



Travel Documents, Cooperation and Non-Cooperation and Removability

Reviewed November 2023

Bail for Immigration Detainees (BID) is a national charity that provides legal advice and representation to individuals held under immigration powers to secure their release from detention. We also provide legal advice and representation to detainees facing deportation. BID works with detainees in all removal centres in the UK, and with immigration detainees held in prisons.

- We provide free legal advice, information and support to immigration detainees to help them exercise their right to liberty and access to justice, and to help them challenge their deportation.
- We prepare and present (free of charge) applications for release on bail or temporary admission.
- We carry out research and use evidence from our legal casework to influence decision-makers, including civil servants, parliamentarians, and regulatory bodies through policy advocacy.

Disclaimer

Although every effort is made to ensure the information in this factsheet is accurate and up to date, it should not be treated as a complete and authoritative statement of the law. BID cannot be held liable for any inaccuracies and their consequences. The information in this factsheet is not legal advice. If you have a legal problem you should talk to a lawyer or legal adviser before making a decision about what to do.

Please check that this factsheet is up to date before using it. Please also check whether BID has written other factsheets or leaflets that might be relevant to you. All BID factsheets and leaflets can be found at www.biduk.org

Who is this factsheet for?

This factsheet is for people held in the UK under immigration powers in removal centres and prisons. It may also be useful for individuals and organisations supporting people in detention.

What information will this bulletin give me?

This bulletin will help you understand the consequences of both cooperation and non-cooperation with Home Office steps to document people for removal. It will also provide advice for those wishing to prove that they are cooperating with the documentation process and the steps that they can take to evidence their cooperation.

Are you intending to cooperate with the documentation process?

The advantages and disadvantages of cooperation

- If you cooperate with the documentation process you may be issued with a travel document that may mean the authorities can remove you from the UK.
- Where a person has evidence that they are cooperating with the documentation process they can use this to argue that they will not abscond if they are released from detention.
- Evidence of cooperation can be used to support a bail application.
- Evidence of cooperation with the documentation process may also be used to prove that continued detention has become unlawful.

The advantages and disadvantages of non-cooperation

- A time will come when people who do not cooperate with the documentation process must be released from immigration detention (even if the Home Office argues that they will abscond if released from detention).
- If a person does not cooperate with the documentation process, the Home Office will argue that this is evidence that they risk absconding if they are released from detention.
- The courts may sympathise with the above view, making a bail application or a claim of unlawful detention difficult to succeed.
- Some people who do not cooperate with the documentation process may be detained for a longer period, although they cannot be detained forever.
- There is a risk that a person may be charged with a Section 35 (under the 2004 Act) criminal offence of non-cooperation that carries a maximum prison sentence of 2 years.

Length of detention

The length of detention in all cases of non-cooperation or cooperation with the documentation process will depend on individual factors in each case including:

- Whether or not a person is cooperating with the documentation process
- How long it is likely to take for the Home Office to obtain a travel document to enable a person to be removed.
- Whether or not there is a risk of a person offending or causing harm if released from detention and the assessed level of that risk
- Whether there are other factors that work in a person's favour such as: good behaviour; a history of complying with reporting and residence restrictions; a family life in the UK; legal steps that may be being taken to help a person apply to remain in the UK.

Home Office obligations

Whether or not a person is cooperating with the documentation process, the Home Office must:

- Provide evidence that it is taking steps to obtain a travel document for a person to enable their removal.
- Show that the steps that it is taking are meaningful and likely to result in a travel document being issued.
- Show that a travel document is likely to be issued to the person facing removal within a reasonable period.

The reasonable period or length of detention will then be assessed according to the individual factors in each case (see above under Length of Detention).

The rest of this factsheet is only for people cooperating with the removal process.

You should only follow the steps below if you intend to cooperate with the documentation process.

Proving cooperation

The rest of this factsheet is aimed at helping those people who claim to be cooperating with the documentation process to be able to prove it.

