



Home Office

Criminal casework

Managing the return of families with children

Managing the return of families with children

About this guidance

<p>About this guidance</p> <p>Family returns in non-detained CC cases</p> <p>Family returns in detained criminal casework cases</p> <p>Mother and baby cases</p>	<p>This guidance tells criminal casework caseworkers how to manage the return of families with children where one family member is a foreign national offender (FNO).</p> <p>In December 2010, the government announced its plans for ending the detention of children for immigration purposes to protect the welfare of children, while making sure families who have no right to be in the UK are returned. A fresh approach to managing family returns has been developed which places greater emphasis on engagement with families if they are found to have no legal right to be in the UK. It aims to encourage them to leave without the need for enforcement action.</p> <p>Criminal casework is applying the same principles to the return of foreign national offenders (FNOs) and their families. This guidance provides details of the processes for managing family cases without detaining children and must be used alongside the existing criminal casework children and family guidance and all relevant process communications.</p> <p>Chapter 45 of the enforcement instructions and guidance (EIG) is the main guidance for dealing with family returns. It provides guidance to staff on how to discharge their duties with regard to children and families, and explains the policy for people with dependent children under 18 who are liable to be removed once their application is considered and all rights of appeal have been exhausted. You must make sure you understand and follow these instructions. For more information, see related link: Chapter 45 Families and Children</p> <p>This guidance does not replace chapter 45 of the EIG but sets out additional considerations and principles to be applied in criminal cases. It is not exhaustive and cannot cover every circumstance or scenario that arises, but you must follow the principles set out in chapter 45 and in this guidance as closely as possible when planning the return of families with children.</p> <p>To help you make well judged decisions, there is a consultation process that must be followed if you are uncertain of what action to take. For more information, see related link: Overall approach and key partners.</p>	<p>In this section</p> <p>Changes to this guidance</p> <p>Contact</p> <p>Information owner</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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Imminent release cases and short sentence cases

In imminent release cases and short sentence cases, caseworkers must establish whether they intend to detain or release a subject before taking any action under this guidance. Once this decision has been made all cases must be dealt with in accordance with this guidance.

Changes to this guidance – This page tells you what has changed since the previous version 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 guidance and who owns it.

Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more information.

Managing the return of families with children

Changes to this guidance

<p>About this guidance</p> <p>Family returns in non-detained CC cases</p> <p>Family returns in detained criminal casework cases</p> <p>Mother and baby cases</p>	<p>This page lists the changes to the managing the return of families with children guidance, with the most recent at the top.</p> <table border="1"> <thead> <tr> <th data-bbox="490 392 831 432">Date of the change</th> <th data-bbox="831 392 1532 432">Details of the change</th> </tr> </thead> <tbody> <tr> <td data-bbox="490 432 831 810">14 November 2014</td> <td data-bbox="831 432 1532 810"> <p>Change request:</p> <p>The following sections have been removed because the information is covered in other guidance:</p> <ul style="list-style-type: none"> • Underlying principles of the process • Definitions • Overview of the family returns process • The returns process. </td> </tr> <tr> <td data-bbox="490 810 831 1150">30 July 2014</td> <td data-bbox="831 810 1532 1150"> <p>Change request:</p> <ul style="list-style-type: none"> • Various changes made to ensure accordance with the Immigration Act 2014 provisions which took effect on 28 July 2014 • Amendment to approach for contacting local authority children's services in children cases. </td> </tr> <tr> <td data-bbox="490 1150 831 1374">11 November 2013</td> <td data-bbox="831 1150 1532 1374"> <p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> • Minor housekeeping and plain English changes. </td> </tr> <tr> <td data-bbox="490 1374 831 1410"></td> <td data-bbox="831 1374 1532 1410">For previous changes to this guidance you will</td> </tr> </tbody> </table>	Date of the change	Details of the change	14 November 2014	<p>Change request:</p> <p>The following sections have been removed because the information is covered in other guidance:</p> <ul style="list-style-type: none"> • Underlying principles of the process • Definitions • Overview of the family returns process • The returns process. 	30 July 2014	<p>Change request:</p> <ul style="list-style-type: none"> • Various changes made to ensure accordance with the Immigration Act 2014 provisions which took effect on 28 July 2014 • Amendment to approach for contacting local authority children's services in children cases. 	11 November 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> • Minor housekeeping and plain English changes. 		For previous changes to this guidance you will	<p>Related links</p> <p>See also</p> <p>Contact</p> <p>Information owner</p> <p>Links to staff intranet removed</p>
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		find earlier versions in the archive. See related link: Children and family members – Archive.		
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Managing the return of families with children

