



Home Office

Criminal casework

Bail applications: action after a bail hearing or decision

This guidance is based on agreed working practices across different agencies

Bail applications: action after a bail hearing or decision

About this guidance

[Bail hearings with immigration judges](#)
[Bail decisions by a CIO or the Secretary of State](#)
[Transferring cases to the non-detained teams in Liverpool](#)
[Ending bail](#)
[Restriction orders](#)

This guidance explains the necessary actions criminal casework case owners must take after a bail hearing or decision.

This guidance covers:

- bail hearings with immigration judges
- bail decisions by a chief immigration officer (CIO) or Secretary of State
- releases to section 4 accommodation
- restriction orders.

It includes:

- action needed when bail is granted or refused
- transferring cases to the non-detained teams in Liverpool
- bail renewal or variation
- ending bail.

For information on the action needed when dealing with a bail application, see related link: [Bail applications: action before and during a bail hearing or decision](#)

For further guidance relating to bail, see chapter 57 of the enforcement instructions and guidance (EIG) in the related link: [57 Bail](#).

There are differences in bail procedures for Scotland and there can be cross-border issues. More information about these can be found in annex 7 of 'bail guidance for immigration judges', see related links.

It is essential you:

- follow the guidance

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Links to staff intranet removed

- always contact offender managers when necessary, and
- fully take into account multi-agency public protection arrangements (MAPPA) cases.

If you do not follow the guidance correctly, particularly when bail is granted, you put the public, the Home Office's corporate partners and staff at risk.

There is additional separate guidance which covers section 4 accommodation. You must refer to that guidance when you deal with bail applications for offenders who may be eligible. For more information, see related links.

For a full list of letters to use when you process a bail application and make a decision see related links.

Changes to this guidance – This page tells you what has changed since previous version of this guidance.

Contact – This page tells you who to contact for help with a specific case 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.

Bail applications: action after a bail hearing or decision

Changes to this guidance

[Bail hearings with immigration judges](#)
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This page lists the changes to the 'Bail applications: action after a bail hearing or decision' guidance, with the most recent at the top.

Date of the change	Details of the change
20 October 2014	Change request <ul style="list-style-type: none">• The outcome of bail hearings:<ul style="list-style-type: none">○ Page amended
25 March 2014	Six month review by the modernised guidance team: <ul style="list-style-type: none">• The outcome of bail hearings: the bail hotline:<ul style="list-style-type: none">○ second paragraph, last sentence deleted.○ fourth paragraph, last sentence deleted.• Cases where bail in principle is granted:<ul style="list-style-type: none">○ last sentence on the page is new content• Minor housekeeping and plain English changes throughout.
18 March 2013	Modernised by the CC process team

Related links

[The outcome of bail hearings](#)

See also

[Contact](#)

[Information owner](#)

Bail applications: action after a bail hearing or decision

Bail hearings with immigration judges

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This section tells criminal casework (CC) case owners what actions to take if cases involve bail hearings with immigration judges.</p> <p>For more information, see in this section links on the right.</p>	<p>In this section The outcome of bail hearings Cases where immigration judge bail is refused Cases where immigration judge bail is granted Cases where bail in principle is granted Bail renewal or variation before an immigration judge</p>
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Bail applications: action after a bail hearing or decision

The outcome of bail hearings

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page tells criminal casework (CC) case owners how they will be notified about the outcome of a bail hearing and what action to take.</p> <p>Presenting officers (POs) notify CC when a bail application is granted or refused. This will be done as soon as possible in all cases but must be done within 24 hours of receiving the outcome in criminal casework cases. For further information on how this will be done see the link on the right: Bail outcomes.</p> <p>As soon as you are informed that bail has been granted you must inform the offender manager. You must make sure you speak immediately to the offender manager in person. It is not enough to leave a message for them on an answering machine. If you cannot get through you must contact the relevant NOMS single point of contact (SPOC) (see related links).</p> <p>Once you have made contact by telephone you must send a follow up email and you must record these actions in CID notes including details of who in NOMS you spoke to and when. Failing to notify the offender manager of release could result in a dangerous offender being allowed into the community unsupervised.</p> <p>POs will advise you of the bail hearing and the conditions of bail granted. They will update the bail hearings section of CID with the outcome of the hearing and they will fax the grant, continuation or variation of bail document to you (form IAC128/IAT128/IAT121). You must continue to deal with these as normal.</p>	<p>Related links See also Cases where immigration judge bail is refused Cases where immigration judge bail is granted Cases where bail in principle is granted Bail renewal or variation before an immigration judge NOMS single point of contact (SPOC) list Links to staff intranet removed</p>
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Bail applications: action after a bail hearing or decision