For detainees wishing to get a travel document to leave the UK - what you can do to get your travel documents

If you want to obtain travel documents to leave the UK there are steps you can take - such as writing letters - to try to obtain them from your Embassy or High Commission in the UK. This evidence of cooperation with the documentation process can be used by you as evidence that you will not abscond and will help when you apply for release on bail.

Evidence that you have consistently cooperated with the documentation process will help to show that it is not your fault that the Embassy or High Commission has delayed issuing you with a travel document.

Copies of all letters that you send to the Embassy or High Commission asking about your travel documents should always be sent to the Home Office and to the Tribunal when you are applying for release or bail.

Keep hold of this evidence as it becomes more important the longer you are in detention. It may help to show that your removal is not imminent and therefore that your continued detention has become unlawful.

Some practical tips for detainees

1. Keep a record of all phone calls with your Embassy or High Commission

- Keep details of all calls with the Embassy or High Commission including the date of the call, the name of the person you spoke to, and what you talked about including the questions that you were asked, and your answers.
- If you fax a letter to the Embassy or the High Commission, remember to keep a copy of the document confirming that the fax has been sent and attach this to the letter that you sent.
- Remember that you may need to send evidence of all your letters and faxes, and explanations of telephone calls, to the Home Office and the Tribunal when you apply for bail.

2. Each time you write to your caseowner at the Home Office about your travel document:

- Keep copies of all notes you send to, and receive from, your caseowner about travel documents.
- Ask your Home Office caseowner what is happening about your travel document, and make sure that you keep all your notes and their written responses.
- You can also ask the Home Office to release you while you wait to be issued with a travel document.
- Make sure that you keep copies of your letters and the Home Office replies.

3. Get proof of posting when sending and receiving faxes

- Keep a copy of all letters that you send to friends or families that seek help with the documentation process. Make a note on the copy of the date you posted the letter.
- Try to get 'proof of posting' from the Post Office so that you can prove to the Home Office or the court that you have written the letter and are taking steps to obtain your travel documents. If you have a visitor from the visitors' group at your removal centre you could ask them if they will help you with this, but this may not be possible.
- Keep the envelopes of all letters that are sent to you, especially letters or documents from abroad, as this may prove date of posting, and help to evidence how you obtained the document.

Biodata form

This is a form that the Home Office may ask you to complete about yourself, your family, and your life in your country of origin that might be required to confirm your identity and nationality, and then get your travel documents.

Address, telephone and fax numbers for your embassy or high commission in the UK

You can find contact details on the London Diplomatic List, maintained by the UK government Foreign & Commonwealth Office (FCO), which lists all Embassies and High Commissions with addresses, names of all senior staff, telephone and fax numbers, plus email and website addresses. This list has been circulated to groups who visit detainees, so you if you have a visitor you can ask them to look up details for you. Otherwise you can download the list from BID's website.

Home Office Emergency Travel Document Reference Guide

This is a document produced by the Home Office, the 'Country Returns Documentation Guide', that shows what evidence you need in order to prove your identity to your embassy or high commission in the UK. The document also provides an estimate of how many weeks or months it might take to get a travel document with this evidence. You can download the list from the Home Office website at <https://www.gov.uk/government/publications/country-returns-guide> or from the BID website at www.biduk.org.

An application to the Red Cross for help to trace your relatives in your home country via the Red Cross International Tracing service

Your relatives may be able to provide evidence of your identity in your country of origin, which they can send to you in the UK or give to the British Embassy or High Commission in your home country. The Red Cross says: "to find your missing relatives, we need as much information as possible. We will help you fill out a form and send this information to the Red Cross or Red Crescent National Society in the country you think your relative is in, or to the International Committee of the Red Cross who will try to find your family. Our ability to trace people depends on the information you can provide and local circumstances, including the security situation in the relevant country. If you or someone you know is held in an immigration removal centre and want to use the services, please contact your local Red Cross office". You can find your local Red Cross office by using the search tool on their website <http://www.redcross.org.uk/Where-we-work/In-the-UK>.