Family returns in non-detained criminal casework cases

<p>About this guidance</p> <p>Family returns in non-detained CC cases</p> <p>Family returns in detained criminal casework cases</p> <p>Mother and baby cases</p>	<p>This section tells you about family returns in criminal casework cases when the whole family are non-detained.</p> <p>If the foreign national offender (FNO) is living in the community with their family, you must refer the case to the immigration compliance and engagement (ICE) team for return in line with the family returns process. You must only refer the case once the following conditions are met:</p> <ul style="list-style-type: none">• There are no known casework barriers, such as outstanding applications or submissions to remain or other medical or compassionate barriers to the family's return.• There are no known documentation barriers to the family's return or existing documentation barriers are considered likely to be resolved in parallel with the return process.• There are no legal barriers, such as:<ul style="list-style-type: none">○ pending immigration appeals○ judicial reviews of removal decisions○ rule 39 indications, or○ any other litigation that has the effect of suspending return.• It is known where the family resides. It is preferable that families entering the returns process have a reporting requirement to allow for good contact throughout the process. Families who are recorded as absconders must go through the absconder tracing process first.• Immigration Enforcement is in a position to set removal directions and the logistics of planning a return home for the family can be achieved in a timely manner.	<p>In this section</p> <p>Referring cases to the immigration compliance and engagement (ICE) team</p>
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Managing the return of families with children

Referring cases to the immigration compliance and engagement (ICE) team

<p>About this guidance</p> <p>Family returns in non-detained CC cases</p> <p>Family returns in detained criminal casework cases</p> <p>Mother and baby cases</p>	<p>This page tells you about referring criminal casework family cases to the immigration compliance and engagement (ICE) team.</p> <p>You must refer non-detained criminal casework cases which need to follow the family returns process to the relevant ICE team using the criminal casework referral form (ICD.4448). If there are more than five family members you must also complete an ICD.4448A. The form must be fully completed with all relevant information before the referral can be made and a copy of the completed family welfare form must accompany the referral form.</p> <p>To find the relevant ICE team see related link: ICE finder.</p> <p>The ICE team will lead on the removal actions, you will keep responsibility for all caseworking aspects of the case until removal directions are set. You are not expected to attend family return conferences or family departure meetings. However you must make sure you are available for contact by telephone during the time the meetings are taking place, in case any issues arise that require your immediate consideration.</p>	<p>External links</p> <p>Links to staff intranet removed</p>
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Managing the return of families with children

Family returns in detained criminal casework cases

<p>About this guidance</p> <p>Family returns in non-detained CC cases The returns process</p> <p>Mother and baby cases</p>	<p>This section tells you about managing family returns if a family member is a detained foreign national offender (FNO). This applies to serving prisoners and immigration detainees.</p> <p>The return of families of a detained FNO will normally be a joint endeavour between:</p> <ul style="list-style-type: none">• the criminal casework caseworker• criminal casework prison operations and removals team (PORT) staff, and• the ICE team <p>You are responsible for arranging the return of the FNO, and the ICE team is responsible for arranging the return of family members living in the community. Criminal casework PORT staff will attend the family return conferences and family departure meetings both in the prison or detention centre with the FNO, and in the community with the family members.</p> <p>Close coordination between the criminal casework caseworker, criminal casework PORT and the ICE team when managing these cases is essential.</p> <p>The return process will generally follow the three stages outlined in the link on left: Overview of the family returns process.</p> <p>The preference is always to remove the family as a single unit. Family members of detained FNOs will, if possible, be given the same opportunities to exercise control over their departure as families without an FNO member. This means that, assuming the family chooses not to depart voluntarily, family members may go through the required returns process (see related link: Stage two – required return), while the FNO is removed through the ensured returns process.</p> <p>In exceptional circumstances, if the family is considered unsuitable for the required returns stage, it may be appropriate to apply the ensured returns route to the entire family, without going through the required returns route. For example, if a member of the family poses a</p>	<p>In this section</p> <p>Referring cases to the criminal casework prison operations and removals team</p> <p>Related links</p> <p>Stage two – required return</p>
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	<p>high risk of harm to themselves or others. This will only be possible following advice from the independent family returns panel. Family cases with a detained FNO will always follow the ensured return process, unless the FNO is returning voluntarily then the panel will decide whether the non-detained family members can be allowed to self check-in where appropriate.</p> <p>The result of this approach may be to separate families during the returns process. This could occur if families do not comply with the process, but the decision is made to continue with the deportation of the FNO. Interactions with the FNO's family members must therefore set clear departure options for the family, in relation to the deportation of the FNO.</p> <p>It must be made clear if the children are in the care of their other parent, the deportation of the FNO can proceed even if attempts to remove family members do not succeed at the first attempt. If the FNO is returned without family members, the intention is always to reunite the family in their home country.</p>	
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Managing the return of families with children