Cases where immigration judge bail is refused

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page tells you what action criminal casework (CC) case owners must take on cases where bail has been refused by an immigration judge.</p> <p>Where bail is refused you must:</p> <ul style="list-style-type: none">• advise the offender manager and the relevant National Offender Management Services (NOMS) single point of contact (SPOC) of the outcome of the bail hearing• complete the restrictions screen on the case information database (CID)• record the immigration judge's comments, and• enter a calendar event for the next detention review. <p>Notifying the offender manager If bail is refused you must notify the offender manager immediately by phone, ideally on the day of the bail hearing but no later than the day after the bail hearing in all cases.</p> <p>You must fax a copy of the full adjudication to the offender manager within this timescale and notify the relevant NOMS SPOC, in writing, by email or fax.</p> <p>Updating CID with the bail outcome You must update the restrictions screen on CID with details of the outcome of the bail hearing.</p> <p>Recording the immigration judge's comments If the immigration judge makes comments, you must record these in CID notes.</p> <p>Setting a diary action for the next detention review If bail is refused you must set up a diary event in the CID calendar events for the next detention review. You must take into account the immigration judge's comments about the possibility of bail being granted in future and any actions necessary arising out of these. Full information on detention reviews can be found at related link: Detention reviews (adults).</p>	<p>Related links See also The outcome of bail hearings Cases where immigration judge bail is granted Cases where bail in principle is granted Bail renewal or variation before an immigration judge</p> <p>Links to staff intranet removed</p>
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For a screenshot and full instructions of how to update CID, see related links.

Bail applications: action after a bail hearing or decision

Cases where immigration judge bail is granted

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page tells criminal casework (CC) case owners what action to take on cases where bail has been granted by an immigration judge (IJ).</p> <p>Where bail is granted, the period is decided by the IJ (usually three months) and conditions are imposed as the judge thinks appropriate. Bail can be granted under paragraph 22(1A) or paragraph 29, schedule 2 of the Immigration Act 1971 and the IJ determines the type of bail in each case.</p> <p>If bail is granted by an IJ under paragraph 22(1A), schedule 2, Immigration Act 1971 (as amended by the Asylum and Immigration Act 1996) (generally because there is no appeal pending), this will normally be to appear before a chief immigration officer (CIO).</p> <p>If bail is granted under paragraph 29 (generally where a deportation appeal is outstanding) this will be to appear before the tribunal at the appeal. The period for bail and the type of bail are granted at the discretion of the IJ.</p> <p>Where bail is granted, you must make sure that bail conditions are put in place and monitored and that appropriate action is taken when bail is to be renewed. Action which relates to subsequent bail renewal must follow the directions of the IJ.</p> <p>For example where an offender has been bailed to appear before an immigration officer (IO) it would be for an IO within the immigration compliance and engagement (ICE) team to make any decision to renew or vary bail.</p> <p>In cases where the Immigration and Asylum Chamber (IAC) grants bail, the IJ's clerk will complete the relevant IAC forms. You must complete the following documents as appropriate:</p> <ul style="list-style-type: none">• IS100 – certificate of bail• IS106 – release order – this can be signed by an HEO or CIO level or above• ICD 343 (notice of restriction) or the DO4(EM) (notice of restriction with electronic	<p>Related links See also The outcome of bail hearings Cases where immigration judge bail is refused Cases where bail in principle is granted Bail renewal or variation before an immigration judge Links to staff intranet removed</p>
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monitoring)

- ICD377 – letter to the reporting centre or police station.

For full instructions on the additional actions which must be carried out as part of the process for transferring a case to CC teams in Liverpool see link on left: Transferring case to the non-detained teams in Liverpool.

Notifying the offender manager

Where bail is granted you must notify the offender manager of the result of the bail hearing immediately by phone on the day of the hearing.

You must speak to the offender manager in person, do not leave a message for the offender manager on an answering machine.

If you cannot reach the offender manager you must contact the relevant National Offender Management Services (NOMS) single point of contact (SPOC).

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

Once you have made telephone contact with the offender manager you must send a follow up email and record these actions fully in CID notes and include details of who you spoke to in NOMS. You must fax a copy of the grant document (IAC128 or similar) to the offender manager on the day of the hearing or the following day.

You must also send a notification of the outcome of the bail hearing in writing, by email or fax to the relevant NOMS SPOC. This is essential to make sure the offender manager is able to set up appropriate arrangements to supervise release from detention (this includes multi-agency public protection arrangements (MAPPA) arrangements where applicable) and to make sure contact between the offender manager and the victim support officer to safeguard the victim takes place.

Release to NOMS approved premises

Where release is agreed by the Tribunal there are a small number of cases where NOMS offender managers assess that the FNO should initially be supervised in the community while resident in approved premises (previously known as probation hostels).

Places in approved premises are limited. Even when a place has been agreed in principle, by the approved premises, there may be a waiting list with places coming up only when an existing resident leaves.

If an offender manager secures an approved premises placement in principle but there is no vacancy, and so release cannot take place, you must immediately refer these cases to the assistant director who will escalate the case with the relevant NOMS Probation Trust so every effort can be made to obtain the accommodation quickly.

Where NOMS cannot identify a suitable release address within three working days, the CC case owner must refer the case back to the Tribunal through the presenting officers unit and inform the judge that accommodation in approved premises cannot be secured. The judge can then review the situation and decide whether detention should be continued on a lawful basis.

At the same time you must try to secure alternative accommodation in case release is ordered and no space can be found in the approved premises.

Options to consider include:

- section 4 accommodation (depending on eligibility), or
- whether the offender can provide a suitable release address.

Where the court has ordered release, continued detention would be unlawful despite the lack of approved premises to release to. In these cases you must immediately alert the operational assistant director to make a release referral to the strategic director and the AD should inform NOMS that imminent release has been ordered and continued detention by the Home Office is now unlawful.

