

Visa Matches (Handling Asylum Claims from Visa Applicants)

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1 Introduction

1.1 Audience

This instruction is for the sight of all officers responsible for screening, deciding and managing asylum applications.

1.2 Purpose

This instruction provides guidance on the handling and consideration of asylum claims from applicants who may have applied for a visa or Electronic Visa Waiver (EVW) to come to the United Kingdom or who may have applied for a visa to go to the Republic of Ireland.

1.3 Background

Robust and reliable identity management is an important part of securing the UK's border. 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. (The taking of fingerprints for visa applications began in 2003, and since 2008 all visa applicants aged 5 or over who are not officially exempted who are applying for a visa to come to the United Kingdom are now fingerprinted);
- Some applications for an Irish visa made abroad from October 2014 will be recorded and identifiable in the UK. All Irish applications will be recorded by December 2015;
- Nationals from United Arab Emirates, Qatar and Oman may travel to the UK using an electronic visa waiver, rather than using a visa. The details from these documents also provide details of the applicant and application;
- Visa application centres (spokes) and the place where the applications are considered (hubs) may be in different places;
- Asylum applicants in the UK aged 5 or over (and dependants) will have their fingerprints 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 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/removal. There may also be criminality implications.

1.4 Related/Further Reading

- Considering the Asylum Claim and Assessing Credibility
- Conducting the Asylum Interview
- Nationality – Doubtful, Disputed and other Cases

2 CRS and VAF Information

CRS (Central Reference System) and Visa Application Forms (VAFs) are key resources which can provide detailed information about visa matches and EVWs.

2.1 CRS

CRS is a secure, web-based, predominantly read-only system that contains information about visa and EVW applications (biometric and non-biometric).

CRS may be used to obtain further information in a known biometric match case. CRS can also identify visa matches in cases where an automated biometric match is not possible (for example, in older pre-biometric applications, or in EVW cases).

CRS can be searched using information held such as biographic details, travel documents, etc. Where reliable information is not held, searches on aliases, variant spellings, dependants' details, date ranges and wildcards may help to identify a CRS match.

In any case where an individual can be matched to a CRS record (whether biometrically or not), some or all of the following information may be available:

- Personal details and photograph of the applicant;
- Type of visa applied for;
- Scanned image of the applicant's passport/travel document;
- The applicant's passport number and issuing place;
- Sponsor's details;
- Q&A interview notes or refusal notices associated with the application;
- The applicant's online VAF or EVW application, or an embedded scan of hard copy VAFs (less likely for older applications).

2.1.1 Accessing CRS

CRS may be accessed by any Home Office officer with a business need. There are no limitations to the numbers of officers who may obtain access.

Caseworkers should ensure that they have "enhanced user" level access to CRS. This access level provides the ability to print copies of forms attached to the CRS record, for example VAFs or interview records.

Officers requiring access to CRS should consult their local CRS supervisor, who can enrol up to 50 people as CRS users. If officers are unclear who their supervisor is, they may contact the International Analysis Team. If there is no local supervisor, or if the team wishes to have an additional supervisor for their area, an individual must be nominated, along with a business case for supervisor level access, to the International Analysis Team.

The CRS User Guide provides detailed guidance.

2.2 VAFs

Visa Application Forms will often contain a greater depth of detailed information than can be found on CRS alone (although CRS may contain a copy of the VAF).

Visa applications are usually supported by background evidence (for instance, bank statements, letters of commendation, references, etc.). Such information can be

voluminous, and so for technical and practical reasons it is not routinely kept, or stored in its entirety in CRS, even if the VAF itself is. Further enquiries should be made to the relevant overseas post. See 3.1 Obtaining VAFs and other Evidence.

3 CRS and VAFs - Obtaining Further Information and Feedback

Where there are questions about identity, the applicant's financial circumstances, a visa match or other aspects of their background or application, it will be appropriate to examine the full VAF, or other supporting documents (where retained at the overseas post), and in some cases to obtain further advice from RALON colleagues overseas. This information must be obtained at the earliest opportunity, by screening officers if possible.

