



Home Office

Criminal casework

Managing foreign national offenders under 18 years old

Managing foreign national offenders under 18 years old

About this guidance

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This guidance tells you about the special arrangements that apply in Immigration Enforcement's management of foreign national offenders (FNOs) who are under the age of 18 years and liable to deportation.

Although FNOs who are under the age of 18 may be subject to deportation on the grounds of criminality in a similar way to FNOs aged over 18, they are children. This means they must be managed carefully through that process and in line with immigration enforcement's obligations under section 55 of the Borders, Citizenship and Immigration Act 2009. This relates to promoting and safeguarding of child welfare, for more information, see related links.

Whilst many child FNOs will have been convicted of less serious or moderate offences, there are a minority who have committed serious crimes which suggest they pose a significant risk to the community following their release from custody. Some may even be classified as multi-agency public protection arrangement (MAPPA) cases, which require close monitoring and management. For further information on this process, see related link: Multi agency public protection arrangements (MAPPA).

If you are a caseworker who manages the deportation of child FNOs in criminal casework you must consider each offender carefully on a case-by-case basis. If deportation is to go ahead, you must consider the process of handling and timing, which may be different from the process for adult FNO cases. Despite their conviction, their welfare must be taken care of up to and including the point of departure from the UK.

For the purposes of this guidance, FNOs who are under 18 are referred to as 'child FNOs' rather than 'young offenders'. This is to avoid any confusion with the definition of the latter term in Ministry of Justice contexts. The National Offender Management Service (NOMS) consider a 'young offender' to mean a prisoner under the age of 22, whereas immigration enforcement considers it to relate to under-18s. You must keep this distinction in mind, especially when you deal with the NOMS.

In this section
[Changes to this guidance](#)

[Contact](#)

[Information owner](#)

Related links
See also

Links to staff intranet removed

External links
[Borders, Citizenship & Immigration Act 2009](#)

	<p>You must use this guidance along with the following instructions, at the related links, which cover the wider issues around the deportation and detention of families which include:</p> <ul style="list-style-type: none">• Children and family FNO cases process instruction.• Chapter 45 Families and children.• Chapter 55, EIG for detention and temporary release <p>Changes to this guidance – tells you what has changed since previous versions of this guidance.</p> <p>Contact – this page explains who to contact for more help with a specific question on managing foreign national offenders under 18 years old.</p> <p>Information owner – tells you who the information owners are for the Managing foreign national offenders under 18 years old guidance and tells how the guidance can be updated.</p> <p>Safeguard and promote child welfare – explains your duty to safeguard and promote the welfare of children and tells you where to find out more.</p>	
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Managing foreign national offenders under 18 years old

Foreign national offenders under 18 years: Changes to this guidance

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page lists the changes to the managing foreign national offenders under 18 years old guidance, with the most recent at the top.</p> <table border="1"><thead><tr><th data-bbox="490 424 831 464">Date of the change</th><th data-bbox="831 424 1532 464">Details of the change</th></tr></thead><tbody><tr><td data-bbox="490 464 831 579">13 January 2016</td><td data-bbox="831 464 1532 579">Change request:<ul style="list-style-type: none">Minor amendments following the introduction of the 2014 Act</td></tr><tr><td data-bbox="490 579 831 764">04 November 2015</td><td data-bbox="831 579 1532 764">Change request:<ul style="list-style-type: none">amendments due to minors mothers and babies team being disbandedother minor changes</td></tr></tbody></table>	Date of the change	Details of the change	13 January 2016	Change request: <ul style="list-style-type: none">Minor amendments following the introduction of the 2014 Act	04 November 2015	Change request: <ul style="list-style-type: none">amendments due to minors mothers and babies team being disbandedother minor changes	<p>Related links See also Contact Information owner</p>
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Referral of under-18 FNOs from YJB to Immigration Enforcement

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This section tells you about the general procedure followed by staff in institutions of the Youth Justice Board (YJB) estate when they refer convicted criminals under the age of 18 years to Immigration enforcement's criminal casework to be considered for deportation action.</p> <p>Such action, if staff in YJB consider it appropriate, will not usually take effect until after the child FNO is aged 18 (For more information, see related link: Grants of interim leave to remain).</p> <p>Some of the referral process for child FNOs is the same as for adults, and so where relevant, to avoid duplication this guidance links to other process instructions, including:</p> <ul style="list-style-type: none">• Remainder of children and family cases• Deportation• Facilitated returns scheme• Early removal scheme• Enforcement instructions and guidance: family cases• Enforcement instructions and guidance: detention and temporary release• Asylum instructions	<p>In this section</p> <p>Protocol between Immigration Enforcement and the Youth Justice Board Identification of under-18 FNOs by the Youth Justice Board estate The CC2 (YJB) referral form The notification of release form Criminal casework and Youth Justice Board contacts Role of the minors, mothers and babies team</p> <p>Related links</p> <p>See also</p> <p>Grants of interim leave to remain</p>
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Protocol between Immigration Enforcement and the Youth Justice Board

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the protocol agreed between Immigration Enforcement and the Youth Justice Board (YJB) for referring child foreign national offenders (FNOs) to be considered for possible deportation or other enforcement action.</p> <p>Youth justice practitioners based at Young Offender Institutions (YOIs) and other secure establishments under the YJB estate must refer all foreign national children under 18 who have received a custodial sentence to immigration enforcement, to consider whether they should be deported, or failing that removed to their home country, where appropriate.</p> <p>As of 1 May 2013 all FNOs, regardless of sentence or age, are first referred to criminal casework (CC) by prisons and other penal establishments. CC then consider whether deportation is appropriate.</p> <p>Under-18s are not subject to automatic deportation provisions under the UK Borders Act 2007. But they can be recommended for deportation by a sentencing judge, or considered for deportation on grounds of being non-conducive to the public good, under the provisions of the Immigration Act 1971. Child FNOs who fall into either of the 1971 Act categories will be managed by decision makers in criminal casework's 'Operation Nexus' high-harm casework team, based in Liverpool. The dedicated 'minors, mothers and babies' team at Leeds has been disbanded and all child FNO casework should be sent to the Nexus team.</p> <p>Child FNOs who have not been court-recommended or meet the conducive criteria for deportation CC workflow must forward to the removals and compliance casework directorate (RCCD) who consider whether other enforcement action is appropriate.</p> <p>A protocol has been agreed between immigration enforcement and the YJB which aims to make sure that child FNO cases are identified quickly, so appropriate action(s) can be taken quickly and with the benefit of multi-agency planning. 'Appropriate action(s)' means:</p> <ul style="list-style-type: none">Youth justice practitioners supporting immigration enforcement in fulfilling their responsibility to manage the UK's borders, its levels of migration, and protection of the	<p>Related links</p> <p>See also</p> <p>Identification of under-18 FNOs by the Youth Justice Board estate</p> <p>The CC2 (YJB) referral form</p> <p>The notification of release form</p> <p>Criminal casework and Youth Justice Board contacts</p> <p>Role of the minors, mothers and babies team</p> <p>Downloads</p> <p>Links to staff intranet removed</p>
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	<p>public.</p> <ul style="list-style-type: none">• Immigration enforcement staff supporting the YJB in their role of safeguarding children. <p>The YJB shares immigration enforcement's aim of safeguarding and promoting child welfare in line with section 55 of the Borders, Citizenship and Immigration Act 2009.</p> <p>The key aims of the YJB are to make sure children are given support to:</p> <ul style="list-style-type: none">• be healthy• stay safe• enjoy and achieve• make a positive contribution• achieve legitimate economic well-being <p>For full details of the data sharing agreement between immigration enforcement and YJB, see related link: Data Sharing Agreement YJB and UKBA July 2012.</p>	
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Identification of under-18 FNOs by the Youth Justice Board estate