Updating CID with the bail outcome

You must update the restrictions screen on CID with details of the outcome of the bail hearing.

Recording the immigration judge's comments

Where there are comments made by the immigration judge you must record these in CID notes.

Setting up electronic monitoring

Electronic monitoring by tagging can be set as a bail condition. Where this is set the enhanced address checks verification process must be followed. For details of this, see related link: Enhanced address checks for electronic monitoring – release under IAC bail.

Further information about contact management can be found at related link: Non-detained cases, contact management and absconder cases.

Setting up bail reporting, calendar events and bail renewal

The presenting officers unit will fax details of the bail outcome to the relevant immigration, compliance and engagement (ICE) team and update CID with details of reporting arrangements, this includes setting recurring reporting events.

You must set an initial calendar event to check the first reporting event and request the relevant reporting centre to set up future events for reporting. Contact management will check reporting is taking place (and monitor for bail renewal).

Making changes to bail conditions

Where there are changes to existing IAC bail conditions the offender may need to appear before a judge for a variation of bail conditions. For example, if a subject wishes to live at a different address from the specified address which is in the original bail conditions.

For more information, see related link: Bail renewal or variation before an immigration judge.

Breaches of bail conditions

	<p>All actions which relate to breaches of bail conditions can be found in the related link: Non-detained cases, contact management and absconder cases.</p> <p>For a screenshot and full instructions of how to update CID see related links.</p>	
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Bail applications: action after a bail hearing or decision

Enhanced address checks for electronic monitoring - release under IAC bail

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page tells criminal casework (CC) case owners what address checks must be carried out when offenders are released on Immigration and Asylum Chamber (IAC) bail and are subject to electronic monitoring.</p> <p>Release under IAC bail Firstly you must establish whether the bail address is Home Office section 4 accommodation or a private address.</p> <p>Private accommodation Where the foreign national offender (FNO) is going to be released to private accommodation you must establish whether the homeowner or occupant of the private address is one of the sureties.</p> <p>If the homeowner or occupant is one of the sureties you must:</p> <ul style="list-style-type: none">• Check whether the building is suitable for tagging to be set up.• Get the homeowner or landlord's permission to install electronic monitoring equipment.• Request a pre-installation visit by the electronic monitoring contactors at the private address to confirm whether if the location is suitable for electronic monitoring (using form IS.242 - EM2a). <p>Where the address is confirmed as suitable you can go ahead with the release and arrange tag induction within 24 hours.</p> <p>If the homeowner or occupant is not one of the sureties you must:</p> <ul style="list-style-type: none">• Get the name and contact details of the homeowner or occupant through either the detainee, their representatives or the surety• Contact the named homeowner or occupant and complete the following checklist:<ul style="list-style-type: none">○ confirm their relationship to the detainee	<p>Links to staff intranet removed</p>
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- confirm their full address
- gauge their willingness to open their home to the detainee
- gauge their willingness to have electronic monitoring equipment installed
- ask if the detainee is able to stay with them for as long as necessary.

At this stage you must assess whether the homeowner or occupant supports the address being acceptable for these purposes.

Where the address is considered acceptable, you must:

- Check whether the building is suitable for tagging to be set up.
- Request a pre-installation visit by the electronic monitoring contactors on the private address to confirm whether the location is suitable for electronic monitoring (using form IS.242 - EM2a).

Where the address is confirmed suitable, you can go ahead with release and arrange tag induction within 24 hours.

Home Office accommodation

If the release address is Home Office accommodation you must contact the relevant accommodation provider to confirm the detainee’s accommodation booking.

When a booking is confirmed, you must proceed with release and arrange the tag induction within 24 hours.

Where a booking is not confirmed, section 4 accommodation must be considered in line with the instructions below.

Section 4 accommodation

If an offender cannot provide an address you must consider section 4 accommodation see related link: [Considering cases for section 4 bail accommodation.](#)

Where section 4 accommodation is granted you must contact the relevant accommodation provider to confirm the detainee’s accommodation booking. Then you must proceed with

	<p>release and arrange the tag induction within 24 hours.</p> <p>Where a booking cannot be confirmed you must contact the CC section 4 support coordinator and begin the process again until an address is confirmed.</p> <p>In cases where section 4 accommodation cannot be obtained you will need to consider whether release is still appropriate and discuss the case with a senior caseworker.</p>	
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Bail applications: action after a bail hearing or decision

Cases where bail in principle is granted

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page tells criminal casework (CC) case owners what action to take in cases where bail in principle has been granted by an immigration judge.</p> <p>In certain circumstances an immigration judge may grant bail in principle.</p> <p>Where the bail application has been correctly prepared in advance and the judge has the relevant information, you can usually reach a decision on most bail applications on a single occasion.</p> <p>Bail granted with conditions Having assessed the relevant risks, if the judge decides bail should be granted and the conditions can be ascertained immediately, the applicant can be released without delay.</p> <p>Bail granted in principle However, there may be times where, although an immigration judge can fully assess the risks and decide that bail can be granted in principle, the applicant cannot be released immediately because information is missing to complete the conditions imposed.</p> <p>It is undesirable that bail should be refused in these circumstances or that hearing time is spent on repeat applications on the same point. In such cases (described above) you can grant bail in principle and detain the applicant until the information is provided to the judge's satisfaction. The applicant can then be released.</p> <p>If bail is granted in principle, the judge must record the reasons for this and the information needed to make the decision absolute in the bail file so you can understand what arrangements must be in place before the applicant is released.</p> <p>Bail granted but documents unavailable If an immigration judge would grant bail and order release but a relevant document is not available, they may grant bail in principle and order that release be delayed for 48 hours for</p>	<p>Related links See also The outcome of bail hearings</p> <p>Cases where immigration judge bail is refused</p> <p>Cases where immigration judge bail is granted</p> <p>Bail renewal or variation before an immigration judge</p> <p>Links to staff intranet removed</p>
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the document to be produced.