3.1 Obtaining VAFs and other Evidence

If there is evidence of a visa match, the VAF and other evidence may be embedded within the CRS record.

- Search the “Documents”, “Web/Email”, “Linking” and other tabs, and select the relevant VAF, if found. The VAF must be printed and attached to the HO file.

If there is no VAF embedded in the CRS record, CRS may nonetheless be used to request it and other information from the visa post, by filing a CRS “Visa Concern Report” (VCR).

- Access the CRS “Notes” tab, and select “Visa Concern - Asylum” from the menu;
- Add a note in the free text box to indicate the fact of the asylum claim and to request the VAF and any further information required. Press “Add Note” to record the VCR;
- The VCR will (along with the registered user's contact details) appear in the relevant “Post Dashboard” the next working day. If the paper VAF still exists, it will be scanned and added to the CRS record within two to three working days. Where no further information is available, the relevant post will update CRS to that effect;
- RALON will advise where to send the Visa Match Report (see 5.3 Visa Match Report);
- If no response has been received after five working days, further enquiries should be made direct to the post or to the International Analysis Team. (Note that the post that processed the original visa application may have since had its work transferred to another location. The International Analysis Team will be able to provide up to date information, if required.);
- When uploaded, the VAF must be accessed, printed and attached to the HO file;
- If there is evidence of a VAF, but difficulties are encountered in obtaining it, record the details in CID “Notes” and notify senior caseworkers. If problems cannot be resolved, contact the Asylum Policy inbox.
- In exceptional circumstances, telephone or e-mail the overseas post, providing confirmation of name and Home Office unit, quoting the VAF reference number. Examples of where this may be necessary include: where there can be no delay in obtaining the VAF, perhaps because the asylum interview or appeal is the next day, or where there are issues that need to be discussed. The visa issuing post may have knowledge about the applicant or circumstances described by them that is pertinent to the claim. Contact details for overseas posts can be obtained from the Immigration Intelligence International Analysis Team inbox.
- Following the phone call, email the overseas post as advised to formally request the VAF, and update CRS;
- Note that certain posts, particularly in the Gulf region, have different working weeks to the UK, for instance, working Sunday to Thursday or Saturday to Wednesday. The International Analysis Team will advise how to proceed in such circumstances.

3.1.1 Irish Visa Evidence

Where a match to an Irish visa is identified, an “Irish Visa Result Report” will be accessible from i-Search. Further information will not be available via CRS or a UK overseas post.

3.2 Notifying the Visa Post of the Asylum Claim

In all cases, the fact that an asylum claim is being made by a UK visa applicant must be recorded on CRS, although details of asylum application itself must **NOT** be mentioned. (This notification process applies in respect of UK visa applicants only, not Irish visa applicants).

- Update the Visa Concern Report, as described above, adding a note to indicate that asylum has been claimed;
- The relevant RALON team may make contact, via the CRS “Notes” box or by email, if they have further information potentially helpful to the asylum decision.

4 Screening and Routing Actions

4.1 Screening Officers

- Ensure the applicant is fully screened and fingerprinted;
- If a biometric visa match cannot be identified from fingerprinting, conduct manual CRS searches to check for a non-biometric visa/EVW matches;
- Conduct searches of the i-Share system, to check for Irish visa matches.
- If no UK visa, EVW or Irish visa matches can be identified, arrange for case routing according to normal procedures;
- If a visa/EVW match is identified, open a CID “Special Condition” to show “VIAF Hit” (Visa/Immigration Asylum Fingerprint), and in the “Additional Information” field record the VAF number. Copy this information to CID “Notes”;
- Obtain a copy of the VAF from CRS and attach to file, or request a copy of the VAF via CRS from the visa issuing post;
- In all cases, complete a CRS Visa Concern Report (see 3.1 Obtaining VAFs and other Evidence);
- If an Irish visa match is identified, obtain a copy of the “Irish Visa Result Report” from i-Share and attach it to file.