Who can I contact for more information on this issue?

If you have questions concerning this factsheet or about securing your release from detention you can contact BID via our helpline or by post.

By post:

Freepost BID London

Advice Line: 020 7456 9750

(Monday-Thursday, 10am - 12 midday)

Fax: 020 3745 5226

General enquiries: enquiries@biduk.org

Casework enquiries: casework@biduk.org

Important note: please check that this bulletin is up to date before using it. Please also check whether BID has written other bulletins of relevance to you.

Standard Letters

Only for people wishing to prove that they are cooperating with the documentation process.

In the next section you will find some standard letters to Embassies and High Commissions, and to the Home Office. You can fill in your personal details by hand. Do not forget to take a photocopy of the letters before you send them, and keep the photocopy with all your documents. If you send the letters by fax, try to get the confirmation slip from the fax machine. You may need to go back to the office where it was sent from later on.

Letter 1

Letter to your Embassy or High Commission in the UK asking for an interview with a consular official to establish your identity and get a new passport or travel document.

Name:	
Phone number:	
Home Office number:	
Room number:	

To:	Put your Embassy or High Commission address here
Fax:	Put the fax number of the Embassy here
Date:	Put date of sending the fax here

Dear Sir or Madam,

REQUEST FOR A TRAVEL DOCUMENT INTERVIEW

I am currently being held in detention at [insert name here]

I am a national of [insert country of origin here] but I have no valid passport.

I would be grateful if you would make arrangements for me to be interviewed by a consular official as soon as possible.

I have provided some biographical data below:

Full name	
Any other names I have used	
Date of birth	
Place of birth (village, country)	
Expired passport details: number, issuing	
Nationality	

Details of other identity documents: including place and date of issue.	
Father's name, father's date and place of birth	
Mother's name, mother's date and place of birth	
Brother(s)' names and dates of birth	
Sister(s)' names and dates of birth	
Details of other family members	
My last known address and telephone number in my country of birth	
Details of my last employer outside the UK, including name, address, and telephone number where available.	
Dates of employment	

Details of schools I attended in my country of birth, including dates and names of the principals.	<u>Junior school</u> Town/village Attended from To Principal's name
	<u>Senior school</u> Town/village Attended from To Principal's name
Name and address of family doctor	Name and address of local hospital
Name and address of my place of worship	Name and address of local police station

I have the following identity documents and enclose copies:

Yours sincerely,

[Your signature]

Letter 2

Reminder letter to your Embassy or High Commission in the UK to say that you have written to ask for an interview with a consular official to establish your identity, but you have had no response.

Name:	
Phone number:	
Home Office number:	
Room number:	

To:	Put your Embassy or High Commission address here
Fax:	Put the fax number of the Embassy here
Date:	Put date of sending the fax here

Dear Sir or Madam

SECOND REQUEST FOR A TRAVEL DOCUMENT INTERVIEW

On [insert date here] I wrote to you asking for an interview with a consular official, and providing bio data for your information in order that you can issue me with a new passport. I am currently detained at [insert centre name here] immigration removal centre.

I have not had a response to my letter to date, and I would be grateful if you would make contact with me or my Home Office caseowner [insert details of caseowner here] as soon as possible.

Yours sincerely

[Your name]

Letter 3

Letter to your Embassy or High Commission asking for a progress report on your passport application once you have had an interview with a consular official.

You can send this letter once you have had your interview and you are waiting for a response. You can send this letter many times if you have been waiting for a long time after your interview but the embassy still has not told you what is happening with your passport application.

Name:	
Phone number:	
Home Office number:	
Room number:	

To:	Put your Embassy or High Commission address here
Fax:	Put the fax number of the Embassy here
Date:	Put date of sending the fax here

Dear Sir or Madam

REQUEST FOR UPDATE ON PROGRESS OF IDENTITY ENQUIRIES

On [insert date here] I wrote to you asking for an interview with a consular official, and providing bio data for your information in order that you can issue me with a new passport. I am currently detained at [insert centre name here] immigration removal centre.