If the document is produced to the tribunal within 48 hours, and is satisfactory, the order for release can be finished without a further hearing. The grant of bail can be signed by the same or by a different judge.

If the information required is not provided within the set period, or is not satisfactory, bail will be treated as having been refused and the applicant will have to make a fresh bail application.

If the information becomes available later, the FNO must make a fresh application for bail. In such circumstances the new information being provided will be treated as a change of circumstances because there will be fresh evidence to examine.

Risk factors

Bail in principle should only be granted where all risk factors can, and have been, considered but where the mechanics of release cannot be met immediately. If an immigration judge is unable to consider all risk factors relevant to a bail application, then bail should be refused.

Section 4 accommodation

Agreements are in place to cover common situations about the conditions that need to be met for release. These relate to cases where an offender needs to be provided with section 4 accommodation or where electronic monitoring (tagging) needs to be arranged. In such circumstances it is not necessary for a further bail hearing to confirm the conditions on which bail is granted.

For further information where section 4 accommodation may be appropriate see related link: [Considering cases for section 4 bail accommodation.](#)

Electronic monitoring and change in bail conditions

Where electronic monitoring is agreed, the offender can be kept in detention while this is being set up as long as this period does not exceed two working days.

	<p>If tagging is not set up within this time the offender should be released on reporting restrictions. Further information about electronic monitoring (tagging) being set up can be found at related links:</p> <ul style="list-style-type: none">• Non-detained, contact management and absconder cases• Electronic monitoring guidance. <p>If, before the applicant is released, there is a request to vary the conditions imposed (for example a change of place of reporting), this will usually be dealt with without a hearing, by either the same judge who granted bail in principle or a different judge.</p> <p>In this situation the immigration judge who considers the application may question the applicant and immigration authorities, as appropriate, to see if the proposed variation is opposed. If it is not opposed, release can be ordered, subject to the variation, without a further hearing.</p> <p>Information about varying and renewing conditions before an immigration judge following release can be found at the link on the right.</p>	
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Bail applications: action after a bail hearing or decision

Bail renewal or variation before an immigration judge

[Bail hearings with immigration judges](#)
[Bail decisions by a CIO or the Secretary of State](#)
[Transferring cases to the non-detained teams in Liverpool](#)
[Ending bail](#)
[Restriction orders](#)

This page tells criminal casework (CC) case owners what action to take on requests for bail renewal or variation.

Bail renewal

A diary event reminder on CID will give you notice that bail renewal before an immigration judge is due. The presenting officer (PO) may contact you for further information, although in cases where CID indicates the bail conditions are being complied with the PO may decide not to contact you.

When a bail renewal is due you must pay particular attention to any remarks made by the immigration judge at the previous hearing.

You must advise the PO of any new information which was not available at the previous hearing, particularly where there are any additional factors indicating bail should be opposed. Examples include where bail conditions have been broken or a travel document has become available. In these cases a full bail summary is required.

You must request removal of the electronic monitoring where the offender is on electronic monitoring conditions, but is not:

- a recovered absconder
- regarded as a high harm offender or
- a multi-agency public protection arrangements (MAPPA) case.

It is not possible to re-detain an applicant at the hearing itself if this is proposed. The bail summary must ask for the FNO to report to an immigration officer on a specified date and time so that they can be re-detained.

You can find further instructions on re-detention in the related link: Non-detained, contact management and absconder cases.

Related links

See also

[The outcome of bail hearings](#)

[Cases where immigration judge bail is refused](#)

[Cases where immigration judge bail is granted](#)

[Cases where bail in principle is granted](#)

Links to staff intranet removed

When the outcome of the bail renewal hearing is known, the PO will notify you of the result and they must update CID in line with this. For details on what action to take see the section on setting up bail reporting, calendar events and bail renewal in the related link: Cases where immigration judge bail is granted.

Variations of bail restrictions

You may need to issue an ICD0349 (notice of variation of restrictions) and the appropriate version of a DO5 where reporting restrictions have been changed.

If you, or the foreign national offender (FNO), ask for bail conditions to be varied, you must send the request to the Immigration and Asylum Chamber (IAC) through the presenting officers unit (POU) administration team with a letter which explains the reasons for the bail variation and confirms whether the offender has agreed to the changes and asking for the IAC's agreement.

The IAC will then decide if a variation hearing is necessary or if a decision can be taken on the basis of the paperwork alone. You must not issue the variation of bail conditions until the judge has agreed to the proposed changes in the bail conditions.

Once any requested changes have been agreed you can issue the variation form (ICD0349) to the offender and send a copy to their representative where appropriate. You must update CID.