Referring cases to the criminal casework prison operations and removals team

<p>About this guidance</p> <p>Family returns in non-detained CC cases</p> <p>Family returns in detained criminal casework cases</p> <p>Mother and baby cases</p>	<p>This page tells you how to refer a criminal casework family returns case to the prison operations and removals team (PORT).</p> <p>In criminal casework cases, if one or more of the family members are detained, criminal casework PORT will coordinate the family return conference and family departure meeting with the ICE team.</p> <p>Cases must be referred to the PORT diary desk, using the PORT referral form (ICD.4448/ICD.4448A). This must be fully completed with all the relevant information before the referral is made. The referral form must be accompanied by a fully completed family welfare form.</p>	<p>External links</p> <p>Links to staff intranet removed</p>
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Managing the return of families with children

Mother and baby cases

About this guidance	<p>This page tells criminal casework caseworkers the process for returning female foreign national offenders (FNOs) who have babies and are classed as mother and baby cases.</p>	Related links
Underlying principles of the process	<p>A female FNO who is pregnant or has a child under 18 months old can apply to serve her sentence in a mother and baby unit. If at the end of that sentence, the child is still with the FNO, return must be considered under the four stages of this process. Every effort must be made to make sure removal takes place before the end of sentence.</p>	Stage three – ensured return
Definitions	<p>There may be some cases where removal is imminent and detaining the FNO is still appropriate. This may include cases where the timing of flights means it is not possible to arrange return before the end of sentence, but the return is planned to take place very soon afterwards, and the FNO has no address to be released to. These cases may need to be referred to the family returns panel and returned under ensured return options, as the mother and baby may need to be accommodated in open accommodation, pre-departure accommodation, or exceptionally Cedars or Tinsley House, Gatwick Airport, before return. If the mother is a single parent, Immigration Enforcement cannot separate the mother and baby for detention purposes.</p>	The family returns panel
Overview of the family returns process	<p>There may be cases when a mother and baby are being returned during the early removal scheme (ERS) period. If it is not possible for the mother and baby to get to the airport from the prison on the day of return, they may need to be temporarily placed in Cedars or Tinsley House on the night before their flight. This is because it is not appropriate to separate the mother and baby, and the mother cannot be moved to non-detained accommodation during the ERS period, as she continues to be a serving prisoner and can only be released from prison for the purposes of removal.</p>	See also
Family returns in non-detained CC cases	<p>These cases do not need panel advice but must be included in management information provided by the family returns unit (FRU) to the panel on the use of Cedars or Tinsley House in order for the panel to maintain oversight. You must liaise with the FRU in good time before the proposed removal to make sure accommodation at Cedars or Tinsley House is suitable and available. The FRU need a copy of the family welfare form before the booking</p>	Links to staff intranet removed
Family returns in detained criminal casework cases		
The returns process		
Mother and baby cases		

is confirmed.

Official sensitive – do not disclose – start of section

The information in this page has been removed as it is restricted for internal Home Office use only.

Official sensitive – do not disclose – end of section

For more information on handling young offenders (FNOs who are under 18 years of age) see related link.

Managing the return of families with children

Contact

<p>About this guidance</p> <p>Family returns in non-detained CC cases</p> <p>Family returns in detained criminal casework cases</p> <p>Mother and baby cases</p>	<p>This page explains who to contact for more help with a specific case on the family return process for criminal casework cases.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email criminal casework operational process and policy (CCOPP) using related link: Email Criminality Guidance Queries team.</p> <p>Changes to this guidance can only be made by the guidance rules and forms team (GRaFT). If you think the policy content needs amending, you must contact CPG, who will ask the GRaFT to update the guidance, if appropriate.</p> <p>The GRaFT 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: guidance rules and forms team</p>	<p>Related links</p> <p>Changes to this guidance</p> <p>Information owner</p> <p>External links</p> <p>Links to staff intranet removed</p>
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Managing the return of families with children

Information owner

[About this guidance](#)

[Family returns in non-detained CC cases](#)

[Family returns in detained criminal casework cases](#)

[Mother and baby cases](#)

This page tells you about this version of the managing the return of families with children guidance and who owns it.

Version	8.0
Valid from date	13 November 2014
Policy owner	Official – sensitive: information removed
Cleared by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
Clearance date	4 October 2011
This version approved for publication by	Official – sensitive: information removed
Approver's role	Official – sensitive: information removed
Approval date	13 November 2014

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The GRaFT 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: guidance rules and forms team

Related links

[Changes to this guidance](#)

[Contact](#)

External links

Links to staff intranet removed