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the steps Youth Justice Board (YJB) staff take in its establishments to make sure child foreign national offenders (FNOs) are identified quickly and accurately so they can notify Immigration Enforcement.</p> <p>Staff must take steps to identify the nationality of an individual who is received at the Young Offender Institution (YOI) (or other appropriate YJB secure accommodation). The establishment must tell the YJB placement service at first reception of all individuals believed to fall into the following categories:</p> <ul style="list-style-type: none">• foreign nationals• dual nationals• those whose nationality is initially unclear, for example where either:<ul style="list-style-type: none">○ there is conflicting information○ the individual refuses to give their nationality (criminal casework will establish their immigration status when they receive a referral). <p>The YJB establishment must notify immigration enforcement when they receive an individual in one of the above categories who has been sentenced for a criminal offence. If the offender has not been sentenced at the time of reception the staff at the establishment will not take action until sentencing has taken place. Once a sentence has been imposed, the responsible officer at the receiving establishment must update the YJB placement unit, and then update Immigration Enforcement.</p>	<p>Related links</p> <p>See also</p> <p>Protocol between immigration enforcement and the Youth Justice Board The CC2 (YJB) referral form</p> <p>The notification of release form</p> <p>Criminal casework and Youth Justice Board contacts</p> <p>Role of the minors, mothers and babies team</p>
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The CC2 (YJB) referral form

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the standard referral form that a Youth Justice Board (YJB) institution must use to tell Immigration Enforcement’s criminal casework about a child foreign national offender (FNO).</p> <p>The standard form is known as a CC (YJB) referral form. For a blank copy, see related link. The form is a variation on the standard criminal casework referral form used by prisons in adult FNO cases. Once completed, a copy of this form is also sent by the establishment to the YJB placement service within 10 working days of sentencing.</p> <p>A CC (YJB) form must include details of the following:</p> <ul style="list-style-type: none">• the subject’s personal details• any identity documents held by the subject• the offence(s) committed by the subject• the court where the subject was sentenced• the length of the subject’s sentence• the subject’s earliest possible release date• any family members the subject claims to have in the UK	<p>Related links</p> <p>See also</p> <p>Protocol between Immigration Enforcement and the Youth Justice Board</p> <p>Identification of under-18 FNOs by the Youth Justice Board estate</p> <p>The notification of release form</p> <p>Criminal casework and Youth Justice Board contacts</p> <p>Role of the minors, mothers and babies team</p> <p>Downloads</p> <p>Links to staff intranet removed</p>
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The notification of release form

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the standard form a Youth Justice Board (YJB) institution must complete to formally notify immigration enforcement of the release of a child foreign national offender (FNO).</p> <p>As well as completing the CC (YJB) referral form (for more information, see related links), all receiving YJB institutions must complete a notification of release form for all child FNOs under their care. For a blank copy, see related download: YJB Notification of release form. This form advises the criminal casework of the actual release date of the individual. This makes sure when release dates are initially uncertain, criminal casework are informed of the final release date once known. As with the CC (YJB) form, a copy of this form is also sent by the YJB establishment to their placement service.</p> <p>To make sure child FNOs are not released without deportation being considered, immigration enforcement establishments must, where possible, notify criminal casework at least 20 weeks before the release date of the child using the notification of release form.</p> <p>It is recognised in some cases (usually those with short sentences and those due for imminent release) it may not be possible for the establishment to meet the 20 weeks deadline. In these cases, they must send a referral at the earliest possible stage, which will usually be at first reception.</p>	<p>Related links</p> <p>See also</p> <p>Protocol between Immigration Enforcement and the Youth Justice Board</p> <p>Identification of under-18 FNOs by the Youth Justice Board estate</p> <p>The CC (YJB) referral form</p> <p>Criminal casework and Youth Justice Board contacts</p> <p>Role of the minors, mothers and babies team</p> <p>Downloads</p> <p>Links to staff intranet removed</p>
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Criminal casework and Youth Justice Board contacts

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you how the Youth Justice Board (YJB) institution may contact immigration enforcement's criminal casework to refer child foreign national offender (FNO) cases and make queries, and who in the YJB institution criminal casework staff must contact about child FNO cases.</p> <p>Each YJB establishment usually nominate one person to act as a first point of contact for criminal casework. Criminal casework then provide details of the caseworker in cases where criteria for deportation are met and the case has been allocated for this to be considered. Where deportation is not appropriate and the case is transferred to an immigration compliance and engagement team (ICET), they must provide contact details as appropriate.</p> <p>Child FNO referrals from the YJB estate may be received by:</p> <div style="border: 2px solid red; padding: 5px;"><p style="text-align: center;">Official sensitive – start of section</p><p>The information on this page has been removed as it is restricted for internal Home Office use.</p><p style="text-align: center;">Official sensitive – end of section</p></div> <p>Immigration enforcement and YJB staff must follow all local information management policies when sending information between agencies.</p>	<p>Related links</p> <p>See also</p> <p>Protocol between Immigration Enforcement and the Youth Justice Board</p> <p>Identification of under-18 FNOs by the Youth Justice Board estate</p> <p>The CC (YJB) referral form</p> <p>The notification of release form</p> <p>Role of the minors, mothers and babies team</p>
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Key partners in managing FNOs under 18 years old

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This section tells you about the various individuals and organisations who immigration enforcement work with to make sure child foreign national offender (FNO) cases are managed appropriately.</p> <p>This must be done in line with the requirement to safeguard and promote the welfare of all children.</p> <p>Many of these partners must be engaged with at the point of the referral to the criminal casework. But in some cases, this contact will be necessary later on in the child FNO's case.</p> <p>For more information, see links in this section:</p> <ul style="list-style-type: none">• List of key adults• Offender management of FNOs under 18• Referrals to the office of the children's champion.	<p>In this section List of key adults</p> <p>Offender management of FNOs under 18</p> <p>Referrals to the office of the children's champion</p>
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List of key adults

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you who is important to make sure a child foreign national offender (FNO) case is managed appropriately whilst they are considered for deportation or removal by immigration enforcement.</p> <p>The key people outside immigration enforcement who are likely to or may possibly have input into the handling of a child FNO cases include, but may not be limited to the following:</p> <ul style="list-style-type: none">• a local authority children’s services (LACS) social worker (see related link)• a representative from the Children And Family Court Advisory Support Service (CAFCASS – see related link)• the child’s parents, where not estranged• another responsible adult (who may or may not be a relative)• Youth Justice Board (YJB) staff at YJB institutions (see related link)• the child’s offender manager and youth offending team (YOT)• a legal representative• an office of the children’s champion (OCC) adviser (see related link: Referrals to the office of the children’s champion) <p>In certain cases, such as those where a difficult family removal needs to be planned, and/or the family unit includes a serious high-risk FNO, the following external parties may become involved later in the process:</p> <ul style="list-style-type: none">• the independent family returns panel• ministers <p>Key people within immigration enforcement who may be involved besides the minors mothers and babies team in the criminal casework include:</p> <ul style="list-style-type: none">• officers from the prison operations and removals team (PORT) who have been trained to engage with and interview children	<p>Related links See also Offender management of FNOs under 18 Referrals to the office of the children’s champion</p> <p>Links to staff intranet removed</p> <p>External links DirectGov - LACS CAFCASS Youth Justice Board</p>
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- immigration compliance and engagement team (ICET) staff
- asylum caseworking staff

Whether, how and when each of these parties is engaged in the process will depend on the circumstances of the child FNO's case, and this guidance does not attempt to set out a generic set of actions for caseworkers, as each case must be judged on a strict case-by-case basis. The general rule is to engage with the parent(s) or responsible adult(s) and social services at the earliest stage.