Where an offender is reporting to a non-Home Office staffed police station, you must issue a notice of restriction (ICD0377) to the police to make them aware of the new arrangements.

Bail applications: action after a bail hearing or decision

Bail decisions by a CIO or the Secretary of State

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This section tells criminal casework (CC) case owners what action to take with cases that involve bail decisions by a chief immigration officer (CIO) or the Secretary of State.</p> <p>When a CIO or the Secretary of State receive a bail application you must inform the National Offender Management Services (NOMS) offender manager that the application has been made so that they have time to prepare for any possible release from detention.</p> <p>For more information, see related links.</p>	<p>In this section Cases where CIO or Secretary of State bail is refused</p> <p>Cases where CIO or Secretary of State bail is granted</p> <p>Links to staff intranet removed</p>
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Bail applications: action after a bail hearing or decision

Cases where CIO or Secretary of State bail is refused

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page tells criminal casework (CC) case owners what action to take where bail has been refused by a chief immigration officer (CIO) or the Secretary of State.</p> <p>Where the CIO or Secretary of State decides bail is refused you must update CID and notify the offender of the decision.</p> <p>Action on CID You must update the restriction screen on CID to show that bail has been refused. For a screenshot and instructions on how to do this, see related links.</p> <p>Notifying the offender of the decision to refuse bail Where the CIO or Secretary of State refuses to grant bail, the offender can be advised of this in person or in writing. When the decision is confirmed in writing you must:</p> <ul style="list-style-type: none">• Give a brief explanation, which:<ul style="list-style-type: none">○ includes the reasons for refusing bail and○ addresses each specific reason that bail has been applied for.• Include advice to the offender that they may apply for bail to an immigration judge. <p>In most CC cases it will appropriate to provide a written decision.</p> <p>Setting a diary action on CID for the next detention review Where bail is refused you must set up a diary action, in the calendar events on CID, for the next detention review. Full information on detention reviews can be found in related link: Detention reviews (adults).</p>	<p>Related links See also Cases where CIO or Secretary of State bail is granted Renewal or variation of CIO or Secretary of State bail</p> <p>Links to staff intranet removed</p>
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Bail applications: action after a bail hearing or decision

Cases where CIO or Secretary of State bail is granted

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page tells criminal casework (CC) case owners what action to take where bail has been granted by a chief immigration officer (CIO) or the Secretary of State.</p> <p>Where bail is granted, the Assistant Director sets out the period of bail and any conditions to be set which must be in line with any licence conditions that are in place. A specific time and a place for the end of the bail period must be set, as without this it can be difficult to obtain sureties where appropriate.</p> <p>You must:</p> <ul style="list-style-type: none">• Make sure that surety and recognisance arrangements are in place.• Obtain a signed IS99 and complete the certificate of bail (form IS100).• Issue a release order (IS106) – this can be signed by a higher executive officer (HEO) or CIO or above.• Notify the offender manager.• Update CID with the bail conditions.• Set up electronic monitoring (where applicable) and issue a DO4(EM).• Set up bail reporting, calendar events and bail renewal on CID and notify the reporting centre or police station of restrictions (using ICD0377) and sending a copy of the notice of restriction (ICD0343).• Notify the offender of the decision and any restrictions set by issuing an ICD0343.• Notify the detainee escorting and population management unit (DEPMU) or the prison about the release from detention or prison and send them a copy of the IS100. <p>Where bail is granted to a high risk or multi-agency public protection arrangements (MAPPA) offender, these cases need special handling and the offender manager must be informed of the decision to release immediately.</p> <p>In these cases where release is agreed after 12pm, detention must be maintained until the next morning, unless suitable accommodation has been found and full liaison with the</p>	<p>Related links</p> <p>See also</p> <p>Cases where CIO or Secretary of State bail is refused</p> <p>Renewal or variation of CIO or Secretary of State bail</p> <p>Links to staff intranet removed</p>
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offender manager has taken place.

Notifying the offender manager

Where bail is granted you must discuss the offender's release date with the offender manager to make sure they have enough time to set up any supervision requirements (including MAPPA arrangements where applicable) and contact the victim support officer.

You must notify the offender manager by phone in advance of the release date and you make sure you speak to them in person. Do not leave a message for the offender manager on an answering machine.

If the offender manager cannot be contacted you must contact the relevant National Offender Management Services (NOMS) single point of contact (SPOC).

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

You must follow the offender manager notification telephone call up by email and copy to the relevant NOMS SPOC. You must record these actions in CID notes and include details of who was spoken to in NOMS and when telephone contact was made.

Details of how to contact the NOMS SPOC can be found on download: NOMS single point of contact (SPOC) list.

Updating CID with the bail conditions

You must update the restrictions screen in CID with the bail outcome. For a screenshot and full instructions on how to do this, see related links.

Setting up electronic monitoring (where applicable)

Electronic monitoring by tagging can be set as a bail condition. Where this is set you must follow the enhanced address checks verification process. Details of these can be found in

the related link: Enhanced address checks – release under CIO bail or a restriction order.

Further information about contact management can be found at related link: Non-detained, contact management and absconder cases.

Setting up bail reporting, calendar events and bail renewal

You must update CID with details of reporting arrangements and set recurring reporting events. You must set calendar events to check reporting is taking place and for bail renewal. For details of how to update CID for these actions and screenshots, see related links.

