon as possible after a decision has been made to refuse the claim for asylum, but in advance of the service of the

decision on the child. The service of the asylum decision should be delayed until the checks have been concluded.

- In cases where the Albanian State is the alleged actor of persecution, identity and family tracing checks must be conducted as soon as possible after the claim for asylum has been refused and appeal rights exhausted.

It would not be appropriate to utilise these identity/family tracing checks if either:

- A decision has not been made on the asylum claim.
- Asylum has been granted or a decision has been made to grant asylum but the decision has not yet been served on the child.
- The Albanian State is the alleged actor of persecution and either the asylum claim has not been refused or appeals rights have not been exhausted.

2.3 Submitting Requests

Caseworkers should read Part 1: Guidance for conducting Checks through RALON Tirana before completing a RALON Tirana Check Pro Forma in full and submit to the Home Office's Immigration Liaison Officer at the British Embassy in Tirana, Albania.

The time taken for identity and family tracing requests to be processed is subject to demand and resources of both the Albanian authorities and the British Embassy. Urgent requests should be flagged on the check pro forma under "Priority Level" – this would include cases where the service of the asylum decision has been delayed until the checks have been concluded. In these circumstances the following text should be inserted under "If time sensitive, give further details": "Not to be disclosed to Albanian authorities: The service of the asylum decision has been delayed until the identity/family tracing checks have been concluded. Therefore, where possible please process this request within 3 to 4 weeks to assist in ensuring the delay is legally justifiable".

2.4 Acting on the information received

- **Information relevant to family tracing obtained** – Based on the information obtained and the individual circumstances of the case, caseworkers must assess what family tracing steps are appropriate.
 - Contact details obtained: Where appropriate the caseworker should take steps to initiate contact with the family.
 - Insufficient information obtained to enable direct contact to be established or contact details held by the Albanian authorities are out of date – The caseworker should write to the child, via their legal representative and their social worker or legal guardian, to notify them of the information obtained and that they should notify the Home Office immediately if additional information relevant to the tracing of their family comes to light. Please note that although Albanian state legislature requires that Albanian citizens notify the authorities of changes in circumstances (e.g. changes of address), not all Albanian's comply with this requirement.

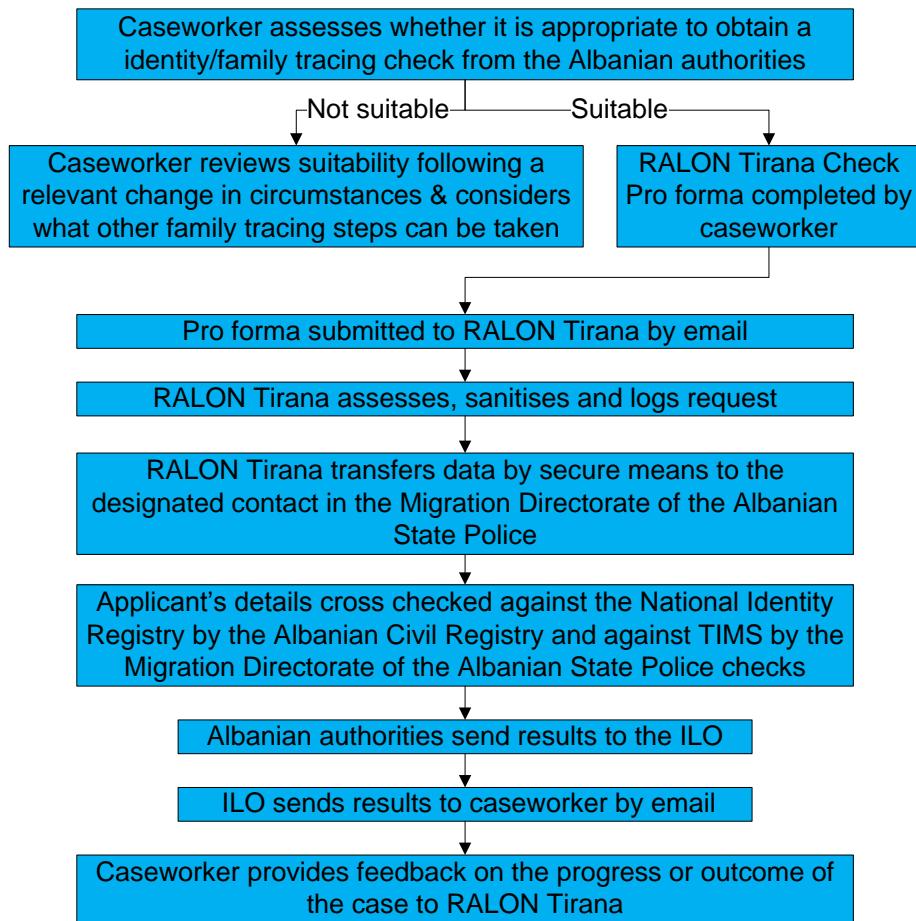
Refer to [Processing an Asylum Application from a Child AI](#) for guidance on family tracing.

- **No record of child** – The caseworker should write to the child, via their legal representative and their social worker or legal guardian, to obtain confirmation on the accuracy of the information provided to the Albanian authorities, and where applicable, an explanation from the child for their provision of incorrect information to the Home Office. If new information is obtained which may increase the likelihood of that the identity/family tracing check will be successful, the caseworker should submit a new request.
- **Applicant is not the age claimed** – Where the information returned indicates that the applicant's age is different to that assessed by the UK authorities, immediate action should be taken in line with section 8.2 of the [Assessing Age A1](#).

When requesting checks through the British Embassy, caseworkers must agree to provide feedback on the progress or outcome of the case to RALON within 3 months. If feedback is not provided, RALON will contact caseworkers directly for updates.

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3. Family Tracing Process Map



Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	SM	29/01/14	New guidance