This allows you to find out all current relevant facts about the child and their family, and get professional advice as to how criminal casework might best progress the case towards departure while making sure that the welfare of the child is safeguarded.

If a child FNO is part of a family unit with whom criminal casework may seek to remove the child, the family welfare form (ICD.3629) is a vital method of recording and maintaining core information about that family unit. This must be completed in family cases at the early stages of consideration and maintained throughout the life of the case. For more information on this form and how it should be used, see related link: [Completing the family welfare form](#).

You would not have to engage with a parent or parents if the child FNO is estranged from them (or is in contact but has no parental responsibility), and/or where social services have advised that contact should be through them. In these cases you must not contact the parent(s), and it is unlikely that it would be appropriate to try to remove these family members with the child FNO.

However, depending on the family circumstances, social services may recommend reuniting the child and parents when they are removed, which criminal casework must manage in line with the instructions set out in the related link: [Managing the return of families with children](#).

For more information about the roles of offender managers and the office of the children's champion (OCC), see related links:

- Offender management of FNOs under 18
- Referrals to the office of the children's champion.

	These are crucial partners in all child FNO cases so you must familiarise themselves with them, if you have not already.	
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Managing foreign national offenders under 18 years old

Offender management of FNOs under 18

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the National Offender Management Service (NOMS) and its responsibilities around offender management in under 18 foreign national offender (FNO) cases.</p> <p>NOMS is responsible for commissioning and delivering offender management services for offenders, both in custody and the community, in England and Wales. However, much of the work on active management, risk assessment and rehabilitation of young offenders is carried out by Youth Offending Team (YOTs), which work with NOMS and the National Probation Service. There is a YOT in every local authority across England and Wales, and they are made up of representatives from the following bodies:</p> <ul style="list-style-type: none">• police• probation service• social services• health• education• drugs and alcohol misuse• housing <p>Each YOT is managed by a YOT manager who is responsible for coordinating the work of the youth justice services. The YOT will be the first contact for caseworkers in the criminal casework for offender management information in child FNO cases. All caseworkers dealing with FNO cases, including child FNOs, must tell the relevant offender manager all significant events in offender's immigration case, including (but not limited to) the following:</p> <ul style="list-style-type: none">• deportation• concede• detention• release decisions	<p>Related links See also List of key adults Referrals to the office of the children's champion</p> <p>External links Youth Justice Board</p>
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	For more information on YOTs, and the Youth Justice Board's role of overseeing the youth justice system in general, including contact points, their website is available at related link: Youth Justice Board.	
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Referrals to the office of the children's champion

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the office of the children's champion (OCC), its responsibilities for advising immigration enforcement's criminal casework caseworkers about children involved in foreign national offender (FNO) cases, and how to refer queries to them.</p> <p>The OCC is responsible for advising the chief executive and immigration board on all issues to do with the care of children in the immigration process. For more information see related link: Office of the children's champion. They will usually be consulted early on in the consideration of any foreign national child involved in a deportation or removal from the UK, including children who are convicted offenders in their own right.</p> <p>For further guidance on when and how to contact the OCC, see related links.</p> <p>You must always seek advice from more local sources initially before you make a referral to the OCC. This means consulting a senior caseworker, who in more complex cases will then refer to a safeguarding children coordinator. For more information, see related link: Escalation process.</p> <p>Queries to the OCC for advice must be sent to their inbox using the related link.</p>	<p>Related links See also List of key adults Offender management of FNOs under 18</p> <p>Links to staff intranet removed</p>
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Considering deportation

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This section tells you about the considerations that apply when criminal casework caseworkers decide whether a child foreign national offender (FNO) should be deported from the UK.</p> <p>Following the referral to criminal casework, a child FNO who has not been recommended for deportation by the sentencing court must be assessed to decide whether criminal casework should consider deporting on conducive grounds (as is the case with adults).</p> <p>The guidelines for conducive deportation in child FNO cases are the same as for adults, and more detail can be found at related link: When to refer a case to criminal casework (CC).</p> <p>Where it is decided not to pursue deportation against a child FNO, the case will be sifted out and referred to the removals and compliance casework directorate to be considered for alternative enforcement action that may be appropriate. Cases where deportation on conducive grounds is to be pursued (where there has been no court recommendation in the case of 17-year-olds) will be allocated to a caseworker in CC's 'Operation Nexus' team based in Liverpool.</p> <p>The deportation process in child FNO cases is essentially not different from that applied to adults. However, under-18s are exempt from automatic deportation under the UK Borders Act 2007 (see related link: Exceptions to automatic deportation). So, under-18 FNOs can only be considered for deportation under 1971 Act provisions. Where deportation applies, there are parts of the process which must be managed in a sensitive manner in line with the duty to safeguard and promote the welfare of children (see related link: Section 55 and the child's best interests).</p> <p>Paragraphs 396 to 400 of the Immigration Rules were introduced on 9 July 2012 to cover consideration of private and family life under article 8 of the European Convention on Human Rights. These were further clarified by the introduction on 28 July 2014 of section 117A-D of the Nationality, Immigration and Asylum Act 2002, as amended by section 19 of the Immigration Act 2014. All family relationships must be considered in accordance with</p>	<p>In this section Section 55 and the child's best interests</p> <p>Exemptions to deportation in child FNO cases</p> <p>Special considerations in child FNO deportation cases</p> <p>Family members</p> <p>Human rights considerations</p> <p>Asylum considerations Timing of deportation decisions</p> <p>Grants of interim leave to remain</p> <p>Child foreign national offenders and the facilitated return scheme</p> <p>Child foreign national offenders and the early removal scheme</p>
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	<p>this legislation and these rules, including those where the FNO is under 18 years of age. For more information on these considerations, see the following related links;</p> <ul style="list-style-type: none">• Section 117A-D of the Nationality, Immigration and Asylum Act 2002 (as amended)• Immigration Rules – Part 13 Deportation• Article 8 and criminality	<p>Related links See also Links to staff intranet removed</p> <p>External links Section 117 of the NIA Act 2002 (as amended) Immigration Rules - Part 13 Deportation</p>
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Managing foreign national offenders under 18 years old

Exemptions to deportation in child FNO cases

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the exemptions to deportation that apply to child foreign national offenders (FNOs).</p> <p>The guidelines for deportation applied by criminal casework to FNOs from non-European Economic Area (EEA) and EEA countries is the same, regardless of their age. These are explained in: When to refer a case to criminal casework (CC).</p> <p>However, there are some exemptions that apply in the case of certain FNOs under the age of 18. If the FNO was under:</p> <ul style="list-style-type: none">• 18 at the time of conviction, they are exempted from the automatic deportation provisions of section 32 of the UK Borders Act 2007• 17 at the time of their conviction they cannot be considered for court-recommended deportation as part of their sentence, under section 3(6) of the Immigration Act 1971. <p>If either of these exemptions apply, you can still consider deportation on conducive grounds under section 3(5) of the 1971 Act, via regulation 19 of the EEA Regulations. You must also bear in mind that under the provisions of the 2014 Act, where there is considered to have been serious harm caused by the offender, and/or they are regarded as a persistent offender, non-EEA offenders may still be liable to conducive deportation even if they received a custodial sentence of less than 12 months, or in the case of EEA offenders, 12 months for a violent/sexual/drug offence and 24 months otherwise. These sentence-length thresholds are now far-less significant in determining whether conducive deportation is appropriate than they were prior to the inception of the 2014 Act.</p> <p>In the case of child FNOs, deportation will not usually go ahead until after the child has reached the age of 18. This is unless criminal casework are satisfied that there are adequate reception arrangements that can be made in the FNO's home country, or in cases where the child FNO has adult family members with whom they are to be removed to the same country in due course.</p>	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests</p> <p>Special considerations in child FNO deportation cases</p> <p>Family members</p> <p>Human rights considerations</p> <p>Asylum considerations</p> <p>Timing of deportation decisions</p> <p>Grants of interim leave to remain</p> <p>Child foreign national offenders and the facilitated return scheme</p> <p>Child foreign national offenders and the early removal scheme</p> <p>Links to staff intranet</p>
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	<p>Caseworkers must make sure when they are dealing with deportation decisions of under 18s that although they must be handled with suitable sensitivity and in accordance with the duty to safeguard and promote the welfare of children, they must nevertheless consider their case in line with the provisions of the relevant legislation governing Article 8 claims from FNOs who claim to have private and family life in the UK. For further information, see: Article 8 and criminality.</p>	<p>removed</p> <p>External links Immigration rules - Part 13 Deportation</p>
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Managing foreign national offenders under 18 years old