Notifying the offender of the decision

You must complete form IS99 with details of the applicant’s bail conditions and fax it to the relevant prison or detention centre with a copy of the certificate of bail (IS100). The offender must sign the IS99 to confirm that they accept the bail conditions before they can be released.

Notifying the detainee escorting and population management unit (DEPMU) or prison authorities

Once the offender accepts bail conditions you can arrange release from custody with DEPMU or the prison. To do this you must send a copy of the certificate of bail form (IS100) to the detaining authority and request release.

Notifying the police

Where an offender will be reporting to a non Home Office staffed police station you must issue a notice of restriction (ICD0377) to the police to make them aware of the reporting arrangements.

Bail applications: action after a bail hearing or decision

Renewal or variation of CIO or Secretary of State bail

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page tells criminal casework (CC) case owners about renewal or variation of chief immigration officer (CIO) or Secretary of State bail and what action is necessary.</p> <p>It is the CC case owner's responsibility to deal with CIO bail renewal and variation, this includes issuing relevant paperwork.</p> <p>Reviewing bail</p> <p>You will receive a CID diary event notification that a review of CIO or Secretary of State bail is due. The review must start no later than two weeks before the bail renewal date so that bail can be reviewed with enough time.</p> <p>You must prepare a short note for the team leader which reviews:</p> <ul style="list-style-type: none">• current progress towards deportation• compliance with bail conditions, and• any issues raised when bail was granted. <p>You must consider removing the electronic monitoring condition where the offender is on electronic monitoring conditions, but is not:</p> <ul style="list-style-type: none">• a recovered absconder• regarded as a high harm offender, or• a multi-agency public protection arrangements (MAPPA) case. <p>When any variations are made to electronic monitoring you must issue the relevant DO5.</p> <p>Renewing bail</p> <p>Where bail is renewed, it must be authorised on form IS100B and issued to the offender.</p> <p>You must update CID to note the new bail renewal date and a new diary event must be set for this.</p>	<p>Related links</p> <p>See also</p> <p>Cases where CIO or Secretary of State bail is refused</p> <p>Cases where CIO or Secretary of State bail is granted</p> <p>Links to staff intranet removed</p>
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You must notify the reporting centre (or police station) of all changes to reporting and issue copies of the DO5 and IS100B.

For more information, see the setting up bail reporting, calendar events and bail renewal section in the related link: Cases where CIO or Secretary of State bail is granted.

Varying bail conditions

Offenders on CIO or Secretary of State bail can apply to have their bail conditions varied. This can include requests for:

- permission to live at a different address
- changes to reporting conditions, or
- changes to electronic monitoring.

Where a request to vary conditions is considered you must check that any requested changes do not contradict any licence or MAPPA conditions in place.

All requests must be notified to offender managers and any comments they make must be taken into account when the decision regarding whether to vary the conditions or not is made.

You must also contact sureties to confirm that they will sign the revised bail conditions. You must issue a short letter of explanation with a revised bail conditions form (IS99) which the surety needs to sign and return to CC. Once the new conditions have been agreed you must send a variation of bail form (ICD0349) to the offender and their representative, where appropriate, and update CID.

Where an offender is reporting to a non-immigration staffed police station you must issue a notice of variation of restriction (ICD0349) with an ICD0377 to the police to make them aware of the new arrangements.

If CIO or Secretary of State bail is varied you must notify all interested parties including:

- the offender manager
- the reporting centre
- the contact management team in Liverpool) and,
- seek the agreement of the offender to the new varied conditions.

Where a change of address is agreed which results in a change of reporting centre you must:

- Contact the old reporting centre and advise them that the offender will no longer be reporting to them.
- Use form ICD0833 and advise the new centre of the new arrangements using form ICD0377.
- Update CID to reflect this change and set a diary action must to make sure that the offender is complying with the new arrangements.

For more information, see related link: Cases where CIO or Secretary of State bail is granted.

Bail not renewed

If bail is not renewed it will normally be ended at the next reporting event at the immigration reporting centre. If the offender is reporting to a police station you must ask them to report to an immigration officer at an immigration reporting centre to end bail and be detained or re-detained.

For all action on re-detention, see related link: Non-detained, contact management, and absconder cases.

Bail applications: action after a bail hearing or decision

Offenders released to section 4 accommodation

This page tells criminal casework (CC) case owners what to do when they deal with an offender who is granted release to live in section 4 accommodation on immigration judge, chief immigration officer or Secretary of State bail.

Where an offender is granted bail to live in accommodation provided under section 4(1)(c) of the Immigration and Asylum Act 1999, arrangements need to be put in place for their arrival at their new address.

Where bail is granted in these circumstances you must immediately notify the section 4 accommodation team in Croydon by telephone on the number below and record this in CID notes.

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

You must provide an expected time of release and, where possible, any contact details of the offender. The section 4 bail team will then notify the accommodation provider.