4.2 ID Management and Routing

Visa match information will usually require detailed and substantive consideration before firm conclusions as to identity can be taken, however visa match information may be relevant to routing decisions.

4.2.1 Safe Third Country Cases

Visa match information may disclose evidence that makes the case of interest to the Third Country Unit (TCU).

Cases should be referred to TCU if there is evidence that another EU member state (or Iceland, Norway or Switzerland) may be responsible for considering claim and if an asylum decision has not already been made in the UK.

The most likely scenario is that the visa match shows the visa application having been made in a member state, but other scenarios may apply.

Caseworkers must refer to the instruction Third Country Cases: Referring and Handling.

4.2.2 Detained Fast Track (DFT)

All asylum applications must be referred to the National Asylum Allocation Unit (NAAU). An applicant’s nationality or age may be relevant to a DFT entry decision, and so if there is evidence that they may be other than as claimed, this must be clearly laid out in CID “Notes”, and drawn to NAAU’s attention at the time of referral. See the instruction DFT Processes.

5 Casework Actions – File Receipt and Interviews

5.1 File Receipt and Initial Actions

- Ensure that case ownership is properly updated on CID “Case Details”;
- Check that the applicant has been fingerprinted. This will be apparent from an IFB reference number on CID. If there is no evidence on CID or file to confirm the applicant has been fingerprinted, arrange for it to happen;
- When clear that an applicant has been fingerprinted, check CID “Special Conditions”, CID “Notes” and the case file to ascertain whether a visa match has been identified;
- If a biometric visa match cannot be identified, conduct manual CRS searches to check for a non-biometric visa/EVW matches;
- Check i-Share for evidence of an Irish visa match. If an Irish visa match is identified, print a copy of the “Irish Visa Result Report” from i-Share and attach to file.
- If a UK visa match is identified, if not already recorded, open a CID “Special Condition” to show “VIAF Hit” and in the “Additional Information” field, record the VAF number. Copy this information to CID “Notes”;
- Obtain or request a copy of the VAF (see 3.1 Obtaining VAFs and other Evidence);
- Complete a CRS Visa Concern Report (see 3.2 Notifying the Visa Post of the Asylum Claim);
- Check CID for all possible identities revealed by visa matching;
- Interview the applicant, decide and conclude the case (see 5. Asylum Interviews and 6. Decisions and Redocumentation);
- If at any stage alternative routing appears appropriate, take action accordingly (see 4.2 ID Management and Routing);

5.2 Asylum Interviews

Officers must consider the facts disclosed by the visa match and how they might influence the asylum decision and conclusion, preparing the asylum interview accordingly.

It is recommended that questions regarding the visa match be asked 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.

Applicants must be asked about the reasons they gave in their visa application (and on arrival) for coming to the UK. If this differs from the reasons they are now seeking to remain in the UK, they must be asked to give an explanation.

If in doubt as to the relevance of visa match evidence, what further evidence to obtain from CRS/overseas post/RALON, or how to handle such evidence, advice must be sought from a senior caseworker, before substantively interviewing an applicant.

See Annex A – Visa Match Scenarios and Possible Conclusions for suggested areas of questioning and consideration. Note that these suggestions are not exhaustive.

5.3 Visa Match Report

Once the facts of the case are known, and before making a decision on the case, caseworkers must fully complete the “Visa Match Report”, and email it either to the RALON team that provided the VAF or to the International Analysis Team inbox.

This information will be used by RALON in the continued development of the visa applications process, and to ensure, as far as is possible that the process is not abused.

6 Casework Actions - Decisions and Redocumentation

6.1 Asylum Decisions

Visa application information must be considered as part of any asylum decision, in line with all other information. The visa match may not be determinative or significant in every case, but it **must** be mentioned in any grant minute or refusal letter when addressing the immigration history and/or credibility issues, and the relevant VAF attached to the file.

These are mandatory requirements.

See Annex A – Visa Match Scenarios and Considering the Asylum Claim and Credibility.