Special considerations in child FNO deportation cases

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells criminal casework caseworkers about some of the special considerations in deportation that apply to child foreign national offenders (FNOs).</p> <p>Whilst the usual processes of deportation under the 1971 Act will broadly apply in child FNO cases, deciding whether to pursue deportation on conducive grounds under these provisions requires very detailed consideration of the child's personal circumstances. This is particularly the case if they have a live asylum claim, or there is evidence of family ties in the UK.</p> <p>If there is a live asylum claim article 3 of the European Convention on Human Rights (ECHR) will be relevant, and respect of family, article 8 of the ECHR. Child FNOs must be considered in the same manner as adults in respect of article 8 – that is to say in the light of section 117A-D of the Nationality, Immigration and Asylum Act 2002 (as amended by section 19 of the Immigration Act 2014), alongside paragraph 396 to 400 of the Immigration Rules. For more information, see related link: Article 8 and criminality.</p> <p>You must also bear in mind any other outstanding application the child FNO has made for leave to enter or remain in the UK, including where they have been listed as the dependant of another applicant. You must work with other caseworking areas, as appropriate, to resolve these issues.</p> <p>In some cases, you may need to consider a grant of leave to remain on discretionary grounds during the interim period between the child starting their custodial sentence and six months prior to their 18th birthday, even if it is intended to deport them after this. For more information, see related link: Grants of interim leave to remain.</p> <p>You must also make sure any paperwork or notices are served to the child FNO with a responsible adult present, who may be one of the following:</p> <ul style="list-style-type: none">• a parent• otherwise a legal guardian	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests</p> <p>Exemptions to deportation in child FNO cases</p> <p>Special considerations in child FNO deportation cases</p> <p>Family members</p> <p>Asylum considerations</p> <p>Timing of deportation decisions</p> <p>Grants of interim leave to remain</p> <p>Child foreign national offenders and the facilitated return scheme</p> <p>Child foreign national offenders and the early removal scheme</p>
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	<ul style="list-style-type: none">• a social worker <p>The following are not considered to be responsible adults for this purpose:</p> <ul style="list-style-type: none">• an Immigration Enforcement staff member• a Youth Justice Board staff member <p>You may arrange this through criminal casework's prison operations and removals team (PORT) staff who are specially-trained in engaging directly with children and can travel to Youth Justice Board establishments to process interviews and serve notices.</p> <p>You must also carefully consider the timing of serving appropriate notices. It may not be relevant in certain child FNO cases to serve paperwork exactly as directed by the general deportation process instructions.</p> <p>For more information, see related link: Timing of deportation decisions.</p>	Links to staff intranet removed
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Managing foreign national offenders under 18 years old

Family members

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells criminal casework caseworkers how they must consider cases of child foreign national offenders (FNOs) who have relatives living in the UK.</p> <p>Some child FNOs will have relatives living in the UK and the status of these family members may vary. You must find out and establish information about any other family members at the earliest opportunity, and record this on the family welfare form (ICD.3629). This will include basic personal details such as:</p> <ul style="list-style-type: none">• full name• address• date of birth• relationship to the FNO• current immigration status in the UK <p>Some or all of a family unit may be here lawfully, either as British citizens or with indefinite or limited leave to enter or remain, whilst others may be here unlawfully, having entered without leave or overstayed it, or in another category.</p> <p>Details of the various enforcement offence categories besides deportation because of criminality can be found in chapters 1 to 6 of the enforcement instructions and guidance (EIG) – see related link: Enforcement: Immigration offences and breaches.</p> <p>It is essential you identify any family members living in the UK, and assess if they are here legally. You must remember there may be existing records on Home Office files or the case information database (CID) relating to family members if they have been previously known to the Home Office.</p> <p>If the family are here lawfully, they may or may not wish to accompany the child FNO if they are deported from the UK when they reach 18. However, if family members are here unlawfully, they should be made subject to removal action as appropriate, as it may be possible to remove the child FNO with the other family members as a unit, or partial unit.</p>	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests</p> <p>Exemptions to deportation in child FNO cases</p> <p>Special considerations in child FNO deportation cases</p> <p>Human rights considerations</p> <p>Asylum considerations</p> <p>Timing of deportation decisions</p> <p>Grants of interim leave to remain</p> <p>Child foreign national offenders and the facilitated return scheme</p> <p>Child foreign national offenders and the early removal scheme</p>
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	<p>Any enforcement action required for family members of a child FNO will be the responsibility of the removals and compliance casework directorate, and relevant immigration compliance and engagement teams (ICETs). You must work with other immigration enforcement counterparts to make sure that all removal and deportation processes are correctly managed and coordinated if the enforcement of simultaneous departure of a family unit is being sought. More guidance on this area can be found in related link: Chapter 45 Families and children.</p>	<p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Human rights considerations

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This section tells you about the human rights considerations criminal casework caseworkers may have to make when they assess child foreign national offenders (FNOs) for deportation.</p> <p>Regardless of the type and severity of offences a child FNO has committed, any decision to deport them from the UK must be supported by careful consideration of their circumstances in line with the UK's obligations under the European Convention on Human Rights (ECHR), as with adult FNOs and other immigration offenders. With child FNOs you must also take into account the duty to safeguard and promote their welfare under section 55 of the Borders, Citizenship and Immigration Act 2009.</p> <p>In ECHR claims made in child FNO cases, it is possible any one of its articles could become relevant, depending on the circumstances. The most frequent concerns, whether raised directly by the child's representative or implied in the evidence they have presented, relate to these articles (see in this section links):</p> <ul style="list-style-type: none">• Article 3 (the absolute right not to be subject to torture, inhumane or degrading treatment), and• Article 8 (the qualified right to enjoyment of a private and family life).	<p>In this section Human rights considerations - Article 3 Human rights considerations - Article 8</p>
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Managing foreign national offenders under 18 years old

Human rights considerations: Article 3

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you the way criminal casework caseworkers must deal with representations under article 3 of the European Convention on Human Rights (ECHR) in child foreign national offender (FNO) deportation considerations.</p> <p>Any issues raised or implied that establish a claim under article 3 of the ECHR will effectively amount to a claim for asylum. If such a claim is made by a child FNO, it must be processed in the usual way. However, there must be an increased emphasis on direct personal engagement with the child to make sure they fully understand each stage of the process, and the decision itself once it is made and served.</p> <p>For child FNOs, a criminal casework prison operations and removals team (PORT) officer who has undergone specific training in how to interview children is required to engage with the child directly and conduct interviews (see related link: Direct contact through criminal casework's prison operations removals team).</p> <p>Further general guidance on how immigration enforcement's asylum caseworking teams handle asylum and article 3 claims can be found in the asylum process instructions. See related link: Asylum guidance and instructions.</p> <p>For more detail on how such claims made by children are considered, see related link: Processing asylum applications from children.</p> <p>For information on how representations of this kind are managed in FNO cases handled by criminal casework, see related link: Criminal casework: Asylum.</p>	<p>Related links See also Links to staff intranet removed</p> <p>Direct contact through CC prison operations removals team</p>
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Managing foreign national offenders under 18 years old