Links to staff intranet removed

Bail applications: action after a bail hearing or decision

Transferring cases to the non-detained teams in Liverpool

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page tells criminal casework (CC) case owners what action to take before they transfer a case to the non-detained teams in Liverpool when bail has been granted.</p> <p>Once bail is granted by an immigration judge, chief immigration officer or the Secretary of State, case management is transferred to CC's non-detained caseworking teams in Liverpool. Transferring an offender from detention to bail accommodation is a key event and there are a number of actions you must take before each case is transferred. You must:</p> <ul style="list-style-type: none">• Complete the initial deportation decision.• Contact the offender manager.• Check if multi-agency public protection arrangements (MAPPA) are applicable and taking appropriate action.• Check if the offender has moved into their bail address.• Check electronic monitoring has been set up (where applicable).• Check the offender has attended their first reporting event with immigration enforcement check the offender has attended their first reporting event with the offender manager.• Complete the standard referral process when transferring the case to CCD Liverpool. <p>Completing the initial deportation decision You must make sure the initial decision to deport the offender has been taken and properly recorded on CID before the case can be referred to the non-detained teams in Liverpool.</p> <p>Contacting the offender manager You must check the FNOs offender manager has been contacted and informed of the offender's release on bail. If accommodation in approved premises is necessary the offender manager may be able to offer advice which relates to this.</p> <p>If there is any doubt whether the offender manager has been contacted already, you must contact the offender manager to check they have been informed of the current situation and</p>	<p>Links to staff intranet removed</p>
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the contact must be recorded in CID notes.

Checking if MAPPA is applicable and taking appropriate action

You must check each case for MAPPA status. Where an individual is subject to MAPPA you must check:

- All relevant parties have been informed of release. This includes the:
 - offender manager (in all cases)
 - accommodation providers, and
 - electronic monitoring contractors (where applicable).
- The MAPPA status is correctly recorded on CID on the:
 - special conditions screen (where the status and MAPPA management level must be recorded), and
 - offender screen (where questions relating to the licence, offender manager and MAPPA must be answered).

Details and screenshots of how to do this can be found at related link: [Multi agency public protection arrangements \(MAPPA\)](#).

If any of the above actions have not been done you must do the checks urgently.

Checking the offender has moved into their bail address

You must check the offender has moved into their new address with the relevant accommodation provider and update CID notes to confirm this and the name and contact details of the individual who has told you this information.

Checking electronic monitoring has been set up (where applicable)

Where an offender is being tagged you must check with the electronic monitoring contractor to confirm that the tagging has taken place and this must be recorded in CID notes.

Checking the offender has attended their first reporting event with the Home Office

You must make sure offenders have attended their first immigration enforcement reporting event by contacting the reporting centre (or the police station where applicable) as soon as possible after the initial reporting event was scheduled to take place. You must record on

CID notes to confirm the offender has attended the reporting event.

Checking the offender has attended their first reporting event with the offender manager

You must make sure the offender has reported to the offender manager if they are required to do so.

When bail is granted you must contact the offender manager immediately to advise them of the outcome of the bail hearing. When you have made contact you must establish when the offender is due to report to their offender manager. Shortly after the offender was due to report you should contact the offender manager to establish whether the offender has reported and note the reply in CID notes.

Completing the standard referral process to Liverpool

Once all of the actions on this page have been completed you must transfer the case to Liverpool, see related link: Non-detained, contact management and absconder cases.

You must:

- Email a referral to the contact management (CM) team.
- Send the Home Office case file to Liverpool's workflow team (CCLW) to allocate. And
- Follow each of the steps in these processes or the case being rejected by CM and/or CCLW.

Cases where pre-transfer action cannot be confirmed

If you cannot confirm all the actions required have been completed before you transfer the case to the Liverpool non-detained teams, you must establish the reason why and take further action, as appropriate, depending on the individual circumstances of the case.

Where you are unsure about what to do you should discuss the case with your team leader or a senior caseworker.

Bail applications: action after a bail hearing or decision

Ending bail

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page tells criminal casework (CC) case owners what action to take when bail is ending for CC cases.</p> <p>Bail normally ends when:</p> <ul style="list-style-type: none">• an appeal is lost• a case is conceded by CC• a foreign national offender (FNO) is deported or removed from the UK, or• bail conditions are breached. <p>Bail may end at the bail renewal date, if the offender breaks one or more of their bail conditions or where there is a change of circumstances which requires bail to be revoked, for example to allow for deportation or removal.</p> <p>Cases where bail conditions have been breached For details of how to deal with cases where bail conditions have been breached, see related link: Non-detained cases, contact management and absconders.</p> <p>Re-detention Where it becomes necessary to re-detain an offender you must follow the processes in section 5 of the related link: Detention process instructions, and the related link Non-detained cases, contact management and absconders.</p> <p>Revoking bail conditions When an offender is granted bail under the 1971 Act by an immigration judge, CIO or the Secretary of State, the conditions are only met when the offender reports to an immigration officer (IO) at the end of the bail period.</p> <p>The only exception to this is where an offender is subject to deportation action and has an outstanding appeal. In these cases the offender is required to report to an immigration judge or the tribunal.</p>	<p>Links to staff intranet removed</p>
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Where it is decided to re-detain an offender who has been released on bail and, as a condition of bail, is reporting regularly to the police (normally because that person has become removable) this can be done using the same powers as those used in initial detention. These powers are contained in paragraph 16(2) of schedule 2 and paragraph 2(1)-(3) of schedule 3 to the Immigration Act 1971.