I had an interview with a consular official on [insert date of interview here].

I would be grateful if you would give an indication of how long it will take for you to complete your enquiries and issue me with a new passport.

Yours sincerely,

[Your name]

Letter 4

Letter to your Embassy or High Commission asking them to confirm that they are unable to recognise you as a national or to issue you with a passport.

If your Embassy or High Commission is unable or unwilling to confirm your nationality, or to issue identity or travel documents after they have made enquiries and interviewed you, you should write a letter asking them to write to you to confirm that they cannot help you. Keep copies of your letters. The purpose of trying to obtain such a letter from your embassy or high commission is to show that you have been refused a passport from your national authorities.

Name:	
Phone number:	
Home Office number:	
Room number:	

To:	Put your Embassy or High Commission address here
Fax:	Put the fax number of the embassy here
Date:	Put date of sending the fax here

Dear Sir or Madam

REQUEST FOR CONFIRMATION THAT YOUR OFFICE IS UNABLE TO ISSUE ME WITH A TRAVEL DOCUMENT

On [insert date here] I wrote to you asking for an interview with a consular official, and providing bio data for your information in order that you can issue me with a new passport. I am currently detained at [insert centre name here] immigration removal centre.

I had an interview with a consular official on [insert date of interview here].

I wrote to you on [insert date of letter] for an indication of how long it will take for you to complete your enquiries and issue me with a new passport.

It has now been some time since I heard from your office. If you are unable to establish my identity and issue me with a travel document I would be grateful if you would confirm that to me in writing as soon as possible.

Yours sincerely

[Your name]

Letter 5

A letter to the Member of Parliament (MP) for the area where your detention centre is located, asking him or her to help you confirm your identity and nationality, and obtain travel documents.

To find the contact details for the Member of Parliament (MP) who represents the local area where your immigration removal centre is located refer to the MP contact list at the end of this bulletin.

Name:	
Phone number:	
Home Office number:	
Room number:	

To:	Put your Embassy or High Commission address here
Fax:	Put the fax number of the Embassy here
Date:	Put date of sending the fax here

Dear Sir or Madam

REQUEST FOR HELP WITH PROVING IDENTITY & OBTAINING TRAVEL DOCUMENTS

I am currently being held in detention at [insert name here] immigration removal centre.

I am a national of [insert country of origin here] but I have no valid passport.

I have provided some biographical data below.

Yours sincerely,

[Your signature]

Letter 6

Letter to the Home Office enclosing copies of correspondence to your Embassy or High Commission.

Remember to also provide the Tribunal with copies of all this correspondence when you apply for bail.

Name:	
Phone number:	
Home Office number:	
Room number:	

To:	Put your Embassy or High Commission address here
Fax:	Put the fax number of the Embassy here
Date:	Put date of sending the fax here

Dear Madam/Sir

I enclose evidence of my correspondence to my national authorities asking them to progress my travel document. If there are any other steps that you think I should take to progress this issue, please let me know. Please could you also advise me what steps you have taken to obtain a travel document for me, and what additional steps you intend to take to progress this matter? If you think my removal from the UK is imminent, please can you tell me why you believe this to be the case, and the timescale within which you expect me to be issued with a travel document?

In view of my cooperation with the documentation process I also ask that I am released from detention pending a travel document being issued to me.

Yours sincerely,

[Your signature]

Biodata form

This is the kind of information that the Home Office will expect you to provide to it and to your Embassy or High Commission so that you may be issued with a travel document.