Human rights considerations: Article 8

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you how criminal casework caseworkers must deal with representations under article 8 of the European Convention on Human Rights (ECHR) in child foreign national offender (FNO) deportation considerations.</p> <p>As of 28 July 2014, where there is evidence of a subsisting family/private life in the UK and an article 8 claim is made, that claim must be considered in the light of section 117A-D of the Nationality, Immigration and Asylum Act 2002 (as amended by section 19 of the Immigration Act 2014), in tandem with paragraphs 396 to 400 of the Immigration Rules. Any factors raised as ‘exceptional’ circumstances must be balanced carefully against the FNO’s criminality and the stance the law now takes on where the public interest in deportation of FNOs with a family/private life here lies, as would be the case where the FNO is an adult.</p> <p>For detailed information on how to consider article 8 claims from FNOs, see the following related links:</p> <ul style="list-style-type: none">• Article 8 and criminality• Section 117A-D of the Nationality, Immigration and Asylum Act 2002 (as amended)• Immigration Rules – Part 13: Deportation	<p>Related links See also Links to staff intranet removed</p> <p>External links Section 117 of the NIA Act 2002 (as amended) Immigration rules - Part 13 Deportation</p>
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Managing foreign national offenders under 18 years old

Asylum considerations

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you how criminal casework caseworkers must deal with asylum claims made by child foreign national offenders (FNOs) who are subject to deportation consideration.</p> <p>Child FNOs who make representations which claim they are eligible for refugee status under the 1951 Geneva Convention must be considered in line with immigration enforcement's asylum casework instructions. This is the case regardless of the stage criminal casework has reached with the consideration of deportation.</p> <p>Where an asylum claim (or article 3 claim which is effectively the same) is lodged by a child, you must refer to the related link: Processing asylum applications from children.</p>	<p>Related links See also Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases Family members Human rights considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p> <p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Timing of deportation decisions

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you how criminal casework caseworkers must approach the timing of initiating deportation action against child foreign national offenders (FNOs).</p> <p>Where it is clear deportation action is not appropriate, you must try to inform the child FNO and those responsible for their care as soon as possible. This will depend on criminal casework receiving all the relevant information from other agencies to allow them to make a fully-informed and quick decision. Where deportation is not pursued, whilst it is not a legal requirement, you should consider issuing a warning letter (ICD.0260) to advise that a new deportation consideration may be given if they commit any further crimes.</p> <p>The ICD.0260 letters have been adapted to provide child-friendly simplified options that must be added to the core content to help explain it, For more details see related link: Child-friendly documentation.</p> <p>If you consider deportation to be appropriate, it may not be possible to serve a deportation decision until the child FNO approaches the age of 18. This is because immigration enforcement will not remove an unaccompanied minor from the UK unless they are satisfied there are adequate reception arrangements in the receiving country, or that the child can be removed with other adult family members who are subject to enforcement action for other reasons. This may mean you need to grant a period of discretionary leave to remain in the interim, even though criminal casework intend to take up deportation once the child FNO approaches their 18th birthday (see related link: Grants of interim leave to remain).</p> <p>You must also be mindful of cases where it is intended to remove the child FNO at 18, but they have younger siblings, especially where it appears that before their time in custody the child effectively had parental responsibility for these other children. If you propose to remove siblings with the child FNO, the duty under section 55 of the 2009 Act will apply equally to the way in which the other siblings are handled as it does to the FNO. When considered relevant, you must get detailed advice from the office of the children's champion (OCC) and local authority children's services (LACS) as to how best to handle the case.</p>	<p>Related links See also Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases</p> <p>Family members Human rights considerations Asylum considerations Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p> <p>Child-friendly documentation</p>
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Managing foreign national offenders under 18 years old

Grants of interim leave to remain

<p>Referral of under-18 FNOs from YJB to immigration enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the requirement to grant a period of discretionary leave to child foreign national offenders (FNOs) who may be deported by the criminal casework but will not be aged 18 for some time.</p> <p>Where a FNO is under 18, their age will often prove to be a barrier to being deported or removed, at least temporarily. Therefore in most cases involving child FNOs, a grant of leave to remain in the UK on discretionary grounds may be necessary to bridge the gap between the initial consideration and the lead-up to their 18 birthday, when active engagement with the deportation process may begin. In such cases, the child FNO must be formally told of criminal casework's intention to pursue deportation when they approach 18.</p> <p>In most criminal casework adult FNO cases, the period of leave to remain granted is normally 6 months (assuming refugee status has not been granted). However, in child FNO cases, a 6 month grant of leave may be inappropriate, as it will be easy to determine whether the age barrier is still valid (that is if the child is still well under 18 years). As an alternative, discretionary leave may be granted until 6 months before the FNO's 18 birthday (though such a grant must not be for less than 28 days), which will allow for the deportation process to end as soon after the FNO's 18 birthday as possible.</p>	<p>Related links See also Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases Family members Human rights considerations Asylum considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p>
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Managing foreign national offenders under 18 years old

Child foreign national offenders and the facilitated return scheme

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells criminal casework caseworkers about the facilitated return scheme (FRS) and whether child foreign national offenders (FNOs) are eligible to apply for it.</p> <p>This scheme is operated by immigration enforcement and provides a financial incentive for FNOs from non-European Economic Area (EEA) nations to return to their home country by way of an assisted return process. The scheme covers:</p> <ul style="list-style-type: none">• time-served FNOs• the prison transfer agreement• the early removals scheme (ERS), see related links:<ul style="list-style-type: none">○ Early removal scheme,(ERS)○ Early removal scheme (ERS): Scotland• FNOs (including mentally-disordered offenders) over 18 years old but not subject to removal directions. <p>Child FNOs are allowed to apply for this scheme, as long as safe reception arrangements are in place in the home country. Usually a firm offer of assisted voluntary return under the FRS will have been made to the child, in person, at the earliest opportunity before the start of any deportation proceedings.</p> <p>Details of the benefits currently offered under the scheme can be found at related link: The facilitated return scheme (FRS).</p> <p>You must remember that if non-FNO family members are living in the UK and may be removed with a child FNO, they must be offered the opportunity to depart voluntarily under the assisted voluntary return (AVR) programme. This would be for the relevant immigration compliance and engagement team (ICET) to take forward.</p>	<p>Related links See also Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases Family members Human rights considerations Asylum considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the early removal scheme</p> <p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Child foreign national offenders and the early removal scheme

