Home Office

Release on temporary licence requests

Release on temporary licence requests

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This guidance tells Criminal casework caseworkers about foreign national offenders (FNOs) serving a custodial sentence who may be considered for release on temporary licence (ROTL) or transferred to category D prisons.

Category D prisons are open prisons. FNOs serving a custodial sentence may be considered for ROTL or for reclassification to category D status.

The decision to allow ROTL or classification to a category D prison is made by the prison and not criminal casework. However, to assist the prison, criminal casework provides case specific information held on FNOs. To access the form, see related link: Request for immigration information – consideration for prisoner transfer to category D/open conditions.

In all cases, the prison must consider comments from criminal casework relating to a risk assessment. However the final decision to grant release or move to a category D prison can only be authorised by the governor or controller in a contracted prison.

Each case must be considered on its merits. The prison governor will assess the suitability of a prisoner and when or if deportation is likely to take place, along with any possibility of them failing to comply with their licence.

Changes to this guidance - This page tells you what's changed since previous versions of this guidance.

Contacts - This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.

Information owner - This page tells you about this version of the document and who owns it.

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This page lists the changes to the category D and release on temporary licence requests guidance, with the most recent at the top.

Date of the change	Details of change
15 May 2013	Six month review by the modernised guidance team: • Minor housekeeping changes.
8 November 2012	Six month review by the modernised guidance team: • Minor housekeeping changes.
	For previous changes you will need to access the archived guidance. See related link: Release on temporary licence (ROTL).

Related links

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This page tells you about release on a temporary licence (ROTL) requests and how they are dealt with by workflow or a case owner when allocated.

All ROTL forms are received by criminal casework workflow. ROTL 9 is a Ministry of Justice form which requests the Home Office to comment on or authorise a proposed ROTL request.

Workflow staff will only deal with ROTL 9 requests if the file is not allocated to a case working team. If it is allocated, then the ROTL 9 is sent there for a response.

On receipt of the ROTL 9 form, the case owner must:

- Set up a calendar event on CID to show a ROTL 9 has been received and the date of reply.
- Check the details against CID and warehouse using
  - name
  - prison number, or
  - any Home Office reference.
- If there is no trace, re-check the details with the prison custody officer, asking for any alias or alternative information they may have.
- If there is still no trace, request that the prison faxes the nominal index card (NIC) and order of imprisonment, so that a file can be created.
- If the case is on CID, and the file is allocated to a case owner, the ROTL 9 must be sent to the case owner.
- In all other cases where the file has not been allocated, the ROTL 9 must stay in workflow.

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Responding to release on temporary licence requests

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This page tells you how to respond to a release on temporary licence (ROTL) request.

The prison specifies on the ROTL request a deadline for reply. Case owners must comply with this request. The procedure is the same whether the request is allocated to a case owner to respond to, or dealt with in workflow.

The file must be minuted outlining:

- The subject's identity and nationality. You must include a copy of passport or birth certificate, if available.
- How the subject entered the country.
- If the subject has previously claimed asylum and the outcome.
- The nature and length of the sentence.
- What stage the deportation order action is at.
- If the subject has appealed the decision to deport.
- Any other relevant information regarding the subject's immigration history. For example, the use of forged documents, or history of absconding.

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This page tells you about the correct release on temporary licence (ROTL) response form.

The case owner must select the correct ROTL response form for the case. There are four response forms to choose from:

- CCD ICD 3495 (ROTL 1) – No permission to work or study
- CCD ICD 3494 (ROTL 2) – British Citizen
- CCD ICD 3493 (ROTL 3) – EU National
- CCD ICD 3492 (ROTL 4) – Valid leave.

The appropriate ROTL response letter must be prepared and then passed to the senior caseworker.

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Authorisation

About this guidance Workflow and case owner process Release on temporary licence requests Category D requests	This page tells you about the authorisation process of release on temporary licence (ROTL) requests. The ROTL file minute and the draft letter must be reviewed by the team leader or workflow executive officer (EO). The team leader or workflow EO need to quality assure the information provided. No definitive decision must be made on whether ROTL is appropriate. This is the decision of the prison staff. Once authorised, the response must be sent back to the relevant prison and a case note entered on CID, stating the date the response was sent. Hard copies must also be linked to the Home Office file by the agreed deadline. It is important that you respond to the request by the stated deadline to allow the prison staff to make the ROTL decision quickly.	**In this section** Responding to release on temporary licence requests Release on temporary licence response letter

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Category D requests
	This section tells you about category D requests from prisons for further information on foreign national offenders (FNOs) serving a custodial sentence for a criminal offence, and how to process them.
	
	For more information, see related links:
	
	• Receiving category D requests:
	  ○ This page tells you about category D requests made by the prison for further information on FNOs, serving a custodial sentence for a criminal offence.
	• Responding to a category D request:
	  ○ This page tells you how to respond to a category D request made by the prison for further information on FNOs, serving a custodial sentence for a criminal offence.
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Receiving category D requests

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This page tells you about category D requests made by the prison for further information on foreign national offenders (FNOs) serving a custodial sentence for a criminal offence.

Prisoners in immigration detention are not dealt with under this process. For more information, see related link: 55 Detention and temporary release.

As part of the risk assessment, the prison must take into account if the FNO is subject to enforcement action under the Immigration Act 1971, and subject to consideration under the UK Borders Act 2007.