When the offender next reports to the police you must notify them in writing that the conditions of bail have been varied and they are required to report to an IO at that police station and on that date and re-detain them immediately. You must use the following wording:

‘You were granted bail by an immigration judge (or chief immigration officer or Secretary of State) and under paragraph 22 (1A) of schedule 2 to the Immigration Act 1971 (as amended by the Asylum and Immigration Act 1996) the conditions of your bail are hereby varied and you are required to report to an immigration officer at ... on ...’

It is not possible to ask a police officer to detain a person in these circumstances under paragraph 22 since bail is not ended until the person has reported to an IO. Where re-detention is needed in these cases you must follow the process in the related link: [Detention process instructions](#).

Continuing bail following a deportation appeal hearing

Bail granted under paragraph 29, schedule 2 of the Immigration Act 1971 (generally where there is a deportation appeal outstanding) will be granted to appear before the tribunal at the appeal. In all cases where the appeal against deportation is not successful immediate considerations must be given to whether re-detention is appropriate.

The immigration judge will have considered the issue of continuing bail at the deportation hearing and if further bail is granted this should normally be under paragraph 22(1A) which will allow for bail to be revoked and re-detention as detailed above.

However there must be an active review of bail in every case where a negative appeal decision has been served, with re-detention being actively considered based on the

circumstances of the individual case. This must not wait until the case becomes appeal rights exhausted but must be considered immediately the negative appeal decision is served.

Section 4 cases

Where bail finishes and the offender is living in section 4 accommodation you must contact the section 4 team in Liverpool as the offender may no longer satisfy the eligibility criteria for continued residence and their accommodation and support may need to be closed down accordingly. For more information on section 4 accommodation, see related links: Considering cases for section 4 accommodation.

Letters to be issued

When bail ends and reporting restrictions need to be cancelled you must issue form ICD0832 to the reporting centre or police station and an ICD0833 should be sent to the FNO.

Bail applications: action after a bail hearing or decision

Restriction orders

[Bail hearings with immigration judges](#)
[Bail decisions by a CIO or the Secretary of State](#)
[Transferring cases to the non-detained teams in Liverpool](#)
[Ending bail](#)
[Restriction orders](#)

This page tells you about restriction orders and what action criminal casework (CC) case owners must take in these cases.

What a restriction order is

A restriction order is normally issued when a decision to release a foreign national offender (FNO) is taken and the FNO has not applied for bail.

When a restriction order is granted

An FNO, who is the subject of deportation action, is liable to detention. Such a person may, as an alternative to detention, be granted release on restrictions. To allow the most effective use of the available detention space, this alternative must be used unless detention is clearly warranted.

A person subject to deportation action who is detained, or liable to detention, may be granted release on a restriction order under paragraph 2(5) of schedule 3 to the 1971 Act.

Requirements of a restriction order

The restriction order may require the person to reside at a particular address and report at regular intervals to the police or an immigration officer at a specified location, time and date. The person must be notified of any conditions attached to their grant of release, using ICD.0343.

You may grant release on restrictions to all those served with a notice of intention to deport, or against whom a deportation order is in force (and who are therefore liable to be detained), including European Economic Area (EEA) nationals or their family members. All restriction orders must be authorised by a senior caseworker.

It is not necessary to grant release on restrictions in all cases where a person is made subject to enforcement action. If there is no evidence to suggest that the person will not keep in contact with CC whilst their case is considered, they can be left at liberty with no restrictions being imposed.

However, in cases where you decide to grant release on restrictions, immigration enforcement policy requires all such people to report at regular intervals to a police station or immigration reporting centre. This may, for example be on a weekly or monthly basis, depending on where the person has to report and what is deemed to be reasonable.

In family cases, only the head of the household needs to report.

Persons on restrictions should not be required to report to a police station if they could report to an immigration reporting centre instead. Where reporting to a police station is considered essential, the police station must be informed.

Failure to comply with a restriction order

A person who fails, without reasonable excuse, to comply with the terms attached to a restriction order commits an offence under section 24(1)(e) of the Immigration Act 1971 and is liable to prosecution. The decision on whether to charge a person or prosecute rests with the police or Crown Prosecution Service.

Bail applications: action after a bail hearing or decision

Contact

<p>Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders</p>	<p>This page explains who to contact for more help with a specific case regarding a bail application.</p> <p>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.</p> <p>If they cannot answer your question, they or you may email Criminology Policy Team, see related link: Email Criminology Policy Guidance Queries inbox.</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 should contact Criminology Policy Team, who will ask GRaFT to update the guidance, if appropriate.</p> <p>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 See also Changes to this guidance</p> <p>Information owner</p> <p>Links to staff intranet removed</p>
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Bail applications: action after a bail hearing or decision

Information owners

[Bail hearings with immigration judges](#)
[Bail decisions by a CIO or the Secretary of State](#)
[Transferring cases to the non-detained teams in Liverpool](#)
[Ending bail](#)
[Restriction orders](#)

This page tells you about this version of the 'Bail applications: action after a bail hearing or decision' guidance and who owns it.

Version	4.0
Valid from date	20 October 2014
Policy owner	Official – sensitive: information removed
Cleared by director	Official – sensitive: information removed
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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 should contact Criminality Policy Team using related link: Email Criminality Policy Guidance Queries inbox, who will ask GRaFT to update the guidance, if appropriate.

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

See also

[Changes to this guidance](#)

[Contact](#)

Links to staff intranet removed