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the Ministry of Justice’s early removal scheme (ERS) which is operated through immigration enforcement, and whether child foreign national offenders (FNOs) will be eligible for it.</p> <p>This scheme is different from the facilitated return scheme (FRS) in that it does not involve any financial incentive and only applies to FNOs still serving their sentence. It applies to both European Economic Area (EEA) and non-EEA nationals. The scheme is owned by the Ministry of Justice and operated by immigration enforcement’s criminal casework. It allows most FNOs to be released from custody at an earlier stage so they can be removed to their home country.</p> <p>The scheme is mandatory for those serving sentences in institutions in England and Wales, and those who qualify cannot opt-out. For those serving in institutions in Scotland the scheme is not mandatory as such, and FNOs will qualify for it subject to certain criteria. The scheme does not currently operate in Northern Ireland.</p> <p>ERS applies to all eligible non-time-served FNOs regardless of their age. In cases where child FNOs qualify for the scheme, the process is the same as it is for adult FNOs and no specific provisions apply, other than making sure the child’s case is handled in line with the statutory duty under section 55 of the 2009 Act. This may involve working with the relevant institution’s Youth Offending Team (YOT), who in turn have contact with social services about how best to manage release under the ERS and onwards to departure.</p> <p>For more information on the scheme, and how it works in England and Wales, see: The early removals scheme (ERS). For more information on how it works in Scotland see: Early removals scheme (ERS): Scotland.</p> <p>You must note that the ERS does not apply to child FNOs who have been sentenced to a detention and training order (DTO), which remains outstanding, as immigration enforcement does not usually seek to remove an offender whilst they are still completing a DTO. For more information on DTOs and how they operate, see related link: Detention and training orders.</p>	<p>Related links See also Section 55 and the child’s best interests</p> <p>Exemptions to deportation in child FNO cases</p> <p>Special considerations in child FNO deportation cases</p> <p>Family members</p> <p>Human rights considerations</p> <p>Asylum considerations</p> <p>Timing of deportation decisions</p> <p>Grants of interim leave to remain</p> <p>Child foreign national offenders and the facilitated return scheme</p> <p>The facilitated return scheme (FRS)</p>
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		Detention and training orders
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Managing foreign national offenders under 18 years old

Engaging with the child

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This section tells you about the principles of making sure immigration enforcement makes contact with and communicates effectively with child foreign national offenders (FNOs) who may be liable to deportation.</p> <p>Criminal casework caseworkers must do the following when they deal with child FNOs, as long as it is practical. Key documentation served about the deportation must be:</p> <ul style="list-style-type: none">• expressed in language which they can understand, and• served in person by a criminal casework prison operations and removals team (PORT) child-trained officer and in the presence of a responsible adult <p>For more information, see in this section links.</p>	<p>In this section Child-friendly documentation</p> <p>Direct contact through CC prison operations removal team</p> <p>CC PORT child FNO surgery visits</p>
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Managing foreign national offenders under 18 years old

Child-friendly documentation

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the additional explanatory wordings that have been included in certain key immigration enforcement documents to help child foreign national offenders (FNOs) understand what is happening to them when they are being considered for deportation.</p> <p>Certain documents regularly used by criminal casework caseworkers in the deportation process have options added for use when the FNO is aged under 18. As far as possible, a simplified version of the key standard text has been created and these options must be included as directed on the case information database (CID) document generator template instructional text. These options must be used with the standard content, not instead of it. The standard material is needed to make sure the notice is valid legally.</p>	<p>Related links See also Direct contact through CC prison operations removal team CC PORT child FNO surgery visits</p>
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Managing foreign national offenders under 18 years old

Direct contact through CC prison operations and removals team

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the presence of criminal casework staff in prisons, who can help make sure that contact with child foreign national offenders (FNOs) is done in person, by arranging service of notices, and conducting interviews where needed.</p> <p>Engagement with all children in custody should usually be conducted in person by criminal casework staff with special training dealing with children under 18. This may be arranged by criminal casework caseworkers through criminal casework prison operations and removals team (PORT) staff.</p> <p>Activities of child interview-trained PORT officers will include, but may not be limited to:</p> <ul style="list-style-type: none">• serving the subject's notification of liability to deportation - in the case of most under-18 year olds it is recommended that these notices are served in person• arranging responsible adults to be present at Youth Justice Board (YJB) establishments when visiting them in order to serve immigration notices• conducting any documentation or asylum interviews• explaining how to complete responses to initial deportation decision notices and other questionnaires (where applicable)• serving and explaining any decisions regarding deportation or warning letters• facilitating or participating in family returns conferences and family departure meetings (for more information on these events see related link: Managing family returns) <p>Criminal casework PORT have a team of child interview-trained officers based at locations around the UK who can interview child FNOs, both in terms of asylum or human trafficking and documentation or enforcement matters. These officers have also had enhanced Criminal Records Bureau (CRB) checks to make sure they are suitable to work closely with children.</p> <p>A tasking form (ICD.4448) is available to use when you seek operational assistance from either PORT or immigration compliance and engagement team (ICET) staff in family</p>	<p>Related links See also Child-friendly documentation</p> <p>CC PORT child FNO surgery visits</p> <p>Links to staff intranet removed</p>
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removal cases. This form requires you as the caseworker to provide various key details, which an ICET or PORT need so they can provide the best level of assistance (for more information, see related link: [Managing the returns of families with children](#)).

If you wish to request a visit by a child-trained criminal casework PORT officer to a child FNO in custody, or those children completing the non-custodial part of a detention and training order (DTO) (see link on left: [Detention and training orders](#)), you must complete and send an interview request form by e-mail to the criminal casework Leeds Ops Referral inbox (see related link).

A child interview-trained PORT officer will then be responsible for engaging with the child. There are three types of interview request form available on the CID document generator and which one is sent will depend on the nature of the request:

- ICD.4265 – screening or substantive asylum
- ICD.4266 – travel documentation
- ICD.4251 – other purposes

Official sensitive – start of section

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

Official sensitive – end of section

Criminal casework PORT child-trained officers also conduct ‘surgery’ visits for child FNOs at various YJB locations. For more details, see related link: [CC PORT child FNO surgery visits](#).

Managing foreign national offenders under 18 years old

CC PORT child FNO surgery visits

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the ‘surgery’ visits made by child-trained officers from the criminal casework prison operations and removals team (PORT) to child foreign national offenders (FNOs) in Youth Justice Board (YJB) locations.</p> <p>Child-trained CC PORT officers play an effective role in supporting YJB officers in assessing the identity and nationality of child FNOs, at the earliest stage possible. This is achieved by regular visits to YJB establishments during which a ‘surgery’ is held. This not only gives PORT the opportunity to find out useful information about the child FNO, but also for them to work with criminal casework directly and get them familiar with regular immigration-related visits.</p> <p>It is intended to introduce these surgery visits to any YJB sites which house child FNOs, be it on remand or serving a sentence. However, currently, the only YJB sites being provided with this service are:</p> <ul style="list-style-type: none">• Wetherby Young Offenders Institution (YOI)• Hindley YOI• Eastmoor Secure Children’s Home (Secure Children’s Home) <p>One-to-one private surgery appointments are arranged at the above locations, with a criminal casework PORT officer and responsible adult present (for examples of responsible adults see related link: Special considerations in child FNO deportation cases), to offer general immigration information to the child and take the opportunity to check their status in the UK. However, the attendance by the child FNO is voluntary.</p> <p>As the surgery service is widened to cover more YJB sites, this instruction will be updated to reflect this.</p>	<p>Related links See also Child-friendly documentation</p> <p>Direct contact through CC prison operations removal team</p> <p>Special considerations in child FNO deportation cases</p>
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Managing foreign national offenders under 18 years old

Detention and release

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This section tells you about the government's change in policy regarding the detention of all children under 18 who are subject to removal or deportation from the UK.</p> <p>The coalition government announced a review of the detention of immigrant children in June 2010, and in December of that year concluded that detaining minors for immigration purposes must stop except for the most exceptional of cases. This means that detaining any child foreign national offender (FNO) beyond the end of their sentence under immigration powers, with a view to deportation or removal would be a rare exception rather than a rule.</p> <p>This change in government policy meant that a range of alternative measures were introduced, with effect from March 2011, designed to manage children and family cases towards departure where appropriate, without using detention. A new four-tier procedure was developed, which explores the various routes to departure using different operational strategies.</p> <p>Whether each and every tier of this process is used in a child FNO case will depend on:</p> <ul style="list-style-type: none">• the level of compliance of the child and any family members in the UK• the level of risk they and any family members are believed to pose to the public• their personal circumstances	<p>In this section Cases where detention may remain appropriate</p> <p>Alternatives to detaining children and their family</p> <p>Release and levels of authority</p> <p>Contact management options following release</p>
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Managing foreign national offenders under 18 years old