Important please note
The decision to release a prisoner to open conditions is taken solely by the prison governor following a thorough assessment process. Criminal casework role is to provide factual immigration information to assist the governor during the decision making process.

A category D (CAT-D) request for information form is sent by the prison staff, to criminal casework, so you can comment and provide any relevant immigration information. The form is sent by either fax or email directly to the criminal casework case owner or, if they are not known, to the criminal casework workflow team.

Request for immigration information – consideration of prisoner for transfer to category D/open conditions form
This form has been developed so that prison staff may request immigration information, quickly and efficiently, on FNOs from criminal casework. It is used in cases where an FNO is being considered for transfer to category-D prison conditions.

The request for immigration information form was developed jointly by the criminal casework process team and prison categorisation staff from the Ministry of Justice (MoJ).

You will see these documents in increasing numbers as the process surrounding the new form beds in. Old request for immigration information forms may be responded to using the

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	ICD.3496.
	
	On receipt of a category D request, the caseworker must:
	
	• Set up a calendar event on CID that a request to transfer to category D open prison has been received and the date of reply.
	• Check the details against CID and warehouse using:
	  ○ name
	  ○ prison number, or
	  ○ any Home Office reference.
	• If there is no trace, re-check the details with the prison custody officer, asking for any alias or alternative information they may have.
	• If still no trace, request that the prison fax the nominal index card and order of imprisonment so that a file can be created.
	• If the case is already allocated to a team, workflow will send the category D request for information to the team to respond.
	• If the case is still in workflow and the FNO is not due for release for some time, then the workflow team will reply to the category D request for information form.	

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This page tells you how to respond to a category D request made by the prison for further information on foreign national offenders (FNOs) serving a custodial sentence for a criminal offence.

The prison specifies on the category D request for immigration information form a deadline for reply. For more information on the form, see related link: Receiving category D requests.

How to complete the form
Sections two and three must be completed as fully as possible with factual immigration information.

Section two is a simple yes or no tick box which allows the person who is completing it to answer these five questions:

- a decision to deport this offender has been made
- a decision to pursue court recommended deportation has been taken
- a current notification has been sent to the prisoner of a decision to refuse leave to enter, or that they are an illegal entrant, overstayer or other category of immigration offender subject to removal from the UK
- the Home Office is still considering deportation/removal action against this offender
- the Home Office has issued authority to detain.

Section three allows the person completing it to provide other comments that may affect the prisoner's suitability for consideration for transfer to open conditions:

- information:
  - on any family ties (either in the UK or the country of origin)
  - any strong community links
  - about their country of origin, or
  - country of removal
- removal from the UK is imminent or unlikely in the foreseeable future

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- the prisoner has a history of failing to comply with immigration conditions or has previously absconded (please provide examples)
- the prisoner has a history of verbal and/or documentary deception to gain leave to enter or remain or evade removal from the UK (provide evidence)
- the prisoner has failed to produce evidence of their nationality or identity or is otherwise failing to comply with the directions of the Home Office.

Criminal casework workflow staff
Cases with the criminal casework workflow team are most likely to be either pre or post-criteria assessments. A workflow assessment, in particular if a case meets criminal casework criteria is not a decision to deport and therefore, post-criteria assessment, will come under the following bullet point:

- the Home Office is still considering deportation and/or removal action against offender.

Once the two sections are as complete as possible, the form must be signed, dated and your position noted. The form must be passed to either the team leader or workflow manager for quality assurance and then faxed to the named contact on the form. A case note must be entered on CID with the date of reply, and any hard copies must be held on the Home Office file.

The form is used by the prison to help assess the FNO's suitability for transfer to a category D or open prison conditions. Criminal casework will not make the decision, but will provide the prison with factual information. The details of the FNO will include the immigration history and ties to the UK, along with any use of deception or failure to cooperate.

Once completed, the letter must be passed to either the team leader or workflow manager for quality assurance and then faxed to the prison. A case note must be entered on CID with the date of reply. Any hard copies must be held on the Home Office file.

It is important that criminal casework staff quickly respond to the request for information to assist prison staff in making decisions on category D cases.

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Contact

About this guidance Workflow and case owner process Release on temporary licence requests Category D requests	This page explains who to contact for more help with a specific case on category D and release on temporary licence requests. If you have read the relevant Immigration Rules and this guidance and still need more help with this category, you must first ask your senior caseworker or line manager. If the question cannot be answered at that level, you may email the criminal casework operational process and policy team (CCOPPT) using related link: Email: CCD process team, for guidance on the policy. Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPPT, who will ask the modernised guidance team to update the guidance, if appropriate. The modernised guidance team will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.	**Related links** Changes to this guidance Information owner Links to staff intranet removed

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Information owners

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This page tells you about this version of category D and release on temporary licence request guidance, and who owns it.

Version	7.0
Valid from date	15 May 2013
Policy owner	Criminal casework operational process and policy team (CCOPPT)
Clearance by director	Richard Quinn
Director's role	Enforcement Improvement Director
Date cleared	12 May 2011
This version approved for publication by	Richard Short
Approver's role	Assistant director, modernised guidance team
Approval date	13 May 2013

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPPT, using related link: Email CCD process team, who will ask MGT to update the guidance, if appropriate.

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Related links

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