Family name	Nationality
First name	Passport number
Aliases or other names you have used	Issuing authority
Date of birth	Date of issue
Male/female	Place of issue
Place of birth	Valid until
Last known address in country of origin	Did you have any form of leave to remain in your country of origin? If so can you prove this
Telephone number (landline) in country of origin	National identity number
Fathers name	When did you last have an identity document?
Father's place of birth	Can you provide any identity documents other than the [birth certificate] already provided?
Father's nationality	School attended in country of origin From to And name of principal for this school
Father's date of birth	School attended in country of origin From to And name of principal for this school

<p>Father's address and telephone number</p>	<p>School attended in country of origin</p> <p>From</p> <p>to</p> <p>And name of principal for this school</p>
<p>Mother's name</p>	<p>Last employer in country of origin</p> <p>Address of employer</p> <p>Dates of employment</p> <p>From</p> <p>to</p>
<p>Mother's name before marriage (her maiden name)</p>	<p>Name and address of family doctor</p>
<p>Mother's place of birth</p>	<p>Name and address of place of worship</p>
<p>Mother's nationality</p>	<p>Name and address of local police stations</p>
<p>Mother's date of birth</p>	<p>Name and address of local hospitals</p>
<p>Sisters name</p> <p>Address</p> <p>Place of birth</p> <p>Nationality</p> <p>Telephone number</p> <p>Date of birth</p>	<p>Full names, addresses, and contact details for any family or friends in your country of origin or country where you last lived.</p>
<p>Brothers name</p> <p>Address</p> <p>Place of birth</p> <p>Nationality</p> <p>Telephone number</p> <p>Date of birth</p>	

List of MPs with removal centres in their constituency (July 2017)

Immigration Removal Centre	Member of Parliament	Contact Details
Brook House	Henry Smith Conservative Crawley	Westminster House of Commons, London, SW1A 0AA Tel: 01293 934 554/ 020 7219 7043 Email: henry.smith.mp@parliament.uk
Campsfield	Layla Moran Liberal Democrat Oxford West & Abingdon	Westminster House of Commons, London, SW1A 0AA Tel: 020 7219 3905 Email: layla.moran.mp@parliament.uk
Colnbrook	John McDonnell Labour Hayes & Harlington	Westminster House of Commons, London, SW1A 0AA Tel: 020 8569 0010 / 020 7219 4100 Email: mcdonnellj@parliament.uk
Dungavel	Lisa Cameron Scottish National Party East Kilbride, Strathaven & Lesmahagow	Westminster House of Commons, London, SW1A 0AA Tel: 01355 587 430/ 020 7219 6855 Email: lisa.cameron.mp@parliament.uk
Harmondsworth	John McDonnell Labour Hayes & Harlington	Westminster House of Commons, London, SW1A 0AA Tel: 020 8569 0010 / 020 7219 4100 Email: mcdonnellj@parliament.uk
Morton Hall	Caroline Johnson Conservative Sleaford & North Hykeham	Westminster House of Commons, London, SW1A 0AA Tel: 020 7219 3000 Email: caroline.johnson.mp@parliament.uk
The Verne	Richard Drax Conservative South Dorset	Westminster House of Commons, London, SW1A 0AA Tel: 01929 462 803/ 020 7219 7051 Email: richard.drax.mp@parliament.uk
Tinsley House	Henry Smith Conservative Crawley	Westminster House of Commons, London, SW1A 0AA Tel: 01293 934 554/ 020 7219 7043 Email: henry.smith.mp@parliament.uk
Yarl's Wood	Alistair Burt Conservative North East Bedfordshire	Westminster House of Commons, London, SW1A 0AA Tel: 020 7219 8132 Email: alistair.burt.mp@parliament.uk

For detainees held in the prisons and unable to go online, family and friends can find the local MP for the relevant prison by entering the postcode of the prison into the search box of the TheyWorkForYou website at

<http://www.theyworkforyou.com/mps/>

How to contact BID

By post:

Freepost BID London

Fax: 020 3745 5226

General enquiries: enquiries@biduk.org

Casework enquiries: casework@biduk.org

Advice Line: 020 7456 9750
(Mon-Thurs, 10am - 12 midday)

BiD Bail for
Immigration
Detainees

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