Cases where detention may remain appropriate

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the few child foreign national offender (FNO) cases where it may be necessary to use detention under immigration powers following their release from custody and how these cases must be handled.</p> <p>Very occasionally, an offender under the age of 18 who has completed their custodial sentence may need to be detained in the Youth Justice Board (YJB) secure estate (not an immigration removal centre) pending their removal or deportation after they turn 18. This is authorised only in very exceptional circumstances, where it can be clearly shown that the individual poses a very serious risk to the public and a decision to deport or remove has been taken. A minister must authorise this.</p> <p>In practice, detention of this sort will last only for a very short period when an individual is just short of their 18th birthday after completing their sentence. This option will continue to be necessary for these exceptional cases. There is another safeguard against this power being used inappropriately, as advice as to how to handle such cases must be sought from the independent family returns panel (though this panel has no power to decide whether or not detention will be used).</p> <p>Ministers may also authorise detention (either to continue in a YJB establishment or in Tinsley House) in very rare cases where families, or individuals within the family unit, pose significant public protection risks. However, ministerial authority is not required for placing a child FNO or related family in pre-departure accommodation (Cedars near Gatwick Airport) pending imminent departure.</p> <p>If detention of a child FNO is authorised, all relevant paperwork (including the IS.91 detention notice and ICD.1913 reasons for detention letter – for more details on detention process see related link: Detention process instructions) must be sent through to the YJB establishment currently holding the child. The YJB also require an email to be sent notifying them that detention notices have been served to one of their young offenders. This allows their central office to make sure that if necessary, the child FNO is subsequently transferred to an age-appropriate establishment. Notifications must include a copy of the IS.91 notice</p>	<p>Related links See also Alternatives to detaining children and their family Release and levels of authority Contact management options following release</p> <p>Links to staff intranet removed</p>
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	<p>and sent to the YJB using related link: Email YJB.</p> <p>More details about the family returns process can be found at related link: Managing the return of families with children.</p>	
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Managing foreign national offenders under 18 years old

Alternatives to detaining children and their family

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page provides a brief overview of the four-tiered process applied by immigration enforcement when seeking to remove or deport a child or family unit that includes children under the age of 18.</p> <ul style="list-style-type: none">• After all outstanding claims to remain in the UK have been refused, there are four tiers of action that will usually be used to make the return of children, including foreign national offenders (FNOs) under 18, with or without other family members, possible. For details see related links:<ul style="list-style-type: none">• Chapter 45 Families and children• 55 Detention and temporary release• Managing the return of families with children. <p>You should note that as regards the ‘required’ stage of return as explained at the link above, if a child FNO is considered to be a high risk to the public, it may not be appropriate to attempt this stage. Equally, certain elements of the ‘ensured’ stage may not be suitable for children in this category, or indeed some members of their family. This will be considered and decided on a case-by-case basis and action will be guided by the recommendations of the independent family returns panel.</p>	<p>Related links See also Cases where detention may remain appropriate Release and levels of authority Contact management options following release Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Release and levels of authority

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page explains the relevant levels of authority criminal casework caseworkers must seek when proposing to allow a child foreign national offender (FNO) to be released, after their custodial sentence has ended.</p> <p>In all cases involving children under 18, including those who are convicted offenders, immigration enforcement will only detain in exceptional circumstances. Detention will be for a very short period, either where departure is imminent or in the lead up to their 18 birthday if they are considered to pose a particularly high risk. Decisions to release require the authority of the strategic director beforehand. In the case of child FNOs this will generally not be necessary. The level of authority required to allow a child to be released is determined by the risk associated with each case and follow these guidelines:</p> <ul style="list-style-type: none">• The criminal casework director must be informed where cases involve convictions for:<ul style="list-style-type: none">• violence• drugs• sexual offences• sentences with a multi agency public protection arrangements (MAPPA) element• sentences for, a duration of two years or more, or• a strong potential for media interest.• They may decide to inform the strategic director if the case is considered to be exceptionally high-risk and/or high-profile.• In all other cases the relevant criminal casework assistant director must be informed in the first instance. <p>In cases where there is a medium risk to the public, the case will be reviewed by a senior executive officer (SEO) operational manager, who will inform the relevant assistant director or director, of the proposal to release. Each case is looked at on an individual basis. In child FNO release cases you must complete a 'submission to note' before release. This procedure has been adopted instead of an 'administrative' notification of release approach, as it is important senior managers in criminal casework can monitor trends in such cases,</p>	<p>Related links See also Cases where detention may remain appropriate Alternatives to detaining children and their family Contact management options following release</p> <p>Links to staff intranet removed</p>
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	<p>and be aware of the:</p> <ul style="list-style-type: none">• action and efforts being made to progress the case towards deportation or removal before the end of sentence• reasons why departure was not practical by that date• safeguarding arrangements that will need to be put in place for any child. <p>Where the child FNO is part of a subsisting family unit, managing the case towards departure must be in line with the guidance set out at related link: Managing the return of families with children.</p> <p>Where it is intended to transfer a child FNO direct from custody to pre-departure accommodation at Cedars (or in exceptional cases Tinsley House) as part of an 'ensured' return plan, the proposal must be authorised using the same levels of authority as above, before referring to the independent family returns panel for advice.</p> <p>For information on the most exceptional cases where criminal casework must seek to detain a child FNO when they complete their sentence, see related link: Cases where detention may remain appropriate.</p>	
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Managing foreign national offenders under 18 years old

Contact management options following release

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page explains the limited arrangements that criminal casework caseworkers can make for contact management in child foreign national offender (FNO) cases after release.</p> <p>Normally, any offender released from prison or an immigration removal centre who is liable to removal or deportation action can and will be made subject of a contact management regime. This is so immigration enforcement can maintain contact and monitor their location, with a view to allowing departure to be enforced when appropriate.</p> <p>Legislation governing temporary admission and release does allow for reporting restrictions to be placed on anyone subject to these provisions. In the case of minors the general policy in immigration enforcement is not to place them on such restrictions. Only in high-risk exceptional cases could this be considered. In 'routine' cases, it is possible to set reporting restrictions for an offender whilst they are under 18, with a view to their first reporting event taking place after their 18th birthday.</p> <p>It is not lawful to place a FNO who is under 18 on electronic monitoring (tagging) after release, and you must not seek to enrol them onto that process.</p> <p>Any child FNO being released will be subject to a multi-agency plan. This includes where the child is going to live and the support they will need. Immigration enforcement does not specify where a child must live. But if relevant information is held then you must look to contribute to the release plan by contacting either the relevant social services department or Youth Offending Team (YOT) who are responsible for the child's management after release.</p> <p>Without reporting (in most cases) and electronic monitoring (in all cases), a child FNOs whereabouts can be tracked through regular contact with their local authority children's services department and/or YOT. Similarly, if there are other family members who are being actively managed by an immigration compliance and engagement team (ICET), they may be updated with the child's current address. Also, if the child FNO has been enrolled into the multi-agency public protection arrangements (MAPPA) (see related link), the MAPPA</p>	<p>Related links</p> <p>See also</p> <p>Cases where detention may remain appropriate</p> <p>Alternatives to detaining children and their family</p> <p>Release and levels of authority</p> <p>Links to staff intranet removed</p>
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	<p>coordinator or other partners involved in managing that child’s case may hold current details.</p> <p>If criminal casework are aware of a child’s whereabouts, it not only allows them to contact them about developments in their immigration matters, but also allows you to make sure you can do everything possible to safeguard and promote their welfare, in line with the statutory duty to do so under section 55 of the Borders, Citizenship and Immigration Act 2009.</p> <p>In cases where despite these efforts, contact with the child FNO has been lost, the following action must be taken by criminal casework:</p> <ul style="list-style-type: none">• notify social services and police that criminal casework do not know the child’s whereabouts and so they may be at risk, and• start absconder action – for details of how this process works, see related link: Non-detained, contact management and absconder cases. <p>Once a minor reaches the age of 18 years, if they remain liable to action to deport or remove them and are not to be detained for immigration purposes, it will be appropriate to place them on a contact management regime. Tagging can be considered, but where this is not appropriate, reporting restrictions must be set up.</p> <p>To start this process, the caseworker allocated the case must complete the contact management team (CMT) referral form (ICD.4380), and send it to the team’s inbox (see related link: Email CMT). They must also make sure that they prepare the Home Office file in line with criminal casework Liverpool workflow team’s (CCLWT’s) requirements. This and the onward procedures undertaken by both CCLWT and CMT are set out at related link: The contact management team (CMT).</p>	
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Managing foreign national offenders under 18 years old

Detention and training orders

[Referral of under-18 FNOs from YJB to Immigration Enforcement](#)
[Key partners in managing FNOs under 18 years old](#)
[Considering deportation](#)
[Engaging with the child](#)
[Detention and release](#)
[Detention and training orders](#)

This section tells criminal casework caseworkers about detention and training orders given to some child foreign national offenders (FNOs) as part of their sentence, and how these affect deportation consideration.

When managing FNOs who are under 18 years of age, you must be aware of the possibility that many young offenders will be under a detention and training order (DTO). This will be another consideration in whether the case will satisfy criminal casework criteria for deportation, and if it does, how that case must be handled.

The statutory basis for DTOs comes under part 5 of the Powers of Criminal Courts (Sentencing) Act 2000 (see related link). The orders apply to young people aged between 12 and 17 who have been given a sentence of between four months and two years. The first half of the sentence is spent in custody and the second half in the community. The young person is supervised by a Youth Offending Team (YOT) and normally undertakes education or training whilst in custody. The courts can also require the young person to be on an intensive supervision and surveillance programme (ISSP) as a condition of the community period of the sentence.

A DTO is only given by the courts to young people who:

- represent a high level of risk
- have a significant offending history
- are persistent offenders
- where no other sentence will manage their risks effectively

The seriousness of the offence is always taken into account when a young person is sentenced to a DTO.

In this section
[Effect of detention and training orders on deportation thresholds](#)

[Detention and training orders and detention under immigration powers](#)

Related links
External links
[Powers of Criminal Courts \(Sentencing\) Act 2000](#)

Managing foreign national offenders under 18 years old

Effect of detention and training orders on deportation thresholds

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This section tells criminal casework caseworkers which part of a detention and training order (DTO) sentence can count towards the thresholds set by immigration enforcement to consider for deportation on conducive grounds.</p> <p>You must be aware only the custodial part of a DTO can be taken into account when considering whether the child FNO serving it meets the deportation criteria. For examples of when the threshold criteria would be met, see related link: DTOs and conducive deportation under the Immigration Act 1971.</p> <p>You must note the custodial and community parts of a DTO are set periods. You must not confuse the part-custodial or part-community elements of the DTO with the more familiar scenario where only half of the custodial sentence imposed is actually served. The statutory authority for this is now part 12 of the Criminal Justice Act 2003, for more information see related link.</p>	<p>In this section DTOs and automatic deportation under the UK Borders Act 2007</p> <p>DTOs and conducive deportation under the Immigration Act 1971</p> <p>Related links External links Criminal Justice Act 2003</p>
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Managing foreign national offenders under 18 years old

DTOs and automatic deportation under the UK Borders Act 2007

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the specific effect of a detention and training order (DTO) on the process of automatic deportation of foreign national offenders (FNOs).</p> <p>Where a DTO has been given, the case will be under exception 2 of the UK Borders Act 2007, which states that a FNO will constitute an exception if they were under the age of 18 on the date they were convicted. For those who come under exception 2 of the 2007 Act, deportation can still be considered under the Immigration Act 1971 on conducive grounds.</p>	<p>Related links See also DTOs and conducive deportation under the Immigration Act 1971</p>
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Managing foreign national offenders under 18 years old

DTOs and conducive deportation under the Immigration Act 1971

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you about the specific effect of a detention and training order (DTO) on the process of deportation on conducive grounds of foreign national offenders (FNOs).</p> <p>Where a DTO has been given, only the custodial part of the order can be taken into account when considering whether the threshold criteria for deportation of this kind are met. For details of these criteria see related link: When to refer a case to criminal casework (CC).</p> <p>If the total order is 12 months or less, the criteria for deportation under the 1971 Act would not be met (unless the young offender is 17 years of age and sentencing court recommends them for deportation), and it would usually not be appropriate to pursue deportation. This is unless the provisions of the 'Bournemouth commitment' apply, regarding certain drugs offences, see related link: Drugs offences (Bournemouth commitment).</p> <p>For example, a 24-month DTO would bring a non-European Economic Area child FNO within criminal casework criteria for conducive deportation, as the custodial element would be 12 months, and the community element 12 months. However a 12-month DTO would not, as the custodial element would only be six months, which is six months' short of meeting the 12-month threshold for deportation.</p>	<p>Related links See also DTOs and automatic deportation under the UK Borders Act 2007</p> <p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Detention and training orders and detention under immigration powers

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page tells you the effect a detention and training order (DTO) has on how criminal casework caseworkers consider detaining a child foreign national offender (FNO) for immigration purposes, after they have completed the custodial part of the order.</p> <p>You must be aware there may be grounds for a legal challenge against a decision to detain a child FNO under immigration powers who has not yet served the supervision (post-custodial) part of their sentence. Also, following the change of policy about detaining children (see related link: Detention and release), it is now only in the most exceptional of cases that it would be considered appropriate to detain a FNO under the age of 18 after they have completed their sentence.</p> <p>Any proposal to detain a FNO who is still subject to a DTO under immigration powers must be carefully considered and referred through a senior caseworker for appropriate advice and authority. This is set out in the guidance on managing the return of FNO families, for more information see related link.</p>	<p>Related links See also Links to staff intranet removed</p> <p>Detention and release</p>
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Managing foreign national offenders under 18 years old

Foreign national offenders under 18 years: Contact

<p>Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders</p>	<p>This page explains who to contact for more help with a specific case involving foreign national offenders under 18 years old.</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 they cannot answer your question, they or you may email the criminality policy team inbox.</p> <p>Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT) team. If you think the policy content needs amending you must email the criminality policy team inbox, 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 email these to the guidance – making changes inbox.</p>	<p>Related links See also Changes to this guidance Information owner</p>
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Managing foreign national offenders under 18 years old

Foreign national offenders under 18 years: Information owner

[Referral of under-18 FNOs from YJB to Immigration Enforcement](#)
[Key partners in managing FNOs under 18 years old](#)
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This page tells you about this version of the managing foreign national offenders under 18 years old guidance and who owns it.

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Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT) team. If you think the policy content needs amending you must email the criminality policy team 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 email these to the Guidance - making changes inbox.

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[Changes to this guidance](#)

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