
STATUTORY INSTRUMENTS

2017 No. 405

**The Transfer for Determination of an Application
for International Protection (Detention) (Significant
Risk of Absconding Criteria) Regulations 2017**

Criteria to be considered when determining risk of absconding

4. When determining whether P poses a significant risk of absconding for the purposes of Article 28(2) of the Dublin III Regulation, the Secretary of State must consider the following criteria—
- (a) whether P has previously absconded from another participating State prior to a decision being made by that participating State on an application for international protection made by P, or following a refusal of such an application;
 - (b) whether P has previously withdrawn an application for international protection in another participating State and subsequently made a claim for asylum in the United Kingdom;
 - (c) whether there are reasonable grounds to believe that P is likely to fail to comply with any conditions attached to a grant of temporary admission or release or immigration bail;
 - (d) whether P has previously failed to comply with any conditions attached to a grant of temporary admission or release, immigration bail, or leave to enter or leave to remain in the United Kingdom granted under the Immigration Act 1971, including remaining beyond any time limited by that leave;
 - (e) whether there are reasonable grounds to believe that P is unlikely to return voluntarily to any other participating State determined to be responsible for consideration of their application for international protection under the Dublin III Regulation;
 - (f) whether P has previously participated in any activity with the intention of breaching or avoiding the controls relating to entry and stay set out in the Immigration Act 1971;
 - (g) P's ties with the United Kingdom, including any network of family or friends present;
 - (h) when transfer from the United Kingdom is likely to take place;
 - (i) whether P has previously used or attempted to use deception in relation to any immigration application or claim for asylum;
 - (j) whether P is able to produce satisfactory evidence of identity, nationality or lawful basis of entry to the UK;
 - (k) whether there are reasonable grounds to consider that P has failed to give satisfactory or reliable answers to enquiries regarding P's immigration status.