6.1.1 CRS and VAF Evidence for Decisions and Appeals

If the fact of a visa match is to be relied on in a decision, it must be evidenced by production of the VAF or CRS information. CRS is regarded as reliable and acceptable evidence, but it will not necessarily be as complete as a VAF. **Only if a VAF cannot be located or obtained in time for interviews, decisions or appeals, may reliance be placed on CRS evidence alone.** In such cases, all reasonable steps should be taken to obtain the VAF so it is available at the next casework stage (e.g., for the appeal bundle).

The “Main” page on CRS may be disclosed subject to the following restriction:

- The data must be relevant and specific to the applicant, since everything in a VAF can be disclosed to the individual if requested. 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.

6.1.2 Non-Suspensive Appeal Process Countries (Section 94 of the NIA 2002)

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 (see NSA Certification Under NIA Act 2002).

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 (section 94(2) of the 2002 Act). If unsure about any aspect of certification, SCW advice must be sought.

6.2 Re-Documentation

If an applicant is refused leave to enter/remain, visa match information may be valuable to the re-documentation process. VAF evidence of passports may be particularly persuasive.

See the Removals Guidance intranet page for detailed redocumentation requirements.

Annex A – Visa Match Scenarios

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

Attention must be paid to the nature of matches, and the applicant must be given the opportunity to explain them. Careful questioning during the asylum interview will therefore be necessary. The matches may be significant, but they may be of no relevance, have an explanation, or have discrepancies arising because of innocent mistakes.

A.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 and 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 Considering the Asylum Claim and Assessing Credibility and Nationality – Doubtful, Disputed and other 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 Considering the Asylum Claim and Assessing Credibility instruction. See also the Assessing Age instruction.
- **Visa application post-dates asylum application:** This will show that the applicant has left the UK since lodging their claim. If they have returned to the country of claimed persecution, this may demonstrate safety, and credibility conclusions may also arise. 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.
- **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 Considering the Asylum Claim and Assessing Credibility.

- **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 Considering the Asylum Claim and Assessing 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 Considering the Asylum Claim and Assessing 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 was not mentioned (as is likely). See the Considering the Asylum Claim and Assessing 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 Considering the Asylum Claim and Assessing Credibility. There may also be conclusions to be drawn in respect of the applicant's status, and of possible verbal deception.
- **Visa application gives details of parents/family members:** This may provide information not otherwise known about the 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 the family members.
- **Visa application shows bank statements/assets/other financial details/employment records:** This may affect the individual's credibility or potentially their 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 guidance on credibility in the Considering the Asylum Claim and Assessing Credibility instruction.
- **Visa application made in an EU state, Norway, Iceland or Switzerland:** The other country may be responsible for considering the case, and so it should be referred to the Third Country Unit (see Third Country Cases: Referring and Handling).
- **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.
- **Applicant claims to be from the United Arab Emirates, Qatar or Oman, and to have travelled with an EVW (Electronic Visa Waiver):** If the applicant cannot produce a passport, CRS must be searched to obtain details of any possible EVW applications that would assist in confirming ID/travel history etc; (Menu > Application Search > Electronic Visa Waiver > Endorsement and other criteria as required).

Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	RH	05/03/08	First Version
2.0	RH	29/04/08	Cases of interest to the Third Country Unit (TCU)
3.0	EG & BN	23/01/09	Minor revisions
4.0	GL	15/10/09	Revision regarding the use of CRS printouts in appeal bundles plus other changes to layout. Title of instruction changed, from "Visas - Handling asylum claims from UK visa applicants"
5.0	GL	29/03/10	Update to 4.1
6.0	GL	04/10/10	Update links
7.0	GL/MK	11/03/11	Updates to various sections
8.0	MK	03/04/12	Update re. BCMT
9.0	GL	12/12/12	Update to signpost mandatory actions when an asylum applicant is matched to a previously issued UK visa.
10.0	GL/MK	12/06/14	Update for EVW, and simplification/restructure.
11.0	MK	11/11/14	Update for